

North Warwickshire Borough Council

A Guide to Neighbourhood Planning

2019

CONTENTS

- 1 Introduction
- 2 Getting Started
- 3 Identifying the Issues
- 4 Developing a Vision and Objectives
- 5 Drafting the neighbourhood plan
- 6 Consultation and Submission
- 7 Independent Examination
- 8 Referendum, Adoption and Monitoring
- 9 Reviewing the Plan
- 10 Sources of Support and Information

1.0 INTRODUCTION

1.1 What is a Neighbourhood Plan?

The Localism Act provides a new statutory regime for neighbourhood planning.

Neighbourhood planning enables communities to shape the development and growth of a local area through the production of a Neighbourhood Development Plan (Neighbourhood Plan), a Neighbourhood Development Order or a Community Right to Build Order.

Neighbourhood plans will become part of the local statutory development plan and will form the basis for determining planning applications in that area. Neighbourhood plans can range in complexity depending on the wishes of local people – they may be very simple or go into considerable detail as to where people want development.

Neighbourhood plans can be used to:

- choose where new homes, shops and offices should be built, and
- have a say on what those new buildings should look like.

A neighbourhood plan must conform to the overall strategy of the local plan (North Warwickshire Local Plan). A neighbourhood plan can be used to promote more development than is set out in the North Warwickshire Local Plan but should not promote less development. Once a neighbourhood plan is “made”, or adopted, it will become part of the development plan for North Warwickshire.

Neighbourhood Development Orders allow the community to grant planning permission for development that complies with the order. This removes the need for a planning application to be submitted North Warwickshire Borough Council.

Certain types of development are excluded from a Neighbourhood Development Order such as minerals or waste development (which would normally be handled by the County Council), nationally significant infrastructure projects and development of a type prescribed by Government.

The procedure for making a Neighbourhood Development Order is in many respects identical to that as for making a neighbourhood plan, including independent examination, consultation with and participation by the public, the holding of a referendum, voting rights and the obligation to make the order if more than half the people vote in favour of it.

A Community Right to Build Order is a sub-category of a Neighbourhood Development Order. A Community Right to Build Order gives permission for small-scale, site-specific developments by a community group. The essential difference between Neighbourhood Development Orders and Community Right to Build Orders is that the party proposing the latter is a “community organisation” established for the express purpose of furthering social, environmental and economic well-being in the area and that the order grants planning permission for a specific project on a specific site only.

1.2 Neighbourhood Planning in North Warwickshire

The Localism Act places a duty on North Warwickshire Borough Council to support local communities to prepare a neighbourhood plan and eventually adopt the document once it has been successfully through a local referendum.

Interest in neighbourhood planning across the borough is increasing, and a number of parish councils are formally preparing plans, with the community, to help direct development over the next decade.

The council attaches a great deal of importance to neighbourhood planning and the positive approach being taken to prepare this guide and adopt a protocol reinforces the council's commitment to the process.

Further information on neighbourhood planning can be found on the council's website https://www.northwarks.gov.uk/info/20002/planning/1359/neighbourhood_planning

1.3 What does national planning policy say about neighbourhood plans?

Paragraphs 29-30 of the National Planning Policy Framework 2019 (NPPF) say:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies

Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.”

1.4 Who can prepare a neighbourhood plan?

Two types of 'relevant body' can prepare a neighbourhood plan – a parish / town council and a neighbourhood forum.

In areas where a parish or town council exists, these are the only bodies that can prepare a neighbourhood plan.

1.5 Who should be involved?

The parish / town council for the area need to initiate and lead the process, but this should not mean that they develop the neighbourhood plan in isolation from the rest of the community.

The involvement, throughout the process, of a broad range of local stakeholders will help to strengthen community support for the plan (very important at the referendum stage) and make its implementation easier.

The following is a list of stakeholders that the parish / town council should seek to involve in the process:

- residents;
- community organisations;
- elected representatives;
- businesses;
- landowners;
- developers.

At certain stages it will also be necessary to involve officers from North Warwickshire Borough Council and, potentially, other public sector service providers such as Warwickshire County Council, as the highway authority, education authority etc. This might be to provide advice, guidance or information on a particular matter or to comment on draft documents.

1.6 What might a neighbourhood plan include?

Neighbourhood plans can address and include policies on a variety of issues. The list below is not intended to be exhaustive, but provides an indication of the types of issues which could be covered by a neighbourhood plan:

- identify sites for housing, including affordable housing;
- provision for businesses to set up or expand in the parish;
- provision of cycle ways and footpaths;
- identify sites for community use such as schools, village halls, health centre, leisure facilities;
- design guidance for the parish;
- protection and creation of open space, green amenity areas, nature reserves, allotments, play areas;
- protection of important local buildings and other historical assets;
- promote renewable energy schemes and projects;
- provide sites for gypsies and travellers.

1.7 What are the benefits of developing a neighbourhood plan?

A neighbourhood plan offers several advantages over simply relying on the North Warwickshire Local Plan or more informal plans, e.g. community plans or parish plans.

Community-Led

Because neighbourhood plans are led by parish / town councils or neighbourhood forums rather than North Warwickshire Borough Council it means that community representatives write the plan themselves (or ask others to write the plan, but under their control).

Parish / town councils preparing plans have the opportunity to engage with the wider community right from the beginning of the plan preparation process, to make sure it genuinely represents the range of wants and needs in the local area.

More Influence

Along with the North Warwickshire Local Plan, a neighbourhood plan would be part of the statutory development plan for the area. This means that North Warwickshire Borough Council or planning inspectors would have to make decisions on the basis of the neighbourhood plan and any other material considerations when considering planning applications or appeals in the neighbourhood area. In other words, the neighbourhood plan would carry more weight as a consideration in planning decisions, effectively giving the local community more influence and control over the development of their area.

