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# Neighbourhood Plan Protocol

February

2020



## **Neighbourhood Planning Protocol**

### **1. Aims**

- 1.1 The aim of this protocol is to provide clear guidance for those involved in the neighbourhood planning process. It sets out the stages required in working towards a neighbourhood plan and identifies the responsibilities of those involved.
- 1.2 This protocol also aims to help local communities decide whether neighbourhood planning is the right tool for what they want to achieve. As a statutory document, neighbourhood plans hold more weight than non-statutory documents such as community plans. They are, however, restricted to planning matters and must follow a statutory process which can take some time. It must be remembered that neighbourhood planning is not a 'no growth' agenda it is intended to guide and promote development.
- 1.3 Uttlesford District Council will be actively involved in the development of neighbourhood plans, and will help local communities to decide whether this is the right tool for them by offering guidance from officers in the planning policy team.

### **2. Introduction**

- 2.1 The Localism Act and the Neighbourhood Planning (General) Regulations 2012 (as amended) offers an opportunity for local communities to lead and prepare statutory plans for their localities. This opportunity requires communities to take on new roles and responsibilities for preparing statutory planning documents.
- 2.2 To support communities the Council has produced a Protocol for Neighbourhood Planning in Uttlesford. This is intended to:
  - Provide general overview and advice to interested local community groups on the Neighbourhood Planning process;
  - Provide guidance on how the Council will support and process Neighbourhood Plans; and
  - Provide a coordinated approach within the Council in relation to Neighbourhood Planning

### **3. What type of plan is right for your community?**

- 3.1 A community should consider carefully the reasons why it wants to prepare a Neighbourhood Plan. There may be other existing tools that could meet its objectives, including:
  - Parish Plans

- Design Statements
- Village Plan

3.2 Different issues will need different planning responses. The aim is to use the most appropriate form of plan to achieve the required outcomes. The table below demonstrates the difference between community plans and neighbourhood plans.

	<b>Village Design Statement</b>	<b>Parish Plans</b>	<b>Neighbourhood Plans</b>
<b>Aims</b>	To encourage developers and householders to design new development so that it is in keeping with local character	To take a holistic approach. It sets out a vision for how the community wants to develop in the future and to identify the actions required to achieve it	To potentially allocate sites for development – employment, housing, etc. includes land use policies (based on evidence) cannot conflict with the adopted local plan or national policy and cannot be used to prevent development
<b>Scope</b>	It should be about the design of new development and not be used to detail what type of development should take place in a village or to seek to protect local services/amenities	They can include everything that is relevant to the community, including social, economic and environmental issues. It can include more than planning related issues.	It is primarily about the use and development of land and buildings
<b>Status</b>	If the VDS is adopted by the Council it can be used by officers as a material consideration in the determination of planning applications	If the Parish Plan is adopted as a material consideration, it can be used by officers in the determination of planning applications.	A formally adopted neighbourhood plan carries more weight in the decision making process than parish plan and VDS. It becomes a development plan document, forming part of the development plan.

#### **4. Neighbourhood Development Plans:**

- 4.1 Communities can write a plan which, if passed (“made”), becomes part of the statutory planning framework for the area.
- 4.2 These Plans allow communities to establish general planning policies for the development and use of land within a defined neighbourhood area and so influence the type, design, location and mix of new development. These plans must conform to the adopted and have regard to the emerging Local Plan for the District and national planning policy and guidance. They should support the strategic development needs set out in the adopted/emerging Local Plan, plan positively to support local development and **should not promote less development** than set out in the Local Plan or undermine its strategic policies.
- 4.3 A Neighbourhood Plan will need to:
- Be led by a parish/town councils and relate to one neighbourhood area;
  - Specify the period for which it will have effect;
  - Be supported by the District Council;
  - Be compliant with national policies and guidance;
  - Be compliant with strategic policies in the District’s adopted Local Plan;
  - Be compliant with EU regulations and human rights requirements;
  - Be accompanied by a proportionate Strategic Environmental Assessment and Habitats Regulation Assessment;
  - Enable development, not prevent it;
  - Be considered and accepted at an independent examination; and
  - Be supported at a local referendum.

#### **5. Who can prepare a Neighbourhood Plan?**

- 5.1 A Neighbourhood Plan must be initiated and prepared by a ‘qualifying body’. Where there is a parish or town council for the whole or any part of the area to be covered by a Neighbourhood Plan then they will be the ‘qualifying body’. For Uttlesford this means that all Neighbourhood Plans will be led by parish or town councils.

