

NEIGHBOURHOOD PLANS GUIDANCE

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Neighbourhood Plans Guidance

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1 Introduction

This guidance is written for parish councils, town councils and (within non-parished areas) neighbourhood forums who may want to write their own Neighbourhood Plan. The definitive legal position is set out in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012. A summary of legal requirements is attached as an appendix to this guidance. If after reading this guidance you decide to write a Neighbourhood Plan, you are recommended to contact Bedford Borough Council for further assistance.

What is a Neighbourhood Plan?

The Localism Act 2011 reformed the planning system to give local people new opportunities to shape the development of the communities in which they live. It introduced a new type of community-led plan that can be used to set out more detailed priorities for development at a local level, consistent with the more strategic vision for the wider area set in the Borough Council's Local Plan. Neighbourhood Plans are optional documents, however they help you have a say in the future use of land and buildings in your neighbourhood. A Neighbourhood Plan can be flexible about what it includes, however it must be primarily about the use and development of land and buildings.

In areas that are dominated by business interests, such as trading estates, a Business Neighbourhood Plan could be developed. This follows the same preparation process as a normal Neighbourhood Plan except that two referendums are held (one each for businesses and any residents of the area).

Once the Neighbourhood Plan is made (adopted), it becomes a formal part of the planning policy for your area (the development plan) alongside the Borough Council's Local Plan and any other adopted development plan documents. This means that it forms the basis for determining planning applications and helps to shape developments coming forward.

The Neighbourhood Plan has to conform to planning policies, legislation and guidance at the local, national and European level. This means that it must conform generally with the strategic policies of the development plan for Bedford borough. It cannot be used to prevent development that is included in the Local Plan, however, it can promote more development or include policies, for example regarding the design of buildings or the materials from which they are constructed.

Why produce a Neighbourhood Plan?

Producing a Neighbourhood Plan can help communities play a greater role in shaping the future of their area. It can bring together residents, businesses, local groups, landowners and developers to share ideas and build consensus about needs and priorities for the area. It can also help to create lasting partnerships to take forward actions that may arise from the process. It will help locally specific planning issues to be addressed, giving greater detail than can be contained in the Borough Council's Local Plan.

Other types of neighbourhood planning

If the issues in your neighbourhood do not relate to land use and development there may be other community-led solutions that are more appropriate than preparing a Neighbourhood Plan.

Neighbourhood Plans are not the only way of addressing local issues. It is important to have a clear idea of what you want to achieve and consider whether other available techniques may be more effective, quicker or cheaper. Some other approaches are highlighted below.

The Borough Council is required to prepare an up-to-date **Local Plan** for the whole borough, so a good starting point would be to consider whether you can achieve what you want through this document. The Borough Council must consult with local communities in preparing the Local Plan, so there are opportunities to influence its preparation. Advice on the timing of Local Plan reviews and their scope can be obtained from Bedford Borough Council. Another option may be to work with the Borough Council to prepare a **Supplementary Planning Document (SPD)** to provide more detailed guidance on a policy in the Council's Local Plan.

Other alternatives are the preparation of a **Parish Plan, Village Design Statement or Community Action Plan**. These are non-statutory neighbourhood planning tools, so they will carry less weight in the decision-making process than a formally adopted Neighbourhood Plan. An advantage of non-statutory neighbourhood planning tools however is that their scope does not have to be limited to matters covered by planning law. They could be used, for example, to look at social issues or activities as part of the vision for your local area. Such documents may also help form part of the evidence base supporting a Neighbourhood Plan.

The Localism Act 2011 also introduced a new local instrument which can be used to grant planning permission to a particular location for a specific class of development. A **Neighbourhood Development Order** can form part of a Neighbourhood Plan or it can be produced on its own. It can apply to all of the Neighbourhood Plan area, or a particular site within the neighbourhood.

In addition, the Localism Act 2011 introduced a **Community Right to Build Order** which is a type of Neighbourhood Development Order. Community Right to Build Orders enable local community groups, not just a parish or town council or a neighbourhood forum, to deliver small-scale, site-specific development without the need for a separate planning application. This allows communities to get together and take forward developments for new homes, shops and facilities in their area, provided that there is community support for the development. This, in conjunction with the new Neighbourhood Right to Bid (which ensures that existing valued local assets are not sold off without notice), gives local community groups the opportunity to ensure that their area has the local facilities it needs.

Whether preparing a Neighbourhood Plan, a Neighbourhood Development Order or Community Right to Build Order the processes are very similar. Although this guide is specifically concerned with Neighbourhood Plans, a similar process can also be followed for preparing an Order.

If you do decide that a Neighbourhood Plan is the best tool for your area you should not enter into that decision lightly. Preparing a Plan will require a lot of time and effort, although this will vary depending on the issues you want to cover and the size of your community. You will need to involve other people who may not agree with your views and it will require your community to reach a broad consensus in a referendum before the Plan can be brought into effect.

Who should be involved?

There are two types of 'qualifying body' that can prepare a Neighbourhood Plan:

Parish and town councils: In areas where a parish or town council exists, these are the only bodies that can prepare a Neighbourhood Plan. A Neighbourhood Plan produced by a parish or town council can cover just part of a parish or town: it does not have to cover the whole area. Alternatively, a Neighbourhood Plan can extend across parish boundaries.