More Relevance

Whilst the North Warwickshire Local Plan covers the whole of North Warwickshire, a neighbourhood plan would be focused on the needs of the neighbourhood and would allow the local community to specify in more detail what they expect from development. For example, it could contain more detail on things like urban design, affordable housing, and preferred sites/locations for housing and other development. This is about guiding and shaping development, but not undermining the delivery of development proposed in the North Warwickshire Local Plan.

The plan could also guide the provision of infrastructure, for example, setting out priorities for new development such as improving pedestrian links, upgrading paths and open space. This would inform subsequent negotiations between North Warwickshire Borough Council and developers.

Establishing a Dialogue

The team developing the neighbourhood plan will need to speak to a range of organisations, departments and local partners. This will establish a range of dialogues which would otherwise probably not take place, potentially influencing the activities of the various organisations involved.

The plan could include things like improvement of streets and public spaces or where community facilities should be located. This would provide the context for negotiations with local authority departments (e.g. highways) and could help to influence their future works or development.

Site Allocation

Providing it does not undermine strategic policies in the North Warwickshire Local Plan the neighbourhood plan allows the community to develop criteria and choose which sites are allocated for what kind of development.

Future funding for local communities

In January 2013 the Government announced that parish / town councils that take a proactive approach by drawing up a neighbourhood plan, and secure the consent of local people in a referendum, will receive 25% of the revenues from the Community Infrastructure Levy (where it

exists) arising from the development that they choose to accept. Neighbourhoods without a neighbourhood development plan but where the levy is still charged will receive a capped 15% share of the levy revenue arising from development in their area.

It should also be borne in mind, however, that developing a neighbourhood plan:

- could lead to the identification of a number of challenging or 'hidden' issues by the community;
- can take a lot of time and energy and requires considerable commitment;
- can be frustrating if expectations are raised and ambitions are not met;
- can be a long process (up to two years), and
- will involve financial costs.

1.8 Are there any alternatives to a neighbourhood plan?

Parish / town councils do not have to prepare neighbourhood plans if they do not want to. Planning policies in the North Warwickshire Local Plan, will still apply, and development could be secured through submitting a planning application to North Warwickshire Borough Council.

There are alternatives to producing a neighbourhood plan. One alternative where significant change or development is proposed is to produce an Area Action Plan. This would form part of the development plan and would also have statutory status. Also, it would avoid the costs associated with a local referendum (and the risk of an adverse vote). However, Area Action Plans are local authority-led rather than being led by a parish / town council or neighbourhood forum and there are additional legal steps that would be required, including formal examination.

Additional guidance on things like urban design could be prepared as a Supplementary Planning Document (SPD). Although this would also be local authority-led, an SPD can involve the community in drafting the document but it cannot be used to allocate land.

There are also more informal plans such as parish plans or community plans. As with SPDs, these can be a material consideration in planning decisions, but do not have statutory status as part of the local development plan, so carry far less weight.

It is suggested that the community carefully consider what it wants to achieve, and then ask whether these aspirations can be best met through a neighbourhood plan or by other means.

1.9 Does a neighbourhood plan need to comply with other legislative requirements?

Neighbourhood plans are prepared under the provisions of the Localism Act 2011 and the Neighbourhood Planning Regulations.

Neighbourhood plans must also satisfy the requirements of relevant environmental legislation and be compatible with EU and human rights obligations.

A Strategic Environmental Assessment (SEA) is likely to be required for neighbourhood plans where they are likely to cause significant environment effects. A 'screening opinion' should be sought to determine whether and SEA is required or not.

Where neighbourhood plans are likely to have an international nature conservation site, a Habitats Regulations Assessment (HRA) will be required.

The requirement for a Habitats Regulations Assessment (HRA) of plans or projects is outlined in Article 6(3) and (4) of the European Communities (1992) Council Directive 92/43/EEC on the

conservation of natural habitats and of wild fauna and flora ("Habitats Directive") and transposed into English Law by the Conservation of Habitats and Species Regulations 2010.

Where a full HRA is required, this is likely to involve the engagement of professional advisers to carry out the study as it must be concluded that the plan will not adversely affect the integrity of the site

It is suggested that the parish / town council seek the advice of the planning policy team at North Warwickshire Borough Council at an early stage to ascertain whether they are likely to trigger any of these assessments.

Whilst there is no formal requirement for a neighbourhood plan to have a Sustainability Appraisal (SA) this can be a very useful tool in assessing the environmental, social and economic effects of the plan and can incorporate any SEA required.

1.10 How long will it take to prepare a neighbourhood plan and how much will it cost?

The time and costs involved in developing a neighbourhood plan will vary considerably depending on what is being proposed.

The Government have indicated that they see process taking approximately 1 year. Emerging experience, however, suggests that 15 months to 2 years may not be unrealistic.

It is advisable to estimate the time needed for the different stages of the plan-making process, the tasks required and the necessary commitment from the different people involved.

This guide describes these stages in some detail and should assist in estimating time requirements. The neighbourhood planning team could also speak to individuals or groups that have undertaken similar exercises to gain insight into the time implications.

There may be ways of saving time. For example, where there is a recent community plan or parish plan, it may not be necessary to start from scratch with the neighbourhood plan. The existing plan would be part of the evidence base and quite a lot of material could be used in the new plan. Much would depend on how robust the existing plan was in terms of a strong evidence base and effective community engagement.