#### **6. What area is covered by a Neighbourhood Plan?**

- 6.1 The Neighbourhood Plan area must be one that includes the whole or any part of the area of the parish. It is also possible to work with neighbouring parishes to produce a Neighbourhood Plan covering two or more parish areas. Where two or more parishes work to produce a Neighbourhood Plan, there should be a Lead Parish and written evidence agreeing to the nomination of lead role should be provided on application of designation.

6.2 An application for designation of a Neighbourhood Area is submitted to Uttlesford District Council, who then determines whether the Neighbourhood Area is appropriate. Where an application (i) is from a Parish Council, (ii) covers the whole of the Parish area and (iii) if any part of the specified area is part of the neighbourhood area and none of that neighbourhood area extends outside the parish council's area then the Council will immediately designate the specified neighbourhood area. Where an application does not meet these criteria the Council is likely to need to consult on the proposed Neighbourhood Area.

## **.7. The Role of the Parish/Town Councils**

7.1 In Uttlesford it is the parish and town councils who will initiate and lead the process of formulating a Neighbourhood Plan. It is important that the plan is not prepared in isolation from the rest of the community. There is a need to consider how to engage with all residents, community groups, statutory agencies and anyone else that has an interest in your community.

7.2 Parish Councils will be expected to:

- Form a steering group with terms of reference and representative stakeholder engagement;
- Set out a programme to undertake the Plan including date of submission. This should be discussed with officers to help the council safeguard time and resources;
- Seek support from organisations funded by the Government to support Neighbourhood Planning (Locality - <http://locality.org.uk/projects/building-community/>);
- Seek opportunities for widespread stakeholder engagement;
- Maintain contact with the Council at key stages in drafting the Plan and advise of changes to programme; and
- Adhere to the Neighbourhood Planning Regulations' ([http://www.legislation.gov.uk/ukxi/2012/637/pdfs/uksi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/637/pdfs/uksi_20120637_en.pdf))

## **How to prepare a Neighbourhood Plan**

**8. The Process** – please see Appendix 1.

8.1 The creation of a Neighbourhood Plan can be broken down into five key stages:

- Preparation – evidence gathering, vision and objective development
- Developing the Plan
- Examination
- Referendum
- Adoption

8.2 Once the District Council has made their decision on the Neighbourhood Area application the 'qualifying body' must refer to the regulations which set out the formal process they must follow before submitting their plan to us.

## **9. Preparation**

9.1 Gathering baseline information and evidence is an important stage in the process, it is vital not to jump too far ahead into the plan writing stage until a suitable evidence base has been prepared.

9.2 The government guidance states that while there are prescribed documents that must be submitted with a neighbourhood plan there is no tick box list of evidence required for neighbourhood planning. However, proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies, and allocations if any are proposed.

9.3 Uttlesford District Council will share relevant evidence, including that gathered to support its own plan-making (Appendix 2). However, some more area specific information may be required and this is likely to depend upon the policies being included in the plan, and also whether sites are being allocated.

9.4 Neighbourhood plan groups should assess the qualities and character of their neighbourhood plan area to assist in developing design policies. The data collected will help groups to clearly articulate design principles which will ensure that future development reflects local identity, helps create a sense of pride and works well for people's needs.

9.5 If sites are being allocated then site specific analysis will be required. A consistent and coherent approach to assessing sites will be needed in order to show that the site(s) selected are the most sustainable option(s). In some instances the Council may have assessed the sites being considered by the parish/town council, in which case the parish/town council can make use of the Council's analysis when carrying out its own site assessment process. It is suggested that the parish/town council use the District Council's site assessment template for its own consideration of sites (<http://www.uttlesford.gov.uk/sites>).

9.6 The box below sets out the type of evidence base which is likely to be required to underpin a neighbourhood plan. However, this will be dependent on the complexity and scope of the plan.

- Population size
- Household size
- Family composition
- Place of work and commuting patterns
- Current and emerging proposals that will affect the area
- Values and concerns of the local community
- Information on the area from the Local Plan
- Physical attributes
- Playing fields and open spaces
- Local infrastructure

The evidence base should also assess the area's strength and weaknesses, i.e.

- What is done well in the area
- What could be improved or changed
- What is missing from the area
- What resources are available
- What opportunities are there
- What are the physical and environmental barriers

Opinions could be gathered by surveys, community groups, workshops, focus groups etc.