Neighbourhood forums: Where a parish or town council does not exist, community members, including those with business interests in the area, can come together to create a neighbourhood forum. Only one forum is allowed to exist for each neighbourhood to be covered by a Neighbourhood Plan and it must contain at least 21 members. There are certain other rules that will determine whether a neighbourhood forum has been correctly set up. A neighbourhood forum must be approved by the Borough Council, which is responsible for checking that the rules have been complied with.

The parish council or neighbourhood forum must initiate and lead the process. They will need to involve the wider community in the development of the Plan: residents, businesses, local groups, landowners, developers and certain government organisations such as the Environment Agency and Natural England. It may also be necessary to engage other organisations or commercial consultants to assist with the process.

Bedford Borough Council should be involved throughout the process; it has direct responsibility for some of the steps and has a wealth of information that may help you in producing your Neighbourhood Plan. It is required to give assistance and advice but it cannot control the plan-preparation process or produce a Neighbourhood Plan on behalf of the local community. Bedford Borough Council's Statement of Community Involvement describes a number of consultation techniques which may give you ideas on how you carry out the consultation that you are responsible for in preparing your Neighbourhood Plan. It also sets out what consultation the Borough Council will undertake for those parts of the process for which it is responsible.

How do you prepare a Neighbourhood Plan?

The steps in the process of preparing a Neighbourhood Plan are summarised in the table below. The steps need not necessarily be undertaken in this order and some may be undertaken concurrently. Further detail about each stage is provided in subsequent chapters of this guidance note.

Getting Started	<ul style="list-style-type: none"> Decide on the purpose of the Plan Get the community on board Establish a neighbourhood planning team Define the neighbourhood area Produce a programme for developing the Plan Develop a communication strategy Finance
Developing a Vision and Objectives	<ul style="list-style-type: none"> Gather together relevant information Identify issues Draft the vision and objectives Check for conformity with strategic policies Check the issues, draft vision and objectives with the community
Developing the Plan	<ul style="list-style-type: none"> Generate and test options Develop policies Develop an implementation plan Consult on draft proposals and implementation plan Finalise the draft of the Neighbourhood Plan Working with interested parties
Independent Examination	<ul style="list-style-type: none"> Submission of the Plan and formal public consultation Examination of the Plan Examiner's report published
Referendum and Adoption	
Implementing and Monitoring	

Sustainability Appraisal and Appropriate Assessment

There is a legal requirement for plans which are part of the adopted development plan to contribute to the achievement of sustainable development. One way that this can be demonstrated is by undertaking a sustainability appraisal. This is a separate report, in addition to the Neighbourhood Plan itself, which looks at the possible economic, environmental and social impacts of an emerging Plan. The purpose of sustainability appraisal is to test draft proposals and so ensure that the

final Plan has the least negative impact possible in an area. The sustainability appraisal can also incorporate the Strategic Environmental Assessment (looking at the environmental effects of plans and policies) if one is required to comply with the Environmental Assessment of Plans and Programmes Regulations 2004. Bedford Borough Council will be able to advise on the need for sustainability appraisal and Strategic Environmental Assessment.

If a sustainability appraisal is being undertaken, it is important that it is started when work starts on the Neighbourhood Plan so that emerging ideas, content and policies can be assessed in order to inform the final Plan. If a sustainability appraisal is done too late it will not be able to inform the final Plan, increasing the risk of a legal challenge at a later stage and may result in the Plan being found unsound. A sustainability appraisal needn't be complicated or expensive; Levett-Therivel and URS Scott Wilson have produced a DIY Guide to Sustainability Appraisal (www.levett-therivel.co.uk/DIYSA.pdf) which explains what is involved. If you undertake a sustainability appraisal yourself it is advisable to seek advice throughout the process from someone with experience, to ensure that it fulfils the legal requirements.

Consideration should also be given to the wider impacts of emerging policies and plans on European sites of ecological importance (Natura 2000 sites). This too can also be incorporated into a sustainability appraisal. Although there are no Natura 2000 sites within Bedford borough, there are sites nearby which could be affected. This process of 'screening' will have to be agreed with Natural England. If significant adverse impacts are anticipated, an Appropriate Assessment will have to be produced to consider potential impacts and mitigation in more detail.

Neighbourhood Development Orders and Community Right to Build Orders are additionally subject to the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 which require specific consideration of the effect of development on the environment.

Equality Analysis

Equality analysis is a way of identifying the potential or actual effect on certain 'protected equality groups' of an activity using relevant information to make evidence-led judgements. Completing an equality analysis provides evidence that you have discharged the Equality Duty which applies to all public bodies and others carrying out public functions such as the development of policies or the delivery of services. The provision of the Equality Duty is set out in Section 149 of the Equality Act 2010. Advice on completing an equality analysis is available from Bedford Borough Council or the Equality and Human Rights Commission (www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/).

2 Getting Started

Decide on the purpose of the Plan

If you feel that the Borough Council's Local Plan does not address what you would like to happen in your community in sufficient detail then you may want to consider doing your own neighbourhood planning. However it is important from the outset to have a clear idea about what you want to achieve. Perhaps you would like more things to happen that aren't specifically mentioned in the Local Plan or you would like things to happen more quickly. When you are clear about this, it is worth considering whether this could be better achieved using one of the non-statutory neighbourhood planning tools previously mentioned. Also check with the Borough Council if there is a review of its Local Plan timetabled which might help you achieve your objectives. Once you are sure that you need your own Neighbourhood Plan continue with the following stages.