There will be financial costs associated with preparing a neighbourhood plan. Some of the costs will be the responsibility North Warwickshire Borough Council, such as the costs of holding the independent examination and the public referendum. Funding for other costs will need to be found by the parish / town council or neighbourhood forum preparing the plan.

It is advisable to prepare an estimated budget for the plan process. This could cover items like the costs of community engagement activities and professional consultancy costs if required (for example, specialist advice on environmental assessments). Of course, there may be unforeseen costs – for example, if the evidence base or outcome of community engagement identifies new issues. Some contingency is therefore advisable.

It is possible to manage costs. Some professional support will be available from North Warwickshire Borough Council, support programmes or free support from local professionals (known as *pro-bono* support). Local organisations may also make venues available for no charge for community engagement events. Costs will also depend on the skills and time available within the community organisations producing the plan.

1.11 Will it be necessary to use consultants to support the development of a neighbourhood plan?

Whether specialist external support is required will depend on a number of factors, including the scale and ambitions of the neighbourhood plan together with the skills available within the neighbourhood planning team.

If it is necessary to bring in consultants or other outside support - for example to, assist in writing some of the more complex policies or to undertake environmental assessments – it is suggested that any work required is clearly defined and limited only to those tasks that cannot be done without such support to keep the costs down.

1.12 Is there any financial assistance to support the development of a neighbourhood plan?

Following amendments in 2017 to the regulations Local Authorities can claim £20,000 once they have set a date for a referendum following a successful examination where a neighbourhood plan has not previously been made for that area.

Neighbourhood Development Orders (NDO) and Community Right to Build Orders (CRtBOs): LPAs can claim £20,000 in relation to NDOs and/or CRtBOs for each neighbourhood planning area per year. The claim can be made once the date for the referendum on an Order has been set. Modification of a neighbourhood plan that is in force: Sums available vary according to the scale of modifications proposed, in line with the new neighbourhood plan modification procedures introduced through the Neighbourhood Planning Act 2017. Neighbourhood Planning Practice Guidance has been updated to provide more detail on the new processes.

Minor (non – material) modifications (no new examination or referendum required): Not eligible to claim for neighbourhood planning grant.

More substantive modifications (requiring an examination but no new referendum because the nature of the plan has not changed): LPAs will be eligible to claim £10,000 after the revised plan comes into force following examination. Once such a claim is made, claims for further updates to that specific neighbourhood plan will be restricted to one every 5 years.

More Substantive Modifications (requiring an examination and new referendum because the nature of the plan has changed) will be eligible for a claim of £20,000 by LPAs, after a successful examination with the setting of a new referendum date by the LPA. Once a claim for a modified neighbourhood plan has been submitted, further claims for revisions to that specific neighbourhood plan will be restricted to one every 5 years.

More Substantive Modifications (requiring an examination and a referendum because the nature of the plan has changed) in Business Areas: LPAs will be eligible to claim an additional £10,000 after the setting of a referendum date. Once such a claim is made, claims for further updates to that specific neighbourhood plan will be restricted to one every 5 years.

The Government has allocated over £29m between 2018 - 2022 to support the development of neighbourhood plans or neighbourhood development orders.

You can apply for grant funding and/or technical support if you are eligible.

- Grant support - All groups writing a Neighbourhood Plan or Neighbourhood Development Order are eligible to apply for up to £9,000. Groups meeting the eligibility criteria are able to apply for additional grant of up to £8,000 (in addition to the basic grant). This will take the

total amount of grant available to you to £17,000. You must spend your grant funding within 12 months or by the end of the financial year, whichever is earliest.

- Technical support - Groups facing more complex issues can apply for specific packages of technical support.

1.13 Producing a neighbourhood plan

There is no set process for producing neighbourhood plans -but there is a growing body of good practice from other parish / town councils and neighbourhood forums to draw on.

The typical stages and steps in the process of developing a neighbourhood plan are summarised below. The steps may not necessarily need to be undertaken in this order and some may be undertaken concurrently. These are suggestions and may be amended in the light of practical experience as Neighbourhood Plans are progressed. Because a neighbourhood plan will become a statutory document, some of the steps are obligatory – and these are shown in **bold** in the table below. North Warwickshire Borough Council will also take the Plan at various stages to Committee during the process.

1. Getting Started	<ul style="list-style-type: none"> • Prepare a list of contacts • Get the community on board • Establish a steering group • Produce a programme for developing the plan • Develop a communication strategy • Define and agree the boundaries of the neighbourhood area with North Warwickshire Borough Council (North Warwickshire Borough Council may consult when designating area)
2. Identifying the Issues	<ul style="list-style-type: none"> • Gather together relevant information • Create a profile of the area • Identify assets and designations • Review existing plans and strategies • Discussions with stakeholders • Summarise the findings to identify the area's strengths and weaknesses •
3. Developing a vision and objectives	<ul style="list-style-type: none"> • Draft the vision and objectives • Check for conformity with strategic policies in the North Warwickshire Local Plan • Check the draft vision and objectives with the community
4. Drafting the Neighbourhood Plan	<ul style="list-style-type: none"> • “Screen” to determine whether an HRA, SEA and/or SA is likely to be required (North Warwickshire Borough Council can do this if required) • If required, prepare a SEA Scoping Report Check conformity with strategic policies in the North Warwickshire Local Plan
5. Consultation and Submission	<ul style="list-style-type: none"> • Pre-submission consultation and publicity (parish / town council to consult - minimum 6 weeks) • Prepare final Plan Proposal and (if required) HRA, SEA and/or SA • Submit Plan Proposal to North Warwickshire Borough Council (North Warwickshire Borough Council to consult - minimum 6 weeks)
6. Independent Examination	<ul style="list-style-type: none"> • Appointment of Examiner (North Warwickshire Borough Council to arrange) • Examiner's report published
7. Referendum and Adoption	<ul style="list-style-type: none"> • Referendum (North Warwickshire Borough Council to arrange) • Adoption (North Warwickshire Borough Council to adopt neighbourhood plan)
8. Review	<ul style="list-style-type: none"> • There are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves

2.0 – GETTING STARTED

2.1 Prepare a list of local contacts

A neighbourhood plan should be community-led, with the parish / town council in the driving seat. The plan depends on local leadership and participation to be successful.