9.7 The Council can provide useful information regarding site specific constraints which will inform the neighbourhood planning process, such as locations of flood zones and important landscape designations.

## **10. Strategic Environmental Assessment Process (SEA)**

10.1 The SEA Directive relates to all plans including neighbourhood plans. The SEA process seeks to ensure that the environmental implications of plans are taken into account during preparation and adoption. An SEA is required if the neighbourhood plan is likely to have significant environmental effects. The first stage is a screening assessment carried out by the District Council, in order to establish whether significant environmental effects are likely. The District Council will consult the statutory consultees (Natural England, Historic England, and Environment Agency as part of the process, this consultation will last for approximately 5 weeks. Natural England advise and help to protect nature and landscapes, Historic England advise on all matters relating to the historic environment in England and Environment Agency works to create better places for people and wildlife and support sustainable development. If the Plan is deemed likely to have significant environmental effects then a full Environmental Assessment (Strategic Environmental Assessment SEA) will be required and this will need to be carried out in accordance with the relevant

legislation. SEA An SEA is a procedure (set out in the SEA Regulations) which requires the environmental assessment of certain plans and programmes which are likely to have a significant effect on the environment. The SEA will need to be factored into the public consultation process associated with the neighbourhood plan and must be submitted with the final version of the Plan.

## 11. Developing the Neighbourhood Plan

11.1 Before a community group decides to embark on a neighbourhood plan they must be aware that:

- It can be a very intensive and long process
- It requires considerable commitment and funding
- There may be very difficult issues to tackle

11.2 There is no rule on what a Neighbourhood Plan should look like; however, it should contain clear policy statements alongside relevant accompanying maps. It needs to set out policies in relation to the development and use of land in the whole or any part of the neighbourhood area.

A Neighbourhood Plan can.....	A Neighbourhood Plan cannot....
✓ Decide where and what type of development should happen in the neighbourhood;	× Conflict with the strategic parts of the development plan
✓ Promote more development than is set out in the adopted Local Plan	× Be used to prevent development that has been identified in the adopted development plan; and
✓ Include policies for a range of issues including design, community facilities and local green space	× Be prepared by a body other than the parish / town council.

## 12. Community Engagement

12.1 Good communication, covering all of those interested in or affected by the neighbourhood plan is important right from the start and throughout the process. This will help to ensure that the submission meets the legislative requirements, is backed by a suitable evidence base; results in policies which are realistic and deliverable; ensures the plan gains public confidence and support moving towards the referendum stage; and avoids conflict and delays.

12.2 Government guidance on this issue states that:

*“A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:*

- Is kept fully informed of what is being proposed*
- Is able to make their views known throughout the process*
- Has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order*
- Is made aware of how their views have informed the draft neighbourhood plan or Order.”*

12.3 The local community must be engaged as the plan develops through consultation activity. It is advisable to consult the wider community on options for the policies in your plan before pre submission stage.

12.4 A consultation statement has to accompany the neighbourhood plan on submission. In light of the above, it will be important to ensure that the engagement process is as extensive as possible and includes relevant statutory consultees. There are a number of ways you can effectively engage with the community and wider stakeholders including:

- Drop in sessions
- Adverts / posters
- Letter and leaflet drops to everyone in the neighbourhood area
- Questionnaires
- Website and social media
- Notices in parish newsletters
- Talking to already local established groups

12.5 As part of the engagement process parish/town council will need to engage with landowners and the development industry. Government guidance states that:

*“Other public bodies, landowners and the development industry should be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.”*

A Neighbourhood Development Order is an order introduced by a parish/town Council, as part of the neighbourhood planning process which grants planning permission for a specific type of development within a specified area.

12.6 The District Council has produced a Strategic Land Availability Assessment (SLAA) which provides details of the sites currently being promoted for development in the area. The parish / town council is not restricted to just those sites which have been identified in the SLAA.

12.7 It is vital to keep record of what public engagement takes place, as this will need to be included in the Consultation Statement which will be assessed by the independent examiner.

### **13. Identify and Assess Options**

13.1 In the early stages it is necessary to look at various options. For example if sites are being allocated for development a site assessment process would be required, which would involve identifying various options and ranking those against a clearly defined list of sustainability objectives. Once this assessment has been carried out it will then be possible to identify the most sustainable option.