Get the community on board

A Neighbourhood Plan should be a genuine community document which reflects the views of the majority of the people. If you involve the wider community, including those who work in the area, there will be a greater chance that your Neighbourhood Plan will gain support. There are many ways of making people aware and involving them – see Bedford Borough Council's Statement of Community Involvement for ideas that you may wish to follow. Give everyone a chance to get involved from the beginning by:

- Holding an initial event to explain the intention of developing a Neighbourhood Plan, identify broad issues and recruit volunteers to a project steering group.
- Writing to everyone who may be interested, inviting them to the event and asking them about their level of interest in taking part in the Plan. (Draw up a list of who to involve and record their contact details so that they can be kept informed as the Plan progresses.)

Establish a neighbourhood planning team

You will need to set up a steering group to co-ordinate the project. If possible, the neighbourhood planning team should include a wide range of views, skills, knowledge and experience. Although their job will be to oversee the process and preparation of the Neighbourhood Plan, it is the parish / town council or neighbourhood forum that is ultimately responsible for the Plan.

The neighbourhood planning team can be established under its own constitution and bank account or, in parished areas, under terms of reference and a working agreement with the parish or town council. The group will need to appoint a chairman, secretary and treasurer.

Define the neighbourhood area

In parished areas the 'neighbourhood area' to be covered by the Plan is expected to follow parish boundaries. However, a neighbourhood area can cover only part of a parish or can be a combination of parishes. If the proposed neighbourhood area covers more than one parish, then agreement must be sought from each of the relevant parish councils.

In non-parished areas or if only part of a parish is to be identified, defining the 'neighbourhood area' is not so straightforward. The following factors could be used to define the boundaries of the neighbourhood area:

- natural features (eg rivers, woodland, field boundaries)
- unnatural features (eg roads, railway lines, settlement edge)
- character areas or areas of a particular type or style of development
- catchment areas (eg of a school)
- local authority ward boundaries.

The proposed neighbourhood area will need to be formally approved by Bedford Borough Council, which will undertake a formal consultation on this and consider any representations that might argue for different boundaries from those you have proposed.

Produce a programme for developing the Plan

One of the first tasks for the neighbourhood planning team will be to produce a programme of the work needed to be done. In particular, it is worth thinking about:

- the tasks to be undertaken at each stage
- the resources needed to carry out these activities
- the time each stage will take
- the order in which tasks need to be carried out.

This programme will help the team to focus and monitor its activity and to think about what funding might be required for developing the Neighbourhood Plan. The government considers that the process of developing a Neighbourhood Plan will take about 18 months to two years to complete.

Develop a communication strategy

Communication and publicity is vital, both from an early stage and throughout the process; people are more likely to participate if they know what is going on and why. The support of the community at the referendum stage is crucial to the adoption of a Neighbourhood Plan, therefore it is especially important to keep people informed.

There are many ways of getting messages out to the community and different media will be suited to different communication tasks – see Bedford Borough Council's Statement of Community Involvement for ideas that you may wish to follow. Develop the approaches that you intend to use into a consistent strategy that will be used at each stage of preparing the Plan. Keep records of what you do: when your

Plan is submitted to the local planning authority, the Regulations require it to be accompanied by a consultation statement documenting who has been consulted, the main issues raised and how those issues were addressed.

Finance

Before embarking on developing a Neighbourhood Plan it is important to have a funding strategy so that you know where the money will come from to cover your costs. Sources of finance may include the parish council precept, fundraising events, local business sponsorship and grant funding from other organisations. Remember that volunteers' time may count towards any match funding required by grant-giving organisations. Although the cost of developing the Plan is borne by the parish council or neighbourhood forum, the Borough Council is responsible for the cost of the examination and referendum.

3 Developing a Vision and Objectives

Although there is no legal requirement for your Plan to have a vision or objectives, unless your Neighbourhood Plan is only going to have a limited scope, it will help you clarify what the Plan is aiming to achieve. The vision will be a short statement describing what it will be like to live and work in the area in the future as a result of the Plan. The objectives will set out what the community wants to achieve in order to help realise that vision. Detailed policies and actions can then follow from these objectives.

Gather together relevant information

In order to help produce the vision and objectives for the area, it will be necessary for the neighbourhood planning team to get a clear picture of the community's characteristics and understand whether there are any current or emerging proposals that may affect the area. Particular attention should be paid to topics and themes that may relate to the purpose of your Neighbourhood Plan. The profile will build up a social portrait of the community which will help in understanding current and potential future needs. Parish and neighbourhood level information is available on the Borough Council's website at www.bedford.gov.uk/council_and_democracy/statistics_and_census.aspx and further detail is published by the Office of National Statistics. Information about population, health, employment, education and groups of people with specific needs will also help describe the 'baseline' required by the sustainability appraisal. Physical assets (such as buildings, facilities, roads and other infrastructure), landscape and biodiversity can be surveyed by volunteers to help understand the constraints and opportunities available for development or conservation.

The views, needs and aspirations of residents, community groups and businesses can be ascertained about the area by surveys and needs assessments. A variety of techniques and approaches can be used – see Bedford Borough Council's Statement of Community Involvement for ideas that you may wish to follow.

It will also be important to gather together information from any existing plans, strategies or studies that have a bearing on the community. These could include:

- previous community-led plans developed in the area (e.g. Parish Plans and Village Design Statements)
- Bedford Borough Council plans and strategies
- the Bedford Borough Partnership's Sustainable Community Strategy
- other strategies produced by different public service providers.

It is important to understand the implications of these documents for your area over the period to be covered by your Plan.