Prepare a list of who to involve and record their contact details so that they can be kept informed as the plan progresses. The list could include representatives of community groups, representatives of community services / facilities (e.g. school, doctor, and children's centre), elected councillors, businesses, and landowners. Throughout the process gather contact details of those interested in the neighbourhood plan so they can be updated on progress and invited to comment at each stage.

Additionally, the Neighbourhood Planning Regulations identify the following consultation bodies that the parish / town council should consult before submitting a plan proposal and North Warwickshire Borough Council should consult after receiving a plan proposal: (North Warwickshire Borough Council will be able to help with addresses/emails)

- a local planning authority, County Council or parish council any part of whose area is in or adjoins the area of the local planning authority;
- Coal Authority;
- Homes and Communities Agency;
- Natural England;
- Environment Agency;
- English Heritage;
- Network Rail Infrastructure Limited;
- Highways Agency;
- any person to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003; and who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;
- where it exercises functions in any part of the neighbourhood:
- voluntary bodies some or all of whose activities benefit all or any part of the neighbourhood area;
- bodies which represent the interests of different racial, ethnic or national groups in the neighbourhood area;
- bodies which represent the interests of different religious groups in the neighbourhood area;
- bodies which represent the interests of persons carrying on business in the neighbourhood area;
- bodies which represent the interests of disabled persons in the neighbourhood area.

When your plan is submitted to North Warwickshire Borough Council, the neighbourhood planning Regulations require that it is accompanied by a consultation statement setting out the names of those consulted, a summary of the main issues raised, and how those issues were addressed. It will be easier to produce this statement if a record of community involvement and consultation is kept throughout the process.

2.2 Get the community on board

If the community are not supportive of the idea of a neighbourhood plan, right from the start, then it will be extremely difficult to produce a document that reflects their priorities and aspirations, and that ultimately gets their support at a referendum.

The wider community should be informed about the parish / town council's intentions and given

the chance to get involved right from the start. This could be achieved by holding a public meeting within the community, to explain the intentions of developing a neighbourhood plan, to identify broad issues that residents would like it to consider, and to recruit community volunteers for the steering group.

The parish / town council could also write to local groups / organisations to notify them of their intentions and to identify the level of interest these groups may have in taking part in the neighbourhood plan.

The key to keeping the community on board is plenty of good publicity and communications at the beginning of, and throughout, the process.

2.3 Establish a Steering Group

The parish / town council will need to set up a neighbourhood planning team (steering group) to co-ordinate the project.

Although this will need to feature representation from parish / town councillors, it is also important that wider representation is sought from the community as the goal of the process is to create a neighbourhood plan that reflects the vision of the entire community. The more representative the neighbourhood planning team is, the better the plan is likely to be.

Additional representation on the neighbourhood planning team could be sought from:

- residents;
- representatives of community organisations;
- business owners;
- landowners.

It will be important for the parish / town council to consider the full range of skills, knowledge and experience that will be required in a neighbourhood planning team. However, it is also important to remember that too large a group may make effective decision-making more difficult.

How the steering group is selected may influence the support the neighbourhood planning process receives from the community. A selection process that is fair, open and inclusive is likely to ensure a greater degree of community support.

If the parish / town council are holding a public meeting then this could be an ideal opportunity to recruit members to join the neighbourhood planning team. Once the team is in place, it will be important to appoint a chairman and secretary, and also possibly a treasurer and community consultation coordinator. It will also be important to establish what the formal links are between the team and the main body of the parish / town council as the overall project will still need to be under the 'umbrella' of the latter. In this regard, and to help focus the work of the team members, it would be helpful to establish terms of reference for the neighbourhood planning team.

2.4 Produce a draft programme / time plan for developing the plan

Before embarking on the main activity of developing the neighbourhood plan, it will be helpful for the neighbourhood planning team to produce a draft programme of what it thinks it will have to do throughout the process.

In particular, it is worth thinking about:

- what activities will need to be carried out at each stage e.g. meetings, publicity, surveys, events etc.;
- what resources will be needed to carry out these activities e.g. people, materials, funding;

- how much time should be set aside to accomplish each stage.

This programme will help the neighbourhood planning team to focus and monitor its activity and to think about what resources might be required for developing the neighbourhood plan.

It is suggested that sufficient time is allowed in the timetable for the formulation of questionnaires, which can take longer than expected, and time is allowed for processing information, particularly if being undertaken by volunteers. At the drafting proposals stage, it is suggested that time is allowed to set up meetings with decision-making organisations, and time for negotiation on specific policies and actions.

There has been an indication from Government, that they would see the process of developing a neighbourhood plan taking approximately one year. Emerging experience in other areas suggests that 15 months to two years may not be unrealistic timescales.

2.5 Develop a communication strategy

In any community-led planning exercise, communication and publicity with the wider community, from an early stage, and throughout the process, is vital. People are more likely to participate if they are kept informed.