13.2 A range of options could be presented during the course of the public engagement process. This engagement can be used to refine and narrow the options. The government guidance states that the document this is consulted on at pre-submission stage should contain only the preferred approach.

### **14. The Draft Plan**

14.1 There is no specific format which is required for a neighbourhood plan. The guidance below is designed to provide a basic framework for the production of a draft plan. This is not included in order to set out a prescriptive template as to how the plan should be drafted, rather it has been included to provide a helpful outline as to how the document could be organised.

#### **The draft plan**

##### **Introduction**

- this should clearly set out the background to the plan
- provide details of the body submitting the plan
- set out the neighbourhood area
- clearly state the plan period
- summarise the key findings from the evidence base

##### **Context**

This section will generally outline in more detail the nature of the neighbourhood area and provide an explanation of the findings from the evidence base and public consultations. The information is likely to involve details of the built and natural environment, demographics, and provide details of the key issues affecting the neighbourhood area. This section should effectively form the basis for the policies

and allocations. Visual aids should be used such as maps and photographs.

### **Vision and objectives**

The vision and objectives of the plan needs to be clearly set out, with an accompanying supporting or concluding commentary setting out how the vision and objectives feed into the policies and allocations in the rest of the plan.

### **Policies and allocations**

This section will include the draft policies in relation to the themes identified in the vision and objectives section. This could include policies in relation to:

- Housing supply
- Housing mix
- Affordable housing
- Design
- Historic environment
- Landscape
- Community facilities

The plan may also include allocations for development of:

- Housing sites
- Employment sites
- Community facilities

The site allocations will need to be accompanied by a policy setting out the site specific policy requirements and be clearly shown on OS maps. It is important to remember that any specific policy requirements need to be based on evidence.

A monitoring section will need to be provided, setting out how the progress of the plan will be monitored.

## **15. Writing the Policies**

15.1 Policies need to be worded clearly and effectively. The government guidance on neighbourhood planning states that:

*“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

15.2 Policies need to be positively worded in accordance with the NPPF. They should not restrict development.

15.3 Neighbourhood plans should set out robust and comprehensive policies that set out the quality of development that will be expected in the area.

## **16. Pre Submission**

16.1 The parish/town council will need to publicise and consult on the draft neighbourhood plan for a minimum of 6 weeks. As part of this consultation the consultation bodies, as set out in the Neighbourhood Planning (General) Regulations 2012 (Schedule 1) need to be consulted with. A list of contact details relating to the consultation bodies is set out in Appendix 3.

16.2 Where an SEA is required the final Environment Report needs to be on consultation alongside the consultation on the draft plan.

16.3 It is advised that the consultation responses are summarised. Any changes proposed should be recorded and the reasons for the changes clearly explained.

16.4 If significant amendments are made to the plan during this process then it may be beneficial to carry out an additional round of public consultation on the amended draft before submission stage.

## **17. Submission to Uttlesford District Council**

17.1 Once the Neighbourhood Plan has been drafted the qualifying body submits it to the Council.

17.2 The following documents are required at submission:

- The draft plan including a plan or statement setting out the area the plan relates to;
- Basic condition statement;
- Consultation statement;
- Sustainability report; and
- Report required in relation to SEA.

17.3 The District Council checks that the submission complies with relevant legislation and does the following:

- Publicises the proposal for a minimum of 6 weeks and invites representations;
- Notifies the consultation bodies referred to in the consultation statement; and
- Appoints an independent examiner (with the agreement of the parish/town council). This is done through the Neighbourhood Planning Independent Examiners Referral Service or parish/town council can request an independent Examiner of their choice.