Contact should be made with a range of stakeholders to understand whether there are any other aspirations for the area that have not yet been developed into a plan or a strategy. These may include local community organisations, businesses, landowners as well as public agencies and service providers.

Identify issues

To some extent this stage overlaps with the previous stage and you may need to go back to gather more information or investigate further. However, from the evidence you have gathered it should be possible to identify what are the main issues facing your area. It can help to do this by thinking about the community's current strengths and weaknesses. The neighbourhood planning team should consider questions such as:

- What are our strengths as a community? What do we value and would like to keep?
- What can we improve or change?
- What are we missing? What do we need to make the community a better place to live?
- What resources (e.g. people, places, services, land) do we have?
- What opportunities exist in the area?
- What are the barriers (physical, financial, environmental)?

Draft the vision and objectives

As the Neighbourhood Plan will ultimately form part of the wider development plan, the vision of the Plan should be consistent with that of the Borough Council's Local Plan. It might help you to take the vision and objectives of the Local Plan as a starting point and adapt them to address the issues that you have identified specific to your area. The vision should be a statement of what the area will look like, what facilities will be available, and so on in the future. Objectives will be more specific and will set out how the vision will be achieved. For each part of the vision there may be one or more objectives. See Bedford Borough Council's Core Strategy and Rural Issues Plan for an example of a vision and objectives.

Check for conformity with strategic policies

Once the neighbourhood planning team has drafted a vision and objectives for the Neighbourhood Plan, it will be important to check that they are generally consistent with both national policies and the strategic policies of the development plan for Bedford borough. It is a legal requirement that there is no conflict and, as this is something that will be checked later when the Plan is formally submitted for examination, it would be sensible to do this at an early stage to avoid any problems further on in the process.

National policy is largely set out in the National Planning Policy Framework which can be viewed at www.communities.gov.uk/publications/planningandbuilding/nppf. The development plan comprises all locally adopted Local Plans, Neighbourhood Plans and local development framework documents that have not been withdrawn or replaced. Regard should also be had to emerging (draft) documents currently in production. Bedford Borough Council will be able to help you with this check.

Check the issues, draft vision and objectives with the community

It is important to report the factual information and any survey findings back to the community and to gather opinion about priorities and options for action in the light of these findings. There are various ways in which this can be done – see Bedford Borough Council’s Statement of Community Involvement for ideas that you may wish to follow. The neighbourhood planning team needs to be able to show how it has taken account of the public response.

Following consultation, any necessary amendments can be made to the draft vision and objectives before moving on to developing the detailed content of the Neighbourhood Plan. Ideas from the community about possible options for action can be taken forward to the next stage.

4 Developing the Plan

Generate and test options

Rather than going straight to writing policies or actions for your Neighbourhood Plan, it is worth considering if there are different ways of achieving what you want. The neighbourhood planning team will need to show in the sustainability appraisal that it has considered different options. You may already be aware of certain options from earlier consultation with the community. Try and think of alternative ways of achieving each of the objectives you have set. For the sustainability appraisal also include a 'do nothing' option as a baseline position of what would happen if the Plan were not produced. All of the options should be reasonable and achievable.

As part of the sustainability appraisal you will have to assess the impact of the options. Doing this will help you identify the best options and may lead to improved options. Having defined the options, you may find it helpful to consult with the community on the findings to help inform your final choice of preferred option. As a minimum, the options you have identified should be considered by the parish or town council, or by the neighbourhood forum. Your preferred option is likely to be the one which has the most support and performs best against the sustainability objectives in the sustainability appraisal. If you decide to choose a different option you must have good reasons for this, for example, a key site is unavailable because the landowner is unwilling to allow development on it.

Develop policies

Policies are the parts of your Neighbourhood Plan that describe what you want to happen. They are separately identified from the descriptive text in the Plan because they have a special legal status and take precedence. Nevertheless, it will be useful to include a more detailed explanation and justification of each policy in the supporting text of the Plan.

Possible types of policies include those which:

- allocate specific sites for particular types and amounts of development
- set out particular requirements for future new development
- specify sites or locations that will be protected from development or enhanced
- protect certain types of building or uses from change

Policies must be realistic, justified and achievable. The policies will guide planning applications but do not in themselves grant planning permission. If policies refer to specific areas of land, they should be shown on a 'policies map'. You can produce your own map bases by obtaining an Ordnance Survey licence and software free of charge by completing online the public sector mapping agreement at www.ordnancesurvey.co.uk/business-and-government/public-sector/mapping-agreements/psma-who-can-join.html.

The neighbourhood planning team should check each policy against the vision and objectives of the Neighbourhood Plan to ensure that they are consistent and that there is a policy or policies for each of the objectives. As before, check that the policies are generally consistent with national policies and the strategic policies of the development plan for Bedford borough.

Develop an implementation plan

In order to ensure that what you are proposing stands a realistic chance of actually happening, the neighbourhood planning team is recommended to prepare an implementation plan – either as a section of the Neighbourhood Plan or as a separate document. This will set out what actions are required to turn each policy of your Neighbourhood Plan into reality on the ground. For each action you will need to describe any linked actions required, who is responsible for it, the priority the action should be given and timetable, and the source of any funding needed. You might find it useful to also include targets and indicators so that you can measure the success of the policy. Actions should be specific, measurable, achievable, realistic and time limited (SMART). It will also be important to ensure the agreement of all the organisations and individuals you have identified as responsible for an action, otherwise your Neighbourhood Plan may face problems being implemented and may not be found sound at the examination.

The Community Infrastructure Levy (CIL) may help fund projects in your neighbourhood plan. The CIL is a charge set by the local authority through a ‘charging schedule’ on certain types of development. The charge should contribute to the costs of providing the infrastructure needed to support development in the area. Parish councils (or neighbourhood forums in non-parished areas, subject to approval by the local authority) will receive a proportion of any CIL payments in relation to development within their area. Therefore, your Neighbourhood Plan is a good opportunity for you to identify how CIL payments allocated to your area will be used. Bedford Borough Council is currently in the process of preparing its CIL document – contact the Borough Council for further details.

Consult on draft proposals and implementation plan

The Regulations require you to consult on your draft Neighbourhood Plan before formally submitting it. In particular, you must:

- Publicise the proposals, bringing them to the attention of those who live, work or carry on business in the neighbourhood area. See Bedford Borough Council’s Statement of Community Involvement for ideas that you may wish to follow.
- Consult certain consultation bodies whose interests may be affected. Bedford Borough Council can advise you on whom to contact and provide you with addresses.

This consultation should last for at least six weeks and include the implementation plan (if it is a separate document) and sustainability appraisal report.

Finalise the draft of the Neighbourhood Plan

Once consultation has been carried out, an analysis of the comments received should be made and the neighbourhood planning team should consider whether any amendments to the Neighbourhood Plan (and to the sustainability appraisal) need to be made. You may find it helpful to document this in a schedule for inclusion in the consultation statement which you will have to produce when you submit the Neighbourhood Plan for examination. Although you will have done this several times already, it is advisable for you to make one final check for conformity with national policies and the strategic policies of the development plan. Bedford Borough Council will be able to help you with this check.

Working with interested parties

In preparing your Neighbourhood Plan it is likely that you will come into contact with a variety of interested parties wishing to promote particular development schemes, whether community groups, developers or landowners. It is important to be able to avoid accusations of bias and so you should approach such contacts in a professional way, keeping notes of any meetings.

5 Independent Examination

Submission of the Plan and formal public consultation

Your draft Neighbourhood Plan has to be submitted to Bedford Borough Council. The Regulations say that, when the parish council or neighbourhood forum submits the draft Neighbourhood Plan, it must be accompanied by:

- A map or statement showing the area covered by the Neighbourhood Plan.
- A consultation statement containing details of who was consulted and how, the main issues and concerns raised, and how these have been considered and addressed in the Neighbourhood Plan.
- A written statement explaining how the draft Neighbourhood Plan meets certain basic conditions specified in legislation (these will be the subject of the independent examination).

Bedford Borough Council is required to carry out a check to ensure that the draft Neighbourhood Plan and all accompanying documents comply with legal requirements. If there are any concerns about the draft Plan, they will be discussed with you. Once satisfied that everything is in order, the Borough Council will publicise your submission, invite formal representations and arrange for the independent examination.

Examination of the Plan

Bedford Borough Council is responsible for organising the independent examination. It will appoint an appropriately qualified examiner with the agreement of the parish council / neighbourhood forum, who must be independent of the Council and have no land interests in the area. The main purpose of the examination is to ensure that the draft Neighbourhood Plan:

- meets European obligations
- has regard to national planning policies such as the National Planning Policy Framework and any other government guidance
- is in general conformity with the strategic policies of the development plan
- contributes to the achievement of sustainable development.

If the draft Neighbourhood Plan does not meet any of these it may be found unsound by the examiner.

It is likely that the examiner will conduct the examination by written representations only, rather than by hearing comments in person, but a formal public hearing may be held if the examiner feels it is required.

Examiner's report published

The examiner will prepare a report following the examination, which will have one of the following recommendations:

- that your draft Neighbourhood Plan should proceed to a referendum
- that your draft Neighbourhood Plan should proceed to a referendum, subject to certain amendments
- that your draft Neighbourhood Plan should not proceed.

The report will include the examiner's reasons for the recommendations. If the recommendation is that the Plan should proceed to a referendum, the examiner may also make recommendations about the area to be included in the referendum. This may be wider than the area covered by the Neighbourhood Plan if it contains proposals that may affect residents outside of the area. The report will be issued to both Bedford Borough Council and the parish council / neighbourhood forum, and will be made available on the Borough Council's website.

Bedford Borough Council will formally consider the examiner's recommendations and decide what action to take. It must then publish its decision and notify the parish council / neighbourhood forum. If the Borough Council's decision differs from that recommended by the examiner, for example if new evidence emerges, the Borough Council will invite further representations and may refer the matter to examination.

6 Referendum and Adoption

The next stage is for Bedford Borough Council to organise a referendum on the Neighbourhood Plan. The referendum will be open to any person registered to vote in the area covered by the Neighbourhood Plan (or a wider area if this was deemed necessary). A referendum is required to gauge community support for the Neighbourhood Plan. A simple majority of votes in favour (over 50% of those voting) is sufficient for your Neighbourhood Plan to succeed.

In business areas two separate referendums are held; one for residents and a second referendum for businesses (or more specifically non-domestic rate payers). Each business has one vote. In this instance the outcomes of the business and residents' referendums are considered separately. If there are different outcomes, the decision about whether or not to adopt the Neighbourhood Plan will rest with the Borough Council.

The Neighbourhood Plan is formally adopted ('made' in the terminology of the legislation) by Bedford Borough Council and becomes part of the development plan for the area. The Neighbourhood Plan will be published on the Borough Council's website and the Borough Council will inform those who commented on the draft Neighbourhood Plan. A paper copy will also be made available at Borough Hall for inspection.

7 Implementing and Monitoring

Once your Neighbourhood Plan formally becomes part of the development plan for Bedford borough, it will be used as a material consideration in the determination of planning applications.

The neighbourhood planning team will wish to monitor development proposals against the objectives of the Neighbourhood Plan and the implementation plan to ensure that the aspirations of the community are being met. Monitoring may lead you to review your Neighbourhood Plan in due course to keep it up-to-date and relevant. Formal amendments to the Plan will have to follow a similar process as was used to prepare the original Plan.

8 Support Available

In various places in this document reference has been made to the support available from Bedford Borough Council at specific stages in preparing your Neighbourhood Plan. In addition, more general support is available from the Borough Council, for example:

- General advice and guidance on whether you need a Neighbourhood Plan and how to get started.
- Information on neighbourhood planning in other areas.
- Advice on techniques for community engagement.
- Names and addresses for government agencies and specialists within Bedford Borough Council you may need to contact.
- Technical advice on sustainability appraisal, Appropriate Assessment and equality analysis.
- Statistical and factual information about your area.

The level of support that the Borough Council will be able to provide at any one time will depend on the availability of resources.

In the first instance you should contact:

Planning Policy Team, Bedford Borough Council,
Borough Hall, Cauldwell Street, Bedford MK42 9AP
Telephone 01234 718566
Email planning@bedford.gov.uk

At a national level, the government has awarded funding to organisations with expertise in planning, to assist communities in developing Neighbourhood Plans. Communities can access free advice and guidance from the following organisations:

- **The Prince's Foundation** – provides technical assistance and guidance to communities aimed at encouraging collaborative working.
www.princes-foundation.org/our-work/supporting-communities-and-neighbourhoods-planning
- **Locality** – provides various online guides, case studies and workshops.
www.buildingcommunity.org.uk
- **The Royal Town Planning Institute** – via the Planning Aid service, the provision of free, independent, impartial, professional planning advice to people who do not have the means to pay professional fees, together with various online resources.
www.rtpi.org.uk/planningaid
- **The Campaign to Protect Rural England** (in partnership with the National Association of Local Councils) – provides basic information about the planning system and specific guidance on writing Neighbourhood Plans.
www.planninghelp.org.uk/ ; www.cpre.org.uk ; www.nalc.gov.uk
- **Planning Advisory Service** – gives general advice online about neighbourhood planning and other related topics.
www.pas.gov.uk/pas/core/page.do?pagelid=1089081

Government legislation can be found at www.legislation.gov.uk. Particularly relevant acts and regulations are as follows:

- Neighbourhood Planning (General) Regulations 2012 - www.legislation.gov.uk/uksi/2012/637/contents/made
- Localism Act 2011 - www.legislation.gov.uk/ukpga/2011/20/contents
- Planning and Compulsory Purchase Act 2004 - www.legislation.gov.uk/ukpga/2004/5/contents
- Town and Country Planning Act 1990 - www.legislation.gov.uk/ukpga/1990/8/contents

Appendix Neighbourhood Plans – a summary of the law

Note that this is a summary of selected sections of relevant Acts and Regulations and reference should be made to the full documents for the definitive legal position.

References to the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004 are amendments introduced by the Localism Act 2011, Schedules 9 and 10.

Bodies which may prepare a neighbourhood plan

Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan.	<i>Planning and Compulsory Purchase Act 2004, s38A(1)</i>
A qualifying body means a parish council or an organisation or body designated as a neighbourhood forum.	<i>Town and Country Planning Act 1990, s 61E(6)</i>
A local planning authority may designate an organisation or body as a neighbourhood forum if the authority is satisfied that - <ul style="list-style-type: none">• it is established for the purpose of promoting or improving the social, economic and environmental wellbeing of an area• its membership is open to: individuals who live in the neighbourhood area concerned, individuals who work there, and individuals who are elected members of a district council for that area• its membership includes a minimum of 21 individuals each of whom lives or works in the neighbourhood area concerned, or is an elected member of a district council any of whose area falls within the neighbourhood area concerned• it has a written constitution.	<i>Town and Country Planning Act 1990, s 61F(5)</i>
Where an organisation or body submits a neighbourhood forum application to the local planning authority it must include - <ul style="list-style-type: none">• the name of the proposed neighbourhood forum• a copy of the written constitution of the proposed neighbourhood forum• the name of the neighbourhood area to which the application relates and a map which identifies the area• the contact details of at least one member of the proposed neighbourhood forum• a statement which explains how the proposed neighbourhood forum meets the conditions for designation.	<i>Neighbourhood Planning Regulations 2012, 8</i>

After receiving a neighbourhood forum application a local planning authority must publicise -

- a copy of the application
- a statement that if a designation is made, no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn
- details of how to make representations
- the date by which representations must be received (not less than 6 weeks).

Neighbourhood Planning Regulations 2012, 9

As soon as possible after designating a neighbourhood forum, a local planning authority must publish -

- the name of the neighbourhood forum
- a copy of the written constitution of the neighbourhood forum
- the name of the neighbourhood area to which the designation relates
- contact details for at least one member of the neighbourhood forum.

Neighbourhood Planning Regulations 2012, 10

If the application is refused, it must publish its reasons for reaching that decision.

A local planning authority may designate only one organisation or body as a neighbourhood forum for each neighbourhood area.

Town and Country Planning Act 1990, s 61F(7)

Where a neighbourhood forum has been designated in relation to a neighbourhood area and that designation has not expired or been withdrawn, a local planning authority may decline to consider any neighbourhood forum application made in relation to that neighbourhood area.

Neighbourhood Planning Regulations 2012, 11

A designation as a neighbourhood forum ceases to have effect at the end of five years.

Town and Country Planning Act 1990, s 61F(8)

Neighbourhood areas

Where a parish council or neighbourhood forum submits an application for a neighbourhood area to the local planning authority it must include -

- a map which identifies the area
- a statement explaining why this area is considered appropriate to be designated as a neighbourhood area
- a statement that the organisation or body making the application is a parish council or neighbourhood forum.

Neighbourhood Planning Regulations 2012, 5

After receiving a neighbourhood area application a local planning authority must publicise -

- a copy of the application
- details of how to make representations
- the date by which representations must be received (not less than 6 weeks).

Neighbourhood Planning Regulations 2012, 6

As soon as possible after designating a neighbourhood area, a local planning authority must publish –

- the name of the neighbourhood area
- a map which identifies the area
- the name of the body which applied for the designation.

Neighbourhood Planning Regulations 2012, 7

If the application is refused, it must publish its reasons for reaching that decision.

The areas designated as neighbourhood areas must not overlap with each other. A local planning authority must publish a map setting out the areas that are designated as neighbourhood areas.

Town and Country Planning Act 1990, s 61G(7)(8)

A neighbourhood area may be designated as a business area if the area is wholly or predominantly business in nature.

Town and Country Planning Act 1990, s 61H

Status and contents of neighbourhood plans

A neighbourhood development plan is a plan which sets out policies in relation to the development and use of land in a particular neighbourhood area specified in the plan.

Planning and Compulsory Purchase Act 2004, s38A(2)

A neighbourhood development plan is part of the development plan for an area for the purposes of s38 of the Planning and Compulsory Purchase Act 2004.

Localism Act 2011, Schedule 9, Part 2(6)

If a policy in the development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

Localism Act 2011, Schedule 9, Part 2(6)

A neighbourhood development plan -

- must specify the period for which it is to have effect
- may not include provision about development that is excluded development
- may not relate to more than one neighbourhood area.

Planning and Compulsory Purchase Act 2004, s38B(1)

Excluded development is -

- development that consists of certain minerals and waste related development
- certain major development as defined in Annex 1 to Directive 85/337/EEC that requires an Environmental Impact Assessment because it is likely to have significant effects on the environment
- development that consists of a nationally significant infrastructure project.

*Town and Country Planning Act 1990, s 61K;
Planning and Compulsory Purchase Act 2004, s38B(6)*

If a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.

Planning and Compulsory Purchase Act 2004, s38B(3)

Preparing a draft neighbourhood plan

A local planning authority must give such advice or assistance to qualifying bodies as they consider appropriate in connection with the making of proposals for a neighbourhood development plan, but this does not include the giving of financial assistance.

*Town and Country Planning Act 1990 Schedule 4B(3);
Planning and Compulsory Purchase Act 2004 s38A(3)*

Before submitting a neighbourhood development plan proposal to the local planning authority, a qualifying body must publicise -

- details of the proposals
- details of where and when they may be inspected
- details of how to make representations
- the date by which representations must be received (not less than 6 weeks).

Neighbourhood Planning Regulations 2012, 14

It must consult certain specified consultation bodies and send a copy of the proposals for a neighbourhood development plan to the local planning authority.

Submitting the draft neighbourhood plan to the Council

Where a qualifying body submits a plan proposal to the local planning authority, it must include -

- a map or statement which identifies the area to which the proposed neighbourhood development plan relates
- a consultation statement setting out –
 - details of the persons and bodies who were consulted
 - how they were consulted
 - the main issues and concerns raised
 - how these issues and concerns have been considered and addressed in the proposed neighbourhood development plan.

Neighbourhood Planning Regulations 2012, 15

- the proposed neighbourhood development plan
- a statement explaining how the proposed neighbourhood development plan meets the basic conditions ie it -
 - has regard to relevant national policies and advice issued by the Secretary of State
 - contributes to the achievement of sustainable development
 - is in general conformity with the strategic policies contained in the development plan
 - is compatible with EU obligations
 - is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010).

When a qualifying body submits a proposed neighbourhood development plan to the local planning authority, it must be accompanied by a statement which contains a summary of the proposals and sets out the reasons why the plan should be made. It must be accompanied by other documents and information of a prescribed description. This must also be sent to the prescribed persons.

*Town and Country Planning Act 1990 Schedule 4B(1);
Planning and Compulsory Purchase Act 2004 s38A(3)*

As soon as possible after receiving a complete plan proposal, a local planning authority must -

Neighbourhood Planning Regulations 2012, 16

- Publicise the following -
 - details of the plan proposal
 - details of where and when it may be inspected
 - details of how to make representations
 - a statement that any representations may include a request to be notified of the local planning authority's decision
 - the date by which representations must be received (not less than 6 weeks)
- Notify any consultation body which is referred to in the consultation statement submitted.

A local planning authority may decline to consider a proposal submitted to it if it considers that it is a repeat proposal. A repeat proposal is -

*Town and Country Planning Act 1990 Schedule 4B(5);
Planning and Compulsory Purchase Act 2004 s38A(3)*

- one that within the past two years either the authority has refused or has been rejected in a referendum, and is the same as or similar to the proposal in question, and
- there has been no significant change in relevant national policies and advice issued by the Secretary of State or strategic policies contained in the development plan since the proposal was previously submitted.

Examination of a draft neighbourhood plan

The local planning authority must submit for independent examination the draft neighbourhood development plan and the prescribed documents (see below) and must make arrangements for the holding of the examination.

*Town and Country Planning Act 1990 Schedule 4B(7);
Planning and Compulsory Purchase Act 2004 s38A(3)*

The local planning authority may appoint a person to carry out the examination with the agreement of the qualifying body. The person appointed must be someone who is: independent of the qualifying body and the authority, does not have an interest in any land that may be affected by the plan, and has appropriate qualifications and experience.

*Town and Country Planning Act 1990 Schedule 4B(7);
Planning and Compulsory Purchase Act 2004 s38A(3)*

As soon as possible after the appointment of a person to carry out an examination a local planning authority must send the following to the person appointed -

Neighbourhood Planning Regulations 2012, 17

- the plan proposal
- the documents submitted to the local planning authority by the qualifying body
- a screening for Appropriate Assessment concerning the impact on European sites (as defined in the Conservation of Habitats and Species Regulations 2010)
- a copy of any representations which have been made.

The examiner must consider whether the draft neighbourhood development plan meets the basic conditions ie it -

*Town and Country Planning Act 1990 Schedule 4B(8);
Planning and Compulsory Purchase Act 2004 s38A(3)*

- has regard to relevant national policies and advice issued by the Secretary of State
- contributes to the achievement of sustainable development
- is in general conformity with the strategic policies contained in the development plan
- is compatible with EU obligations
- is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010).

The examiner must also consider whether the area for any referendum should extend beyond the neighbourhood area to which the draft plan relates.

The general rule is that the examination of the issues by the examiner is by the consideration of written representations, but a public hearing may be held where the examiner considers it necessary.

*Town and Country Planning Act 1990 Schedule 4B(9);
Planning and Compulsory Purchase Act 2004 s38A(3)*

The examiner must make a report on the draft neighbourhood development plan and must recommend either -

- that the draft plan is submitted to a referendum, or
- that modifications are made to the draft plan and it is submitted to a referendum, or
- that the proposal for the draft plan is refused.

*Town and Country Planning Act 1990 Schedule 4B(10);
Planning and Compulsory Purchase Act 2004 s38A(3)*

The report must give reasons for each of its recommendations and contain a summary of its main findings. The local planning authority must then arrange for the publication of the report.

The local planning authority must consider each of the recommendations made by the report and decide what action to take. If the authority is satisfied that the draft neighbourhood development plan meets the basic conditions and is compatible with Convention rights (within the meaning of the Human Rights Act 1998), a referendum must be held. The local planning authority must publish its decision and the reasons for it.

*Town and Country Planning Act 1990 Schedule 4B(12);
Planning and Compulsory Purchase Act 2004 s38A(3);
Neighbourhood Planning Regulations 2012, 18*

If the local planning authority proposes to make a decision which differs from that recommended by the examiner as a result of new evidence or a different view taken by the authority, it must publish its decision (and the reason for it) and invite representations. If the authority considers it appropriate to do so, it may refer the issue to independent examination.

*Town and Country Planning Act 1990 Schedule 4B(13);
Planning and Compulsory Purchase Act 2004 s38A(3);
Neighbourhood Planning Regulations 2012, 18*

Referendum on a draft neighbourhood plan

The area for the referendum(s) must as a minimum be the neighbourhood area to which the proposed plan relates. If the authority considers it appropriate to do so, it may extend the area.

*Town and Country Planning Act 1990 Schedule 4B(12);
Planning and Compulsory Purchase Act 2004 s38A(3)*

The district council(s) for the area covered by the referendum(s) must make arrangements for the referendum(s) to take place. A person is entitled to vote in the referendum -

- if the person is entitled to vote in a council election for the area, and
- the person's qualifying address for the election is in the referendum area.

*Town and Country Planning Act 1990 Schedule 4B(14,15);
Planning and Compulsory Purchase Act 2004 s38A(3)*

If the neighbourhood area has been designated as a business area, people who are non-domestic ratepayers in the referendum area are entitled to vote in a second referendum.

'Making' a neighbourhood plan

A local planning authority to which a proposal for the making of a neighbourhood development plan has been made must make a neighbourhood development plan if in each applicable referendum more than half of those voting have voted in favour of the plan.

Planning and Compulsory Purchase Act 2004, s38A(4)

If there are two applicable referendums (because the plan relates to a neighbourhood area designated as a business area) and in one of those referendums (but not the other) more than half of those voting have voted in favour of the plan, the authority may (but need not) make a neighbourhood development plan to which the proposal relates.

Planning and Compulsory Purchase Act 2004, s38A(5)

The authority must publish its decision to make a neighbourhood development plan together with its reasons for making that decision, sending a copy of its decision to the qualifying body and any person who asked to be notified.

*Planning and Compulsory Purchase Act 2004, s38A(9);
Neighbourhood Planning Regulations 2012, 19*

As soon as possible after making a neighbourhood development plan, a local planning authority must publish -

Neighbourhood Planning Regulations 2012, 20

- the neighbourhood development plan
- details of where and when it may be inspected.

The authority must notify any person who asked to be notified of the making of the neighbourhood development plan.

A legal challenge to a court about the making of a neighbourhood plan must be made within six weeks.

*Town and Country Planning Act 1990, s 61N;
Planning and Compulsory Purchase Act 2004, s38C(2)*



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