In the case of developing a neighbourhood plan where the support of the community at the referendum stage is crucial to its adoption, the need to keep information flowing takes on an even greater significance.

The neighbourhood planning team may find it useful to create an informal and brief 'communication strategy', setting out how and when it means to communicate with the community and other stakeholders.

Different ways of getting messages out to the community include:

- placing regular notices in parish newsletters or magazines;
- using IT – e.g. parish websites, social media, email groups etc.;
- putting up posters / banners;
- delivering flyers through letterboxes;
- talking with neighbours, community groups, businesses etc.;
- using established community events (e.g. church or village fete) to publicise, consult, or provide feedback on progress.

3.0 – IDENTIFYING THE ISSUES

3.1 Gather together relevant information

In order to help produce the vision and objectives for the area, it will be helpful 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 will affect the area.

It makes sense to try and use existing information wherever possible, thus trying to avoid unnecessarily re-inventing the wheel.

3.2 Create a profile of your community

Creating a 'profile' of the community will involve gathering statistical data on population size, household size, incomes, family composition etc. This helps to build up a social portrait of the community. Much of this information can be found online.

Information about population size, health, employment, education, skills and groups of people with specific needs will help describe the 'baseline environment' which will be important in the event that a Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA) is undertaken.

3.3 Identify assets and designations

It may be useful to do a stock take of all of the area's physical assets and take note of the various land-use designations that apply to the neighbourhood area to help understand the constraints and opportunities available for development and for conservation.

The area's physical assets may include community centres / village halls, churches, recreation grounds, play areas, sports facilities, allotments, health facilities, housing stock, footpath networks, highways infrastructure, employment sites etc.

North Warwickshire Borough Council will be able to provide maps showing, for example, the following:

- Local Plan Development boundaries
- Conservation areas and Listed Buildings
- Greenspace
- Sites of special interest or importance

A wide range of information and maps about the local environment is available on the following websites:

What's in your backyard? Provides access to environmental data at a local level www.environment-agency.gov.uk/homeandleisure/37793.aspx

Natural England: Publications, maps and data on the natural environment
www.naturalengland.org.uk/publications/default.aspx

Multi-Agency Geographic Information for the Countryside: Interactive map of environmental information, including the location of designated sites <http://magic.defra.gov.uk/>

English Heritage: Information on the historic environment <https://www.english-heritage.org.uk/>

Information about landscape, nature conservation, physical assets and heritage, will help describe the 'baseline environment' if an SEA/SA is required.

Review existing plans and strategies

It will be important for the neighbourhood planning team to try and understand what implications the following plans and strategies have on the community and on the neighbourhood area:

National Planning Policy Framework (NPPF) <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Emerging North Warwickshire Local Plan (including Core Strategy and saved Policies from 2006 Local Plan)
https://www.northwarks.gov.uk/info/20002/planning/1082/what_is_the_local_plan_for_north_warwickshire

Warwickshire Minerals Local Plan and Core Strategy <https://www.warwickshire.gov.uk/wdf>

Other strategies relating to the environment, transport, etc. produced by different public service providers (Natural England, Environment Agency, Highways Authority)

It will also be helpful to review issues previously identified in other documents produced for, or by, the parish / town council. If the parish / town council have prepared any of the following, consider whether information can be used to inform the neighbourhood plan:

- parish plans,
- village design statement / village appraisal,
- conservation area appraisal.

3.4 Discussions with stakeholders

This stage is about engaging with residents, community groups and businesses to ascertain their views and opinions about the area, as well as their needs and aspirations for the future.

A variety of techniques and approaches can be used to maximise opportunities for involvement. These could include:

- survey / questionnaire (hard copy / web-based);
- community event (workshops / exhibitions etc.);
- focus groups or discussions at meetings of local groups;
- techniques tailored for different sectors of the community (e.g. online survey for young people).

The neighbourhood planning team will need to decide which methods to use to engage different sections of the community or to cover particular topics / themes in more depth. Landowners should be invited to comment on site-specific issues. Relevant organisations and hard-to-reach groups should be invited to comment on matters where they have a particular interest.

Some questions the neighbourhood planning team may wish to consider include:

- what are our strengths as a community? What do we do well?
- what can we improve or change in the community?
- 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)?

It will also be useful for the neighbourhood planning team to establish contacts and have initial discussions with a range of stakeholders, to understand whether there are any other aspirations for

the area that have not yet been gathered.

The team may wish to have discussions with:

- local community organisations;
- local businesses;
- local landowners and/or their representatives, officers at North Warwickshire Borough Council, officers from other public agencies and service providers, as appropriate (e.g. Natural England, Environment Agency, English Heritage etc.).

Neighbourhood plans can relate to the use and development of land and associated social, economic or environmental issues (i.e. employment, transport and heritage) that are considered important to the local area. The neighbourhood planning team may find that some of the information and responses it receives from the community do not really relate to the neighbourhood plan *per se* (for example, issues regarding litter, social activities etc). Whilst these may not be subjects for the neighbourhood plan to address, they will still be important issues for the community, and they may be issues which could be addressed via a different route. The parish / town council may wish to formulate a separate action plan to deal with these wider social issues.

3.5 Summarise the findings to identify the area's strengths and weaknesses

The neighbourhood planning team will need to analyse all the information it has gathered and summarise the main strengths, weaknesses, opportunities and threats for the neighbourhood area. There will be factual information about the area which may not match with people's perceptions. There will be some topics on which there is broad agreement and some topics where opinion is polarised.

It will be helpful to keep a record of all the sources of evidence to demonstrate how the information leads to the conclusions drawn. This could be particularly important at the Independent Examination.

3.6 Define and agree the boundaries of the neighbourhood area with North Warwickshire Borough Council

The neighbourhood area is the area to which the proposed neighbourhood plan (or Neighbourhood Development Order) will relate.

The expectation is that in most cases, neighbourhood areas will follow parish boundaries. However, a neighbourhood area can cover only part of a parish or a combination of parishes, if necessary.

If the proposed neighbourhood area covers more than one parish, then consent must be sought from each of the affected parish / town councils. This will also have implications for representation on the steering group and the scale of community engagement that the process will require.

Once the neighbourhood planning team is aware of the issues relating to development in the parish, through the gathering of evidence, then it will be able to make an informed decision on what the neighbourhood area for the proposed neighbourhood plan should be.

A proposal for designating a neighbourhood area must be submitted by the parish / town council(s) to North Warwickshire Borough Council, for its approval.

The Neighbourhood Planning Regulations state that an application for the designation of a neighbourhood area must include a:

- map which identifies the area to which the area application relates,

- statement explaining why this area is considered appropriate to be designated as a neighbourhood area, and;
- a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Town and Country Planning Act.

North Warwickshire Borough Council must consult on the application if the area to be designated does not follow the parish boundary. If consultation is needed then, North Warwickshire Borough Council must publish the name of the neighbourhood area, a map which identifies the area, and the name of the relevant body who applied for the designation on their website and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area. If the area follows the Parish Boundary and consultation is not needed then, the Council will designate the area and publish it on their website.

4.0 – DEVELOPING A VISION AND OBJECTIVES

Developing a vision and objectives for the community will be an important first stage in producing the neighbourhood plan.

The vision should be an overarching statement, or series of statements, describing what the community will be like to live and work in, within 15-20 years' time or the Local Plan period. The objectives will set out what the community wants to achieve in order to help realise the vision. Detailed policies and actions can then follow from these objectives.

4.1 Draft the vision and objectives

The neighbourhood plan will ultimately form part of the statutory planning framework for North Warwickshire (assuming it passes the examination and referendum).

The vision and objectives should be based on the information gathered during the Identifying the Issues stage. The neighbourhood planning team could draft a series of vision statements, setting out what it will be like to live and work in the area, or there could be one single vision statement that will describe this in fewer words. However it is drafted, it is important that the vision is realistic and achievable.

A typical neighbourhood plan vision statement might include topics such as:

- what the area will look like;
- what facilities there will be (e.g. parks, GP surgeries, shops, schools) and what their qualities will be;
- what the social and economic outlook for the area will be.

The objectives will be more specific and will set out how the vision will be achieved. For each element of the vision, there may be one or a number of objectives, depending on the different priorities of the community.

For example:

- part of the vision may state that there will be *“accessible, high quality areas of green space that allow for recreation and social interaction amongst all age groups”*;
- an objective, leading from this, could be *“to seek the provision of an informal, outdoor recreation space, within easy walking distance from the centre of the settlement.”*

4.2 Check for conformity with strategic policies in the North Warwickshire Local Plan

Once the neighbourhood planning team has drafted their vision and objectives for the neighbourhood plan, it will be important to check that it does not stray too far from, or offer a contrary position to the strategic North Warwickshire Local Plan policies or propose less development than allocated in the North Warwickshire Local Plan.

The planning policy team at North Warwickshire Borough Council will advise the neighbourhood planning team on whether the draft vision and objectives are in general conformity with the strategic policies in North Warwickshire Local Plan and policies in the National Planning Policy Framework.

4.3 Check the draft vision and objectives with the community

Before progressing, it is important to check that the community supports the draft vision and objectives for the area, as drafted by the neighbourhood planning team. There are many ways in which this endorsement can be sought, including:

- making copies available for public distribution and asking for comments;
- meeting with community groups and asking for their feedback; • organising informal discussion groups;
- holding public meetings or drop-in events;
- publishing information in the local newsletter or website and providing an address to receive peoples' feedback.

Following informal consultation on the draft vision and objectives, any necessary amendments can be made before moving on to developing the detailed content of the neighbourhood plan.

5.0 – DRAFTING THE NEIGHBOURHOOD PLAN

Once the vision and objectives have been drafted and approval has been sought from the wider community, the neighbourhood planning team can start to think about the detailed content of the neighbourhood plan.

5.1 Generate options

It is recommended that the neighbourhood planning team generate options and explore whether these meet the vision and objectives, making clear that none of the options is a preferred option. Options may be general or specific and will vary depending on what the plan is seeking to achieve. In generating options it is useful to consider a “do nothing” option which is essentially what would happen to the area and sites if the neighbourhood plan was not implemented.

It should be borne in mind that the Government’s intention is that neighbourhood plans should set out policies on the development and use of land in a neighbourhood area. The options generated should be credible, justifiable and achievable.

5.2 Is a Sustainability Appraisal, Strategic Environment Assessment or Habitats Regulations Assessment required?

5.2.1 Strategic Environmental Assessment (SEA)

An SEA is required for neighbourhood plans if they are likely to have significant environmental effects.

The basis for Strategic Environmental Assessments (SEA) legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or the ‘SEA Regulations’. Detailed Guidance of these regulations can be found in the Government publication ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (ODPM 2005) – available at <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

Neighbourhood plans are covered by these regulations but not all plans will need a detailed assessment. There is a process known as ‘screening’ where those preparing a plan can seek a formal opinion as to whether an SEA is needed.

Annex II of the SEA Directive provides a list of criteria that can be used to judge whether an environmental effect is significant. Whilst the significance of environmental effects is to some extent a matter of professional judgement, if a neighbourhood plan has ambitious content then an SEA is likely to be required (NWBC can help with this process if required)

If an SEA is required, Government guidance suggests that it may not require the involvement of external consultants. The most straightforward way of recording impact assessments is to use a “do-it-yourself” SA template (incorporating the requirements of a SEA).

5.2.2 Habitats Regulations Assessment (HRA)

The purpose of a HRA is to determine whether a plan or policy is likely to have significant effects on any European sites designated for their nature conservation interest (Special Protection Areas, Special Areas of Conservation and Ramsar sites). HRA is often referred to as Appropriate Assessment (AA), although the requirement for HRA is first determined by an initial “screening” stage undertaken as part of the full HRA.

The requirement for a Habitats Regulations Assessment (HRA) of plans or projects is outlined in Article 6(3) and (4) of the European Communities (1992) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ("Habitats Directive") and transposed into English Law by the Conservation of Habitats and Species Regulations 2010.

Where a full HRA is required, this is likely to involve the engagement of professional advisers to carry out the study as it must be concluded that the plan will not adversely affect the integrity of the site.

5.2.3 Sustainability Appraisal (SA)

The purpose of a SA is to appraise the social, environmental and economic effects of a plan. In doing so, a SA helps to ensure that decisions are made that contribute to achieving sustainable development.

There is no legislative requirement for a neighbourhood plan to have a Sustainability Appraisal (SA)

It is worth noting however that an SEA can be incorporated into an assessment on the wider effects of a plan, such as an SA in a combined Sustainability Report. Thus, a parish / town council producing a neighbourhood plan may still decide to undertake an SA if it feels it would be useful in appraising the plan's impact, particularly where there is a requirement for an SEA. In conclusion, not every neighbourhood plan will need a SEA or HRA – it will depend entirely on whether what is proposed in the neighbourhood plan is likely to have significant environmental effects. It is recommended that the neighbourhood planning team contact the planning policy team at North Warwickshire Borough Council at the start of the process with a view to “screening” the contents of the proposed neighbourhood plan to determine whether a SEA and / or HRA will be required.

5.3 Develop preferred options

Based on the agreed objectives (and the results of the SEA / HRA exercise, if required) the neighbourhood planning team should consider what policies could be put in place to try and achieve the objectives.

Policies may take one of the following forms:

- policies may allocate specific sites for particular types and scales of development (e.g. residential, employment etc.);
- policies may specify particular requirements relating to each or any allocation (e.g. access, landscaping, location of green space, assessments needed etc.);
- policies may specify sites within the neighbourhood area to be protected or enhanced as environmental assets or areas of landscape character;
- policies may be more generic and apply to any future development within the neighbourhood area (e.g. local design policies, policies relating to transport and access etc.).

There is a need to ensure that policies are achievable and the neighbourhood planning team should ensure that any site-related policies are drawn up in negotiation with the relevant landowners or site promoters.

For site allocations and site-related policies, the neighbourhood plan will need to include maps showing proposed site locations and boundaries.

The neighbourhood planning team may find it useful to produce these maps as it starts to draft the neighbourhood plan policies. Showing proposed locations on maps will help in any communication with the wider community and can assist in getting their views on particular sites.

5.4 Check conformity with strategic policies in the North Warwickshire Local Plan

At this stage, it will be advisable for the neighbourhood planning team to check with the planning team at North Warwickshire Borough Council to ensure that the emerging policies are in general conformity with the strategic policies in the North Warwickshire Local Plan

6.0 – CONSULTATION AND SUBMISSION

6.1 Pre-submission consultation and publicity

Before submitting the plan proposal to North Warwickshire Borough Council, the parish / town council or neighbourhood forum is required by the Neighbourhood Planning Regulations to undertake a pre-submission consultation for a minimum of six weeks. The consultation is required to:

- publicise the proposals, bringing them to the attention of a majority of those who live, work or operate a business in the neighbourhood area,
- publish contact details for representations and information about the proposed timetable for consultation,
- consult any statutory consultees whose “interests are affected”.

If an SEA / HRA were required, it should also be made available for comment as part of the consultation.

The neighbourhood planning team should also consult with parish / town councils adjacent to its own parish boundary.

North Warwickshire Borough Council can help neighbourhood planning teams to identify wider stakeholder organisations that should be consulted on the draft plan.

6.2 Prepare final Neighbourhood Plan

Once consultation has been carried out with residents and local and wider stakeholders, an analysis of comments should be made and the neighbourhood planning team should consider whether any amendments need to be made to the draft plan and SEA / HRA (if required) before submitting it to North Warwickshire Borough Council.

6.3 Submit Plan Proposal to North Warwickshire Borough Council

Once the neighbourhood planning team has made any necessary amendments to the neighbourhood plan, it should submit the plan proposal and SEA / HRA (if required) to North Warwickshire Borough Council.

The Neighbourhood Planning Regulations state that that the submitted plan proposal must include:

- a map or statement which identifies the area to which the proposed neighbourhood plan relates;
- a consultation statement -which contains details of the persons and bodies who were consulted about the proposed neighbourhood plan, explains how they were consulted, summarises the main issues and concerns raised by the persons consulted, and describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood plan;
- the proposed neighbourhood development plan, and
- a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act – i.e., that the process that has been followed is in accordance with the Localism Act and is compatible with EU obligations, national policy and strategic policies in the North Warwickshire Local Plan.

North Warwickshire Borough Council will conduct a check of the plan proposal to ensure that it meets the above requirements, and if it does, will arrange for the independent examination of the document.

In accordance with the Neighbourhood Planning Regulations, North Warwickshire Borough Council will consult on the plan proposal documents outlined above for a minimum of six weeks on their website and in such other manner as they consider is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area. North Warwickshire Borough Council is also required to notify any consultation body which is referred to in the consultation statement that the plan proposal has been received.

7.0 – INDEPENDENT EXAMINATION

7.1 Appointment of Examiner

North Warwickshire Borough Council will decide, in collaboration with the neighbourhood planning team, on whom to appoint to undertake an independent examination of the neighbourhood plan. The examination will be paid for by North Warwickshire Borough Council.

The main function of the examination will be to check that the neighbourhood plan conforms with:

- EU obligations;
- National planning policies;
- strategic policies in the North Warwickshire Local Plan;
- neighbouring neighbourhood plans; and
- contributes towards sustainable development.

In general, the examiner is likely to consider written representations during the examination period, rather than a formal hearing. However he/she may decide that a public hearing is preferable in certain situations.

7.2 Examiner's report published

The result of the examination will be a report, issued by the independent examiner. The examiner's report will have one of the following recommendations:

- the draft neighbourhood plan should proceed to a referendum,
- it should proceed to a referendum, subject to certain amendments, or
- the proposed neighbourhood plan should be refused.

In accordance with the Neighbourhood Planning Regulations North Warwickshire Borough Council will then consider the examiner's report to decide whether or not the recommendations should be followed and publish their decision and their reasons for it, in a "decision statement".

8.0 – REFERENDUM, ADOPTION AND MONITORING

8.1 Referendum

Assuming North Warwickshire Borough Council decides that the draft neighbourhood plan can proceed then the local authority will organise and pay for a referendum.

The referendum will normally be open to any individual registered to vote in the parish, but the independent examiner may take the decision that the referendum should be extended, if certain policies within the plan have particular implications for surrounding communities.

A referendum is required to gauge community support for the neighbourhood plan. If over 50% of those who vote on the adoption of the neighbourhood plan vote favourably, then the plan will be adopted by North Warwickshire Borough Council.

If a neighbourhood area is wholly or predominantly business in nature and has been designated a “Business Area” by the local authority (these are unlikely in North Warwickshire there would be two referenda one for residents and another for businesses) and the results considered separately. If there was a conflict in the results then the decision as to whether or not to adopt the Plan would rest with the local planning authority.

8.2 Adoption

If a majority vote is achieved, North Warwickshire Borough Council will adopt the neighbourhood plan.

Once a neighbourhood plan is brought into legal force, it forms part of the statutory Development Plan for that area. Consequently, decisions on whether or not to grant planning permission in the neighbourhood area will be made by North Warwickshire Borough Council in accordance with a neighbourhood plan, unless material considerations indicate otherwise.

To ensure that the momentum is not lost and that community aspirations are met it is suggested that parish / town councils may also find it valuable to monitor the progress of the neighbourhood plan and any associated implementation plan.

8.3 Implementation and Monitoring

Once your Neighbourhood Plan has been adopted, planning applications will still be determined by the local planning authority in the normal way, but taking into account policies in your Neighbourhood Plan as well as the Local Plan.

Development granted permission by an adopted Neighbourhood Development Order or a Community Right to Build Order may be implemented. The developer will have to submit their proposals to the appropriate local authority or parish council, however, who will make sure that they are in line with the permission granted by the Neighbourhood Development Order.

You may wish to monitor progress against your Neighbourhood Plan. This will help to ensure that momentum is not lost, and that the aspirations of the community are met. You may want to review your Neighbourhood Plan to keep it up-to-date and relevant.

9.0 - REVIEWING THE PLAN

There are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:

- Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
- Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

Any group with a 'made' neighbourhood plan is eligible to apply for a new set of grant and technical support in order to modify their neighbourhood plan.

There is no requirement to review or update a neighbourhood plan. However, policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence. In addition, where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust. To reduce the likelihood of a neighbourhood plan becoming out of date once a new local plan (or spatial development strategy) is adopted, communities preparing a neighbourhood plan should take account of latest and up-to-date evidence of housing need, as set out in guidance

Communities in areas where policies in a neighbourhood plan that is in force have become out of date may decide to update their plan, or part of it. The neighbourhood area will already be designated, but the community may wish to consider whether the designated area is still the most suitable area to plan for.

10.0 - SOURCES OF SUPPORT AND INFORMATION

10.1 North Warwickshire Borough Council

During the process of developing neighbourhood plans North Warwickshire Borough Council will offer continuing support to communities. This will include:

- Generic neighbourhood planning advice and guidance (e.g. the process, how to get started, what others are doing locally);
- Advice and assistance in terms of planning community and stakeholder engagement (e.g. what techniques could be used and when);
- Advice and guidance on whether emerging policies are in general conformity with national planning policies and the North Warwickshire Local Plan;
- Advice on technical, planning-related aspects of producing the plan (e.g. drafting policies, undertaking environmental assessments, negotiations with developers etc.);
- Signposting to relevant contacts within the District Council or within other stakeholder organisations (e.g. Warwickshire County Council, the Environment Agency, English Heritage etc.);
- In kind support through the provision of materials (maps, printing etc), appointing an independent examiner, arranging and paying for the referendum, adopting the Neighbourhood Plan as part of the Development Plan.

It should be noted that whilst North Warwickshire Borough Council can provide advice, it cannot write the neighbourhood plan for you.

The key contact at North Warwickshire Borough Council for neighbourhood planning support is:

Susan Wilson
Forward Planning
The Council House
South Street
Atherstone
CV9 1DE

Tel: 01827 719499

Email: susanwilson@northwarks.gov.uk