## **18. Independent Examination**

- 18.1 Uttlesford District Council is responsible for facilitating and funding the independent examination into the Neighbourhood Plan. The District Council and the Parish will decide who should be appointed to undertake an independent examination.
- 18.2 The main function of the examination will be to check that the Neighbourhood Plan conforms to the Basic Conditions:
- The strategic content of the Local Plan;
  - The National Planning Policy Framework and other national policies and advice;
  - EU directives; and
  - National and international designations.
- 18.3 The examination can normally be done without a hearing, however, where the examiner considers it necessary to ensure adequate examination of an issue they must hold a hearing. The subject of a hearing is determined by the examiner.
- 18.4 The result of the examination will be a report that will have one of the following recommendations:
- That the draft Neighbourhood Plan should proceed to a referendum
  - That it should proceed to a referendum, subject to certain amendments
  - That the proposed Neighbourhood Plan should be refused
- 18.5 The District Council will publish the examiner's report and consider the examiner's conclusions. The District Council needs to be satisfied that the neighbourhood plan meets the basic conditions. The District Council can make modifications to the neighbourhood plan, however, this can only be in relation to the need to meet the basic conditions.
- 18.6 The District Council has 5 weeks from the next day of receiving the Examiner's Report in which to make a Decision on the Plan meeting Basic Conditions subject to the Examiner's recommendations. The District Council categorises this type of decision as a Key Decision and requires Cabinet to make this decision. A Decision will be presented at the most appropriate scheduled Cabinet meeting, this will normally be within an 8 weeks of receiving the Examiner's Report and the District Council will seek agreement with the Neighbourhood Plan Group if this extends beyond the statutory 5 week period.
- 18.7 Having considered the examiner's report, where the District Council considers that the plan meets the basic conditions then it will formally decide to send the plan for referendum.

18.8 The district council must clearly set out the reasons for their decision and publicise and send a copy to the parish/town council. Where the decision of the district council departs from the recommendation of the independent examiner then the district council may also invite representations on that decision.

## **19. Referendum**

19.1 The District Council is responsible for facilitating and funding the local referendum on the Neighbourhood Plan. The referendum will be open to any individual registered to vote in the parish, but the referendum may be extended to a wider area if appropriate.

19.2 The Plan requires the support of a majority of those who vote in the referendum.

## **20. Adoption of the Neighbourhood Plan**

20.1 The District Council then adopts the plan and the plan is 'made'. The district council will publicise on the website a document setting out their decision and reasons for arriving at that decision... The district council must send a copy of the decision document to the parish/town council and any other person who asked to be notified of the decision.

20.2 Once the Neighbourhood Plan has been adopted it becomes a part of the statutory development plan against which relevant planning applications will be determined.

## **21. Reviewing the Neighbourhood Plan**

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

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

21.3 After a plan has been 'made' and in use for a period of time, the qualifying body may wish to change certain aspects of the plan. The plan can be reviewed in part and does not necessarily require a full review.

## **22. What are the stages of reviewing a neighbourhood plan?**

22.1 Minor updates

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

## 22.2 More substantive updates

22.2.1 To make updates that materially affect the policies in the plan, the neighbourhood plan would need to go through the later stages of the neighbourhood planning process from pre-submission consultation onwards in accordance with the NPPG guidance and additionally the qualifying body and the local authority must state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. Then the qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan.

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

22.2.3 The examiner decides whether modifications change the nature of the plan.

## 23. **The role of the Council**

23.1 The Council will offer the following support to groups approved to progress Neighbourhood Development Plans:

- A lead officer from Planning Policy team will act as the Council's main point of contact;
- Face to face meetings with the group;
- The Council will provide technical advice on the Neighbourhood Planning processes and planning issues;
- Provide available baseline data and make contacts with other parts of the Council as necessary;
- Provide advice on what supporting information will be required;
- Provide feedback on draft reports, etc.;
- Advise on consultation requirements;
- Provide a full mapping service – UDC will provide the base maps free of charge. However, for any additional mapping UDC will need to recover their costs.

When the Council have been notified of the number and type of maps required, they will provide a quote for how much the service will cost. The Council will invoice 50% of the quotation as a way of recovering the cost of

providing the service. The information will be provided as soon as possible but will depend on the complexity of the map/s required and availability of our officers; and

- Carry out the SEA Screening but will not undertake the Strategic environmental Assessment, Sustainability Appraisal or Habitat Regulation Assessment, if these are required following screening/scoping.

23.2 The Council provide additional support (1.5 days a week) through both Rural Community Council of Essex (RCCE) and Modicum Planning to support Neighbourhood Planning groups in the District. A range of support is provided including:

- Provision of training on the neighbourhood plan process to suit the needs of each particular group;
- Support and advice on developing an effective community engagement strategy;
- Assisting at community engagement events;
- Appraisal of draft plans;
- Support and advice relating to sustainability appraisal; and
- Advise groups on evidence base gaps and how they go about remedying this

RCCE and Modicum provide different elements of the process and you should contact the Policy Team at UDC to find out who would be the most appropriate.

As a guide:

<b>Stage of process</b>	<b>Support available</b>	<b>Responsibility</b>
<b>Initial meeting(s)</b>	<ul style="list-style-type: none"> <li>– Make a presentation about neighbourhood planning;</li> <li>– Facilitate a community workshop to get people involved;</li> <li>– Provide examples of publicity materials.</li> </ul>	RCCE
<b>Define the Neighbourhood Area</b>	<ul style="list-style-type: none"> <li>– Explain the application process for Neighbourhood Area Designation.</li> </ul>	RCCE
<b>Establish a steering group</b>	<ul style="list-style-type: none"> <li>– Attend or chair initial meetings of volunteers;</li> <li>– Advise on group structure;</li> <li>– Provide example terms of reference;</li> </ul>	RCCE  UDC

	<ul style="list-style-type: none"> <li>– Provide training for group members.</li> <li>– Introduction to key UDC officers, including Planning Policy and Housing Enabling Officer</li> </ul>	
<b>Prepare a project plan</b>	<ul style="list-style-type: none"> <li>– Advise on time plan and budget;</li> <li>– Assist with funding applications.</li> </ul>	RCCE
<b>Community engagement</b>	<ul style="list-style-type: none"> <li>– Advise on a communications strategy;</li> <li>– Provide example communication strategies;</li> <li>– Provide example surveys;</li> <li>– Provide feedback / comments on draft surveys</li> <li>– Advise on engagement event organisation;</li> <li>– Facilitate community engagement events;</li> <li>– Advise on how to keep records of participants.</li> </ul>	RCCE
<b>Draft a vision and planning objectives</b>	– Facilitate a visioning event	RCCE
	– Provision of advice on vision and planning objectives	Modicum Planning & UDC Housing Enabling Officer Enabling Officer
<b>Create an evidence base</b>	<ul style="list-style-type: none"> <li>– Signpost to sources of information;</li> <li>– Provide access to Community Profiles;</li> <li>– Undertake a housing needs survey;</li> <li>– Devise and facilitate specific workshops such as character assessment, engaging with young people, site assessment, community exhibitions;</li> <li>– Provide comments on the emerging evidence base;</li> <li>– Advise on or signpost to additional studies that may be needed.</li> <li>– Provide housing market information and evidence of housing need from UDC Housing Register</li> </ul>	RCCE  UDC Housing Enabling Officer

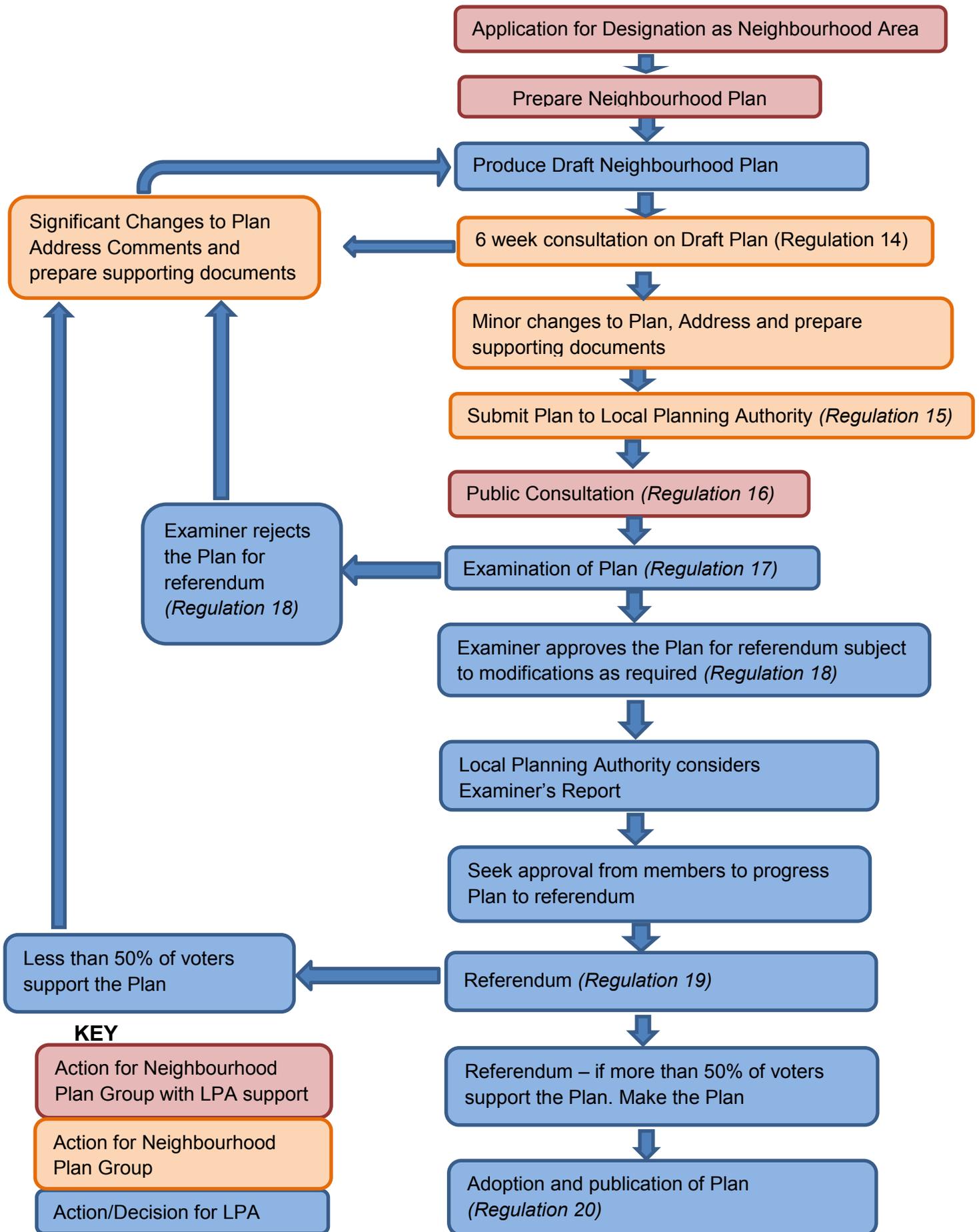
	<ul style="list-style-type: none"> <li>– Advise on evidence base requirements</li> <li>– Check quality and appropriateness of evidence</li> </ul>	Modicum Planning
<b>Prepare a draft plan</b>	<ul style="list-style-type: none"> <li>– Advise on presentation and structure of document;</li> <li>– Drafting planning policies;</li> <li>– Provide comments on the emerging draft;</li> <li>– Advise on the preparation of the Consultation Statement.</li>   <li>– Drafting housing policies, including affordable and Community Led Housing policies</li> </ul>	Modicum Planning  UDC Housing Enabling Officer
<b>Consult on the plan (pre submission consultation)</b>	<ul style="list-style-type: none"> <li>– Attending or facilitating events or provide guidance / examples of engagement if required</li> </ul>	RCCE
	<ul style="list-style-type: none"> <li>– Advise on the statutory consultation process</li> <li>– Suitability of the Consultation Statement</li> </ul>	Modicum Planning
<b>Regulation 15 – Post Examination</b>	<ul style="list-style-type: none"> <li>– Advice on documentation required for submission</li> <li>– Check Basic Conditions Statement, Consultation Statement etc.</li> <li>– Assist UDC &amp; NPSG with responses to Examiner</li> <li>– Assist UDC &amp; NPSG with Examiner’s comments after receipt of Examiner’s Report</li> </ul>	Modicum Planning

23.3 Please note that the above assistance will be subject to demand and available resources. The Council ask neighbourhood plan groups to give as much notice as possible to allow the Council to respond to requests in the most helpful way.

- 23.4 The district council will provide feedback on emerging plans and supporting documents prior to submission. If the District council considers that a draft neighbourhood plan may fall short of meeting the basic conditions, they will discuss their concerns with the parish/town council. Should the neighbourhood plan group be unwilling or fails to address the concerns then the Council has the option not to progress the plan.
- 23.5 The parish /town council is encouraged to submit their draft material to the district council prior to submission so that the Council can provide constructive comments. The district council require 4 weeks in order to properly review the draft document. This will ensure that as many potential problems as possible which could be encountered down the line are avoided.
- 23.6 Comments provided by the district council will typically cover the following:
- The statutory requirements have been met in terms of the designation of the neighbourhood area
  - The plan has been subject to appropriate pre-submission consultation and publicity
  - There has been a programme of community engagement proportionate to the scale and complexity of the plan as well as consideration of the consultation statement prepared
  - Screening has been carried out in relation to EU obligations
  - The policies are clear, unambiguous and appropriately justified
  - Whether there are any obvious conflicts with the NPPF
  - Whether there is conflict with the District Councils strategic policies
  - Whether there are any issues concerning compatibility with human rights legislation
  - Whether there are any obvious errors or other matters that require further consideration.
- 23.7 Please see **Appendix 4** for Frequently Asked Questions.

**Good luck and we look forward to working with you on your Neighbourhood Plan.**

# Appendix 1: Neighbourhood Plan Protocol Flowchart



## **Appendix 2 - Summary of Local Plan Evidence Base**

The council has prepared a comprehensive evidence base to inform the preparation of the Local Plan.

The Council is always updating their evidence base so please check the website for a comprehensive, up-to-date list.

<https://www.uttlesford.gov.uk/localplanevidence>

### **Appendix 3: List of Consultee Bodies**

<b>Statutory Consultee</b>	<b>Contact Details</b>
Essex County Council	Essex County Council Environment, Sustainability and Highways Principle Planner County Hall Chelmsford CM1 1QH
Environment Agency	Environment Agency Sustainable Places Team Leader Iceni House Cobham Road Ipswich Suffolk IP3 9JD
Highways Agency	Highways England Network Delivery and Development 2 <sup>nd</sup> Floor Woodlands Manton Lane Bedford MK41 7LW
Natural England	Natural England Consultation Service Hornbeam House Electra Way Crewe CW1 6GJ
Historic England	Historic England Historic Environment Planning Advisor

	24 Brooklands Avenue Cambridge CB2 8BU
Department for Transport	Department for Transport Strategic Planning Team Great Minster House 76 Marsham Street London SW1P 4DR
Telecommunications companies	Mobile Operators Association BT Openreach BT Centre 81 Newgate Street London EC1A 7AJ
Gas and Electricity Companies	National Grid/AMEC AMEC Environment and Infrastructure UK Limited Gables House Kenilworth Road Leamington Spa CV32 6JX
Water Companies	Anglian Water Planning Liaison Manager Thorpe Wood House Thorpe Wood Peterborough PE3 6WT

Health	West Essex CCG and NHS England C/O Agent Lawson Planning Partnership 882 The Crescent Colchester Business Park Colchester CO4 9YQ
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This is not a complete list and contact details often change, we recommend that you check the address details before you consult.

## **Appendix 4 – Frequently Asked Questions**

### ***What is a Neighbourhood Plan?***

A Neighbourhood Plan is a plan which will focus on local areas rather than the District as a whole. Neighbourhood Plans are produced by communities, although the District Council will provide advice and support. The plan making process must be led by the local parish or town council. Policies in the Neighbourhood Plan need to relate to the use of land in the area. If 'made' they will form part of the development plan for the District and will be used to assist in the determination of all planning applications in that area.

### ***Who can produce a Neighbourhood Plan in Uttlesford?***

Parish and town councils.

### ***What might a neighbourhood plan look like?***

Government has said that the neighbourhood should decide what a Neighbourhood Plan contains, but that they should be flexible enough to address different needs and expectations. They could have high level visions and objectives for the future of an area, they could identify development sites.

The Neighbourhood Plan will become part of the formal planning process and set the tone for future change and development. It must be in conformity with national planning policies and the strategic policies in the Councils Local Plan. A Neighbourhood Plan cannot promote less housing development than envisages in the Council's development plan.

### ***Can a Neighbourhood Plan stop development?***

No. a Neighbourhood Plan can guide development to be more appropriate to local context and help decide where development should go. However, the Government is very clear that it will not be possible to use Neighbourhood Plans to stop development.

Indeed, it is the Government's expectation that Neighbourhood Plans will at least provide for development to meet local needs and provide the opportunity to identify an increased level of development within their area if appropriate.

***What is the difference between neighbourhood plans and community plans or village plans?***

Community and village plans can cover all things important to a community. Neighbourhood plans are restricted to land use and development matters, which once adopted will become part of the formal local development plan, should relate to the use and development of land within the neighbourhood area. In addition, the process and regulations set out in the Localism Act 2011 will need to be followed when preparing a neighbourhood plan.

***What conditions must a neighbourhood plan fulfil?***

Neighbourhood planning does not mean that communities can plan how and what they like. There are still parameters set by national, regional and local planning policies and neighbourhood plans will have to meet a number of conditions:

- They must have regard to national planning policy;
- They must be in general conformity with the strategic policies contained within the local development plan; and
- They must be compatible with EU obligations and human rights requirements

***How much work will be required to produce a neighbourhood plan?***

This will largely depend on how much detail the plan goes into. Neighbourhood Plans will need to use appropriate, proportionate and up-to-date evidence to support the proposed policