

Neighbourhood Planning Guidance

NPG 3 - Step by Step Guide

November 2019

**North Norfolk District Council
Planning Policy Team**

Telephone: 01263 516318

E-Mail: planningpolicy@north-norfolk.gov.uk

Write to: Planning Policy Manager,

North Norfolk District Council,

Holt Road, Cromer, NR27 9EN

www.north-norfolk.gov.uk/neighbourhoodplans

**All documents can be made available in
Braille, audio, large print or in other languages.
Please contact 01263 516318 to discuss your requirements.**



Table of Contents

1	Purpose.....	1
2	Introduction.....	1
3	Getting Started.....	3
4	Developing a Neighbourhood Plan.....	7
5	Submitting the Plan.....	12
6	Bringing the Draft Neighbourhood Plan into force	14
7	Keeping the Neighbourhood Plan up to date	15
	Appendix 1.....	16

1 Purpose

- 1.1 This note provides those undertaking neighbourhood planning with a simple step-by-step overview of the Neighbourhood Planning process with links to other documents and resources.
- 1.2 NNDC have produced a suite of additional guidance aimed at supporting local communities in North Norfolk who are undertaking neighbourhood planning. These are based around specific check sheets and frequent topics that Parish & Town Councils have sought to include in neighbourhood plans. They are designed to provide background information and guidance on how neighbourhood planning groups can reflect local circumstances and develop policies that are justified and evidence in a positive and realistic way which, if followed, will provide more certainty at the examination stage. These guides can be found on the Council's web site:
www.north-norfolk.gov.uk/neighbourhoodplans

2 Introduction

- 2.1 This guide can be used by those who are involved in or are contemplating the production of a neighbourhood plan. It provides an overview of the process, and is intended to aid local communities in their decision to produce a plan or not.
- 2.2 Those producing neighbourhood plans should refer to the **National Planning Practice Guidance** which provides the government guidance and parameters around planning.
<https://www.gov.uk/government/collections/planning-practice-guidance>
- 2.3 Neighbourhood planning has its own set of Regulations that set out the legal matters relating to the neighbourhood planning process. These are:
 - [The Neighbourhood Planning \(General\) Regulations 2012](#)
 - [The Neighbourhood Planning \(General\) \(Amendment\) Regulations 2015](#)
 - [The Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016](#)
 - [The Neighbourhood Planning Act 2017](#)
 - [The Neighbourhood Plan \(Referendums\) Regulations 2012](#)
 - [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013](#)
 - [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014](#)
 - [The Neighbourhood Plan \(Referendums\) \(Amendment\) Regulations 2016](#)
 - [The Neighbourhood Planning \(Prescribed Dates\) Regulations 2012](#)Legislation can be obtained at <http://www.legislation.gov.uk>
- 2.4 **Locality** have also produced detailed publications around the neighbourhood planning process, and these should be referred to by those undertaking neighbourhood planning. In particular, they have published a detailed step-by-step road map guide, a frequently asked questions fact sheet, and advice on how to keep your neighbourhood plan simple, ensuring that it covers what it needs to cover, reflects local issues and doesn't over complicate the process. These can be found at <https://neighbourhoodplanning.org>

2.5 This guide highlights the steps in producing a plan and groups these into four distinct stages:

 <p>GETTING STARTED</p>	<ul style="list-style-type: none">➤ Deciding whether to produce a neighbourhood plan➤ Engage / discuss with NNDC➤ Designating a Neighbourhood Area➤ Set-up a steering group, establish resources, project plan and funding
 <p>DEVELOPING THE PLAN</p>	<ul style="list-style-type: none">➤ Identify support available from NNDC➤ Gather baseline information and evidence➤ Develop a Vision and Objectives➤ Engage with community➤ Identify content and assess options➤ Check whether new evidence is required➤ Prepare a draft Plan and policies➤ Check for general conformity➤ Meeting the Basic Conditions Test➤ Initial Consultation (Regulation 14)
 <p>SUBMITTING THE PLAN</p>	<ul style="list-style-type: none">➤ Submission of the Plan to North Norfolk District Council (Regulation 15)➤ Submission Version Consultation (Regulation 16)➤ The Consultation Statement➤ The Basic Conditions Statement
 <p>BRINGING THE PLAN INTO FORCE</p>	<ul style="list-style-type: none">➤ Independent Examination➤ Local Referendum➤ Adoption➤ Implementing & Monitoring the Plan

3 Getting Started

Step 1: Deciding whether to produce a neighbourhood plan

3.1 Neighbourhood planning provides the opportunity for communities to shape the future of their local area by having a direct role in the development of local planning policies that address identified local issues provided that they are justified, remain in conformity with the strategic approach outlined in the Local Plan, and are informed and supported by appropriate evidence.

Start the ongoing dialogue with the Planning Policy team

3.2 A key stage in assessing whether to undertake the task of producing a neighbourhood plan is to talk to the Planning Policy Team who will provide an outline of the process, explain what support is available, and, provide guidance on a range of elements including potential alternatives and existing policy approaches that may need to be considered. The team will help a Neighbourhood Planning group throughout the process.

3.3 When producing a neighbourhood plan, groups will have to carefully consider the opportunities and advantages, issues faced in producing a plan, and whether there is an alternative approach that could be taken. In addition, groups will need to understand the scope and extent of current and emerging Local Plan policies.

Opportunities and Advantages

3.4 A neighbourhood plan offers several potential advantages over relying solely on the Local Plan or more informal documents such as community or parish plans. Some of these are listed below:

- **Community-led:** neighbourhood plans are led and produced by community organisations, known as the 'qualified body', usually the parish or town council (often through dedicated steering groups). This means that community representatives are directly involved in producing the plan.
- **Influence:** once the plan comes into force it becomes part of the statutory development plan for the neighbourhood plan area. Planning applications will have to be considered and determined in accordance with the policies in the plan.
- **Locally distinctive:** where a Local Plan will cover the whole district and will have overarching or strategic policies, a neighbourhood plan can focus more on the issues and needs affecting a local community. It provides a real opportunity to add 'local distinctiveness' to the planning policy for the neighbourhood plan area on a range of matters such as design, housing, infrastructure and employment.
- **Dialogue:** in producing a plan the group has the opportunity to engage with the community, the planning authority and other stakeholders on a range of issues that may be important in shaping the local area.
- **Delivering growth:** a neighbourhood plan allows for a community to consider how they could add a local dimension to deliver **additional growth** to the levels set in the Local Plan. There may be specific housing needs in an area that could be addressed or a particular industry that requires further support through local policies. Housing targets need to be established and agreed with the Local Planning authority. More information on this is contained in the NNDC housing guidance paper.
- **Local Green Spaces:** there is the opportunity to identify and designate areas that are valued by the local community as Local Green Spaces and which can be protected from inappropriate development.

- **Consider the alternatives:** there are alternatives: strong representation to the Local Planning Authority in its production of its Local Plan e.g. engage and influence. Develop a community project. NNDC actively promote community land trusts and works with parish and town councils in identifying and delivering affordable housing sites specifically for local occupancy. If a parish council's ambition is to provide local homes for local people, this is an alternative route that is supported by dedicated officers in the Council. More on this can be obtained from planning officers and from the NNDC housing guidance paper.

Other Issues to consider

3.5 A neighbourhood plan is a formal document guided by prescribed legislation and must undergo independent examination. In deciding to undertake such an endeavour there are certain capacity, process and financial issues that should also be considered:

- **Scope of the plan:** the scope and complexity of the plan will depend on the local factors and the strategic coverage in the Local Plan. A neighbourhood plan as with all planning can only focus on LAND USE matters. A neighbourhood plan can be wide ranging or focus on a few specific land use planning issues. It should be understood at this early stage that there is no need to duplicate existing local plan policies. The process should involve adding local distinction to the decision making process in line with the existing strategic planning policies and justified by appropriate local specific evidence. If there remains duplication, repetition and or contradiction of Local Plan policies in any submitted neighbourhood plan the risks of amendment and non-compliance to the basic conditions test are considerably increased. Neighbourhood plans must meet a prescribed set of tests at examination and are challengeable if the approach or policy is not supported by robust evidence.
- **The existing Local Plan:** in deciding whether to produce a neighbourhood plan there should be an assessment of the current Local Plan (and emerging Local Plan) and the extent to which the existing policy approach is robust and relevant for the neighbourhood plan area. If the existing policies are robust, up-to-date and relevant there may not be a need for a neighbourhood plan, or, a simpler and more focused neighbourhood plan may be appropriate.
- **Skills, commitment and capacity:** preparing and producing a neighbourhood plan will take a reasonable amount of time (2 to 3 years), will be time intensive, will involve significant local consultation and may require specialist skills in certain areas. It is important, at the outset, to understand the process (again talk to the Planning Policy team) and to carefully consider whether there will be the sustained interest and effort required.
- **Understanding of the planning process:** The planning process is complex and before starting off on a journey of neighbourhood planning the parameters as set out in national policy, NPPF, Planning Practice Guidance, PPG and the various legislative Acts should be understood. Early engagement with planning officers will help in this area.
- **Finance and funding:** There will be costs associated with producing a neighbourhood plan and for complex plans these costs could go into the tens of thousands of pounds. Some of the costs are the responsibility of the local planning authority, 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, to cover specialist advice, evidence development or policy writing). 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 necessary. Localities provide a basic level of funding to all neighbourhood plan groups (currently up to £9,000) and some groups can access further technical grants and support packages from AECOM depending on the level of complexity of the Plan (up to £8,000) which brings the funding total to £17,000. Further information can be found in the guidance notes on the web pages: [Grant and technical support guidance notes¹](#). The level of funding varies from year to year and is set by the Government. Further information can be obtained from planning officers.

- **The community consultation process:** there may well be the need for a great deal of local consultation. If there have been recent programmes of public consultation in the area (on planning matters) then there is a risk of ‘consultation fatigue’ and it may be difficult to effectively engage with a broad segment of the local community. On the other hand, the expectations of the local community will need to be managed carefully so they understand the constraints and limitations of the process and what can and can’t be delivered.
- **The need to meet the basic conditions:** all neighbourhood plans must meet the ‘basic conditions’ set out in planning law. This will be tested through an independent examination. The basic conditions for neighbourhood plans are that they must:
 - have regard to national planning policy and guidance;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies in the development plan for the local area; and,
 - be compatible with EU obligations and Human Rights Law
- **Level of support available.** NNDC has a legal duty to provide support for those preparing neighbourhood plans. Officers take a proactive and positive approach and seek to work collaboratively by providing advice on the step-by-step process, evidence gathering and sharing, policy writing, signposting, conformity checks and also act as a sounding board for discussions that may arise during the preparation of the plan. It is important that this collaborative approach is maintained through-out the plan preparation process and that parish or town councils engage constructively and take advantage of this free professional and qualified support throughout the process and not just at the end
- **Consultants:** professional support may be available from a range of sources, including officer time from a number of council departments and community organisations. There is also a great deal of support and resources available through the ‘Locality neighbourhood planning support programme’ (visit <https://neighbourhoodplanning.org> for more information). The neighbourhood plan group may decide to appoint an outside project manager or other consultants to guide and support them through the process. Such appointments should be suitably qualified. In doing this it is important to understand the different roles, level of expertise, local expectations and costs that can occur, e.g. commissioning evidence to support the production of plans in a certain area should be done by someone with the appropriate level of expertise and qualification. This is fundamentally different from appointing a project manager to help with project planning and community consultation. Clear terms of reference should be established from the start.

¹ <https://neighbourhoodplanning.org/wp-content/uploads/Guidance-notes-2019-20-update-inc-AHS-Final.pdf>

Making the decision

- 3.6 The production of a neighbourhood plan is undoubtedly an opportunity, but to embark on preparing a plan there needs to be a clear idea of the practical and financial implications and the expectations.
- 3.7 If the decision to go ahead with the preparation of a neighbourhood plan is required to be approved by a parish or town council, then the advantages and opportunities previously mentioned should be weighed against the time and cost implications and other considerations to help make an informed decision.

Step 2: Designating a Neighbourhood Area

- 3.8 Once a decision has been made to prepare a neighbourhood plan the group can begin the first stage of the formal process. The relevant body (parish/town council, prospective neighbourhood forum or community organisation) submits an application to the local planning authority to designate a neighbourhood area. Any submission for designation should be evidenced that the parish or town council have discussed this at formal meeting and considered the extent and suitability of the proposed area designation. It may be more appropriate to combine parish areas with adjacent areas to form a larger NPA depending on the aims and aspirations. Any application for designation needs to be signed by the appropriate body. The appropriate forms and requirements are detailed on the NNDC web site <https://www.north-norfolk.gov.uk/neighbourhoodplans> or can be obtained from officers.
- 3.9 Stages of designation are:
- local planning authority publicises and consults on the area application for minimum 6 weeks (except for where a local planning authority is required to designate the whole of a parish).
 - local planning authority designates a neighbourhood area within the [statutory timescales](#).
 - In an area without a town or parish council a prospective neighbourhood forum submits an application to be the designated neighbourhood forum for a neighbourhood area
 - local planning authority publicises and consults on the forum application for minimum 6 weeks
 - local planning authority takes decision on whether to designate the neighbourhood forum

Step 3: Set up a steering group, establish resources, project plan and funding

- 3.10 The Qualifying Body (parish/town council) should set up a steering group based on a cross-section of the community and expertise available to it, and establish terms and conditions of the sub-group with the qualifying body. It may be useful for them to create a simple project plan, breaking down the Plan into different activities and assign various responsibilities to individuals, embark on a review of activities including but not limited to: finance, potential subjects, resources, Local Council engagement, including review of existing and emerging policies, neighbourhood plan guidance and regulatory conformance etc in order to have a firm grasp of the parameters and subjects any Plan could address.

4 Developing a Neighbourhood Plan

Step 1: Engagement with North Norfolk District Council

- 4.1 Once arrangements have been put in place to prepare a Plan, and designation of the Neighbourhood Area is agreed, it is time to contact the NNDC Planning Team. We will help to scope out what professional support is available, what planning policies and evidence / evidence gaps exist and how the local planning authority can assist, and, help in explaining the planning process.

Step 2: Gather baseline information and evidence

- 4.2 Planning practice guidance sets out that proportionate, robust evidence should support choices made and the approach taken. Such evidence should inform plan making and be made available to the public in a transparent and supportive way. Planning policies need to be based on a clear planning rationale and a proper understanding of the legislative requirements and the places they refer to.
- 4.3 A review of and further evidence gathering should continue throughout the making of any Plan from an early stage.
- 4.4 Other factors such as the status of the current and emerging Local Plan policies and evidence base will influence the depth and breadth of evidence needed.
- 4.5 Further information can be obtained on the supporting how to assemble and use evidence guidance produced by officers and available on the NNDC web site.
- 4.6 Early identification of new or more locally specific evidence requirements.

Step 3: Engage and consult those living and working in the neighbourhood area

- 4.7 Engagement and consultation (of varying forms and as considered to be necessary) should be undertaken with those who live and work in the neighbourhood area and those with an interest in or who may be affected by the proposals e.g. key stakeholders such as service and utility providers, local partnerships, major land owners, employers and the development industry.
- 4.8 Identify local stakeholders (for formal consultation) i.e those with an interest in the area. This includes all homeowners, employers, local shopkeepers, sports clubs, community groups, local trusts, developers- local and national with an interest in land in the community etc and anyone that has an active interest in the community.
- 4.9 Note that new regulations on personal data use and storage came into effect in 2018 and care should be taken in obtaining permission to use personal data for each specific task. Officers can advise further on this.

Step 4: Stages of consultation and stakeholder engagement

- 4.10 The process of plan making and engagement is almost as important as the plan itself. Consultation should be carried out throughout the plan process and is required to demonstrate that the policies in the plan have been informed by participation of people and business in the NPA.
- 4.11 There are different stages for engagement, both informal and formal and these should be factored into the overall project plan. Consultation should be open and inclusive and follow a number of methods e.g. published material, exhibitions, public meetings, workshops, questionnaires school

projects, digital and social media. Consultations should be well advertised and targeted to those with a known interest in land use planning as well as those that live and work in the community.

- 4.12 It should be recognised that the opinions of the local community and others that have a stake in the future of a neighbourhood plan area e.g. as expressed through consultation, demonstrates that the policies in your plan have been informed by the participation of the local community and others with an interest in the area. However, opinion itself does not provide the justification for policy choices in a Neighbourhood Plan.
- 4.13 How consultation feedback has been taken into account in the formation of a Plan will need to be set out in a Consultation statement and submitted as part of the examination documents.



To establish the neighbourhood qualities, what local issues affect the area and could be addressed through a neighbourhood plan. Such engagement can inform the review of existing policies and evidence base and help identify appropriate planning issues for the neighbourhood plan.



To help establish the draft vision and aims of the plan and develop focussed discussion around issues and the options, how to tackle them. This stage should include a review of the evidence.



Often referred to as Reg 14 and Reg 16. These are formal stages of consultation (6 weeks minimum) with the community and those who have an interest in the community (i.e. landowners and employers who may or may not live in the neighbourhood area). Relevant statutory bodies, such as the local planning authority, Norfolk County Council, service providers such as Anglian Water and environmental bodies such as Natural England and Historic England must also be consulted.

Step 5: Identify content and assess options

- 4.14 At this stage plan-makers should scope out the issues, develop a vision and aims, **review existing Local Plan policies** and develop an overview of the area including key social, environmental and economic data. Review the evidence and if necessary undertake further evidence gathering. This work should lead to the development of potential policy options which should not duplicate or repeat existing Local Plan policies, and should align with the strategic content of the Local Plan. Such options should then be reviewed, discussed and the most appropriate and justifiable policies taken forward.
- 4.15 If the intention is to undertake housing policies, then the national Planning Practice Guidance states that a housing target should be requested from the Local Planning Authority. The target provided should then be met or exceeded by policies / site allocations in the neighbourhood plan.

Step 6: Drafting a Plan

Developing the vision into locally distinctive policies

- 4.16 Using the evidence base (not strong opinion) translate the Vision into appropriate policies, taking care not to duplicate or repeat policies that already exist in the District Council's Local Plan or the National Planning Policy Framework (NPPF). Policies should be in general conformity with the Council's Strategic policies i.e. those planning policies that set an approach and direction across the District, and, should add an element of local distinction to the decision making process when it comes to the determination of any planning application.
- 4.17 **Policies should also be limited to those that are classed as land use planning** e.g. potential themes could include the identification of land for employment growth and residential development, or focus on suitable uses and location for retail development. Other policies could focus on specific design requirements that are evident to the character of the area and can be justified to maintain choice and quality and investment into an area. Other policies could cover conservation and historic issues as well as the delivery of additional community facilities and the delivery of transport insofar as it relates to new development rather than existing network / traffic management issues.
- 4.18 Tough decisions may have to be taken. People's views need to be given consideration but they may not be backed up by evidence. In such cases any policy approach could not be justified and as such may not be appropriate in a neighbourhood Plan.
- 4.19 Policies should be drafted in such a way as to be "positively prepared" and be accompanied by a statement of purpose, a summary of the supporting and relevant evidence and a clear planning rationale that sits behind the proposed approach – this can include a review of other options.
- 4.20 Policies should be clear, concise and unambiguous, so that a decision maker can interpret them in the way in which they were intended. Advice on writing policies can be obtained from working closely with planning officers in the policy team. Further **Locality** and **RTPI** guides specifically on policy writing should also be used.

Infrastructure & Viability

- 4.21 A neighbourhood plan can also set out its priorities for infrastructure improvements. In doing so it is essential that such matters are necessary to deliver the planned growth contained in the proposed Neighbourhood Plan and that infrastructure requirements are realistic, deliverable and do not undermine the viability of development sites or conflict with the strategic priorities of the District Council. In order to demonstrate this, you may be required to undertake viability evidence. Officers can advise on the process required and the financial assumptions that need to be taken into account, in order to remain in conformity with the Local Plan.

Site Allocations

- 4.22 For plans that are more complex, site allocations may be brought forward. In such cases NNDC can provide detailed assessment frameworks and provide guidance. **Locality** also provide additional technical and financial support that can be accessed in such cases. Officers can assist in contacting and arranging for further external professional support in this area.

Non-planning matters

- 4.23 Often the process of preparing a plan will result in many calling for it to address issues that cannot be progressed through neighbourhood planning, for example traffic management, environmental improvement, or occupancy of residential properties. Such approaches are not land use planning. A

route often chosen is to include them in a separate section under 'Community Aspiration'; however, they would carry no weight in the determination of any future planning applications and would still be subject to the Basic Conditions tests.

Creating the document

- 4.24 The Council can support neighbourhood planning groups from the offset by publishing the Plan using professional publishing software (see Ryburgh Neighbourhood Plan). This invaluable support helps to ensure that the format, layout and overall visual appearance of the Plan, which will form part of the statutory development plan for the District, is of a high standard.
- 4.25 Once your Pre-Submission version has been drafted, this can be supplied to the Council to publish using its 'Objective' publishing software. Any subsequent changes to the Plan made by the Steering Group can be notified to the officers and incorporated into the published version. Officers will only make the changes requested by the neighbourhood planning group and will not impose any additional changes (although we may suggest potential improvements for you to consider).

Step 7: Meeting the Basic Conditions Test

- 4.26 All plans must meet the basic conditions test before they can come into force.

Basic Conditions Test

- having regard to national planning policy and advice issued by the Secretary of State
- contributes to the achievement of sustainable development
- is in general conformity with the strategic policies in the development plan for the local area
- is compatible with EU obligations (as contained into UK law) and Human rights requirements
- other prescribed conditions

- 4.27 National policy is contained in the national Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG), and follows the principles of sustainable development by setting the overarching principles that Plans must follow. The PPG adds more details and is only available online. More information on this can be found in the NNDC Neighbourhood planning guidance on evidence.
- 4.28 Consideration of general conformity relates to adopted strategic Local Plan policies. Consideration should also be given to emerging Local Plan policies as these will affect the longevity of a neighbourhood plan and may also update existing policies in line with changes in national policy. If there remains conflict with emerging policies, once adopted national guidance states that the conflict should be resolved in favour of the most up to date plan.

Step 8: Determining whether the plan is likely to have significant environmental effect

- 4.29 Regulations require that a plan or order must not have a significant adverse effect on European sites (designated and protected sites) and as such it is a requirement that that all neighbourhood plans submitted for examination are accompanied by either a strategic environmental assessment report or a screening determination stating that the plan would not have significant environmental effects and does not require a strategic environmental assessment, giving the reasons for that determination. Such assessments need the explicit sign-off of the LPA as they are the "responsible body" under separate environmental legislation. A plan will not move through examination if this

has not been signed off to the satisfaction of the LPA. Once the Plan is sufficiently advanced an SEA screening will be undertaken by officers on the emerging Plan. If it cannot be concluded that there will be no likely significant effect, then a full SEA will need to be commissioned by the parish council.

- 4.30 Similarly, emerging plans needs to be informed by a screening for habitat regulations and where necessary a detailed HRA may need to be commissioned. Both documents are specialist in nature and should be undertaken by experts.

Step 9: Determining whether the plan is compatible with Human Rights Law

- 4.31 Neighbourhood plans must be compatible with human rights law. A useful approach to assessing impact on human rights is to undertake an equalities impact assessment.

Step 10: Initial Consultation (Regulation 14)

- 4.32 Neighbourhood planning regulations (Regulation 14) require the draft neighbourhood plan proposal to be the subject of a pre-submission consultation before it is submitted to the local authority for independent examination. The consultation should last at least 6 weeks. The qualifying body i.e the parish council will need to approve the consultation draft of the plan and give permission for the consultation to take place. Such authority should be documented in parish council minutes.
- 4.33 At this stage consultation should involve requirements include publicising the draft plan to people who live, work or run businesses in the area. The publicity must include details of the proposed neighbourhood plan, where and when it may be viewed, how to make comments on the plan, and by what date they must be received. In addition, the plan must be sent to the local planning authority. Certain statutory bodies must be consulted, including Norfolk County Council (if applicable), the Environment Agency, Natural England and Historic England. The Local Planning Authority should be asked and will provide a list of statutory consultee details and may be able to advise on local consultee details. It is also advisable to consult with neighbouring Parish Councils, significant landowners and societies. A failure to involve the appropriate bodies can lead to challenge at later stages.
- 4.34 Following the consultation, the feedback should be summarised and a schedule of representations received should be produced. The schedule should detail the relevant comments and provide feedback on how those comments were taken into consideration in the finalisation of the Plan. The schedule will inform the next stages of submission documents.
- 4.35 In finalising the Plan, the feedback should be used in a constructive way and the Plan where necessary should be altered. Further evidence may need to be commissioned to inform any revised policy approaches.

5 Submitting the Plan

- 5.1 Once finalised the Draft Plan must be submitted to the Local Planning Authority along with:
- a map or statement, which identifies the area to which the plan relates (a map is preferable and should be included in the Draft plan anyway);
 - a consultation statement;
 - a statement on how the plan fulfils the basic conditions.
- 5.2 In addition, background papers, evidence, and screening reports need to be made publically available.
- 5.3 A check sheet of the required documents and the format they should be provided in is available on the NNDC Neighbourhood Plan webpage. This should be used to review your submissions against.
- 5.4 It is important that the District Council has an editable version of the Plan at this stage in order to allow the post examination process to be efficient and effective. The Steering Group may have concerns regarding version control of the document, however, it should be noted that it is the responsibility of NNDC to accept or decline the modifications suggested by the examiner at that stage. NNDC have the following responsibilities following receipt of the examiner's report:
- NNDC is responsible for arranging the publication of the report as set out in the regulations.
 - We must consider each of the examiner's recommendations, the reasons for them and decide what action to take in response to each (e.g. what modifications to make, whether to extend the referendum area).
 - NNDC can make modifications to ensure that the basic conditions are met and may decide to extend the area for referendum beyond the designated neighbourhood area (the default being the neighbourhood area matches the referendum area).
 - NNDC must publish a map of any extended areas (if appropriate).

The Consultation Statement

- 5.5 The focus of the 'Consultation Statement' is on the 6-week Regulation 14 consultation. However, it should also include a summary of previous community engagement and consultation that has been undertaken and how it was used to inform evidence gathering or to amend the Plan. The Statement needs to include as a minimum a prescribed list and cover:
- details of people and organisations consulted;
 - details of how and when they were consulted;
 - a summary of the main issues and concerns raised through the consultation process;
 - descriptions of how the issues raised and concerns were considered and addressed in the draft neighbourhood plan.

The Basic Conditions Statement

- 5.6 This statement needs to demonstrate how the neighbourhood Plan meets each of the basic condition tests. It is not sufficient to say that it does. Each condition needs to be explored and justified e.g. in relation to conformity with strategic policies each policy should be compared to the relevant Local Plan and justification given as to why the policy remains in conformity with it, adds a level of local distinction, and does not duplicate it in its entirety or in part.

- 5.7 In relation to sustainable development, three strands of sustainable development: social, environment and economic should be explored. One way to do this is through the production of a Sustainability Appraisal. This is not necessarily required but in the case of more complex plans such as those that deliver development sites it is the established way of indicating that the chosen site or sites are the more sustainable ones. If this route is taken officers can provide an SA framework and explain how to undertake such an assessment appropriate to a Neighbourhood Plan. The SA framework can also be used to demonstrate conformity to the Local Plan as it should use the same sustainability issues and assessment process as the Local Plan.
- 5.8 In relation to SEA / HRA this is where the LPA sign off for screening and any other requirement that is needed.

6 Bringing the Draft Neighbourhood Plan into force

- 6.1 Upon acceptance that the submitted documents comply with the requirements of submission (see submission check sheet), officers will publish the plan for a 6-week period of public consultation (Regulation 16). Details of all those consulted at the Regulation 14 stage must be supplied to the LPA at this time. The responsibility of the publicity lies with the LPA. At this stage no changes to the Plan can take place.
- 6.2 At the end of the consultation period the comments received, along with the Council's formal review, will be submitted to the appointed examiner.

The Independent Examination

- 6.3 An independent examiner will be appointed by the LPA to carry out the Examination. This is normally conducted by a process of written representations rather than a public hearing. The submitted Draft Plan and accompanying statements, evidence base and representations received during the Regulation 16 consultation will also be forwarded to the examiner and published on the Council's web site.

The Examiners Report

- 6.4 The examiner's report will help inform the LPA as to whether the Draft Plan meets the required legal tests and should be made. If the Plan meets the basic conditions, it should proceed to referendum. If it does not the examiner may advise of modifications where practical and possible. The examiner however can also conclude that the Plan does not proceed to referendum with or without modifications.
- 6.5 It should be noted that it is the Local Planning Authority's responsibility to determine if the Plan meets the basic conditions tests with or without modifications and whether it should proceed to referendum. As indicated throughout this guidance note, others NNDC have produced, and the PPG, it is in a communities' interest to work from the beginning with the LPA so that officers fully understand the aims of the Plan, the supporting information, and are in the best position to determine whether the plan does or does not meet the tests.
- 6.6 The option of withdrawing the plan by the parish council remains up until the Council formally publishes its formal decision statement (Regulation 18) regarding whether the Plan should proceed to referendum.

The Referendum

- 6.7 If the neighbourhood plan is found to be satisfactory, with modifications made if necessary, then the local authority will arrange for the referendum to take place. This is usually organised by the Electoral Services team and follows prescribed elections regulations. The Council will publish required information including the date in accordance with statutory requirements.
- 6.8 People registered to vote on the electoral register will be entitled to vote.
- 6.9 At the referendum a specific question will be asked of the local community:

Do you want North Norfolk District Council to use the Neighbourhood Plan for [Name of Neighbourhood Planning Area] to help it decide planning applications in the neighbourhood area?

- 6.10 If more than 50% of those voting vote yes, then the neighbourhood plan becomes part of the overall development plan for the neighbourhood Plan area along with the Local Plan and national policy once formally “made” by the Council.

7 Keeping the Neighbourhood Plan up to date

- 7.1 The responsibility for this lies with the relevant parish or town council. Changes to the planning system including national legislation and Local Plan policies will need to be monitored along with the effectiveness of policies to see if there are any implications. It may be necessary to consider updating a neighbourhood plan in order to resolve any conflict.
- 7.2 Initially any changes to “made Plans” were not permitted however changes in guidance now permit the LPA to undertake minor non material amendments including errors with consent from the parish council. Substantial changes however need to go through consultation and examination. More information on this can be obtained from officers at the time.

Appendix 1

National Planning Practice Guidance (PPG)

A summary of the key stages in neighbourhood planning:

Step 1: Designating a neighbourhood area (or if appropriate, a neighbourhood forum)

- Relevant body (parish/town council, prospective neighbourhood forum or community organisation) submits an application to the local planning authority to designate a neighbourhood area
- local planning authority publicises and consults on the area application for minimum 6 weeks (except for where a local planning authority is required to designate the whole of a parish.)
- local planning authority designates a neighbourhood area within the [statutory timescales](#)
- In an area without a town or parish council a prospective neighbourhood forum submits an application to be the designated neighbourhood forum for a neighbourhood area
- local planning authority publicises and consults on the forum application for minimum 6 weeks
- local planning authority takes decision on whether to designate the neighbourhood forum

Step 2: Preparing a draft neighbourhood plan or Order

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

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

Step 3: Pre-submission publicity and consultation

The qualifying body:

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

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

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

Step 5: Independent Examination

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

Steps 6 and 7: Referendum and bringing the neighbourhood plan or Order into force

- relevant council publishes information statement
- relevant council publishes notice of referendum/s
- polling takes place (in a business area an additional referendum is held)
- results declared
- should more than half of those voting vote in favour of the neighbourhood plan, the plan comes into force as part of the statutory development plan for the area
- should more than half of those voting vote in favour of the Order, the Order only has legal effect once it is made by the local planning authority
- there are narrow circumstances where the local planning authority is not required to make the neighbourhood plan or Order. These are where it considers that the making of the neighbourhood plan or Order would breach, or otherwise be incompatible with, any EU or human rights obligations (see [section 61E\(8\) of the Town and Country Planning Act 1990 Act as amended](#)).
- in respect of proposals for modifications of neighbourhood plans where the modifications do not change the nature of the plan and meet the basic conditions, a referendum is not required. The local planning authority is required to make the modified neighbourhood plan

Paragraph: 080 Reference ID: 41-080-20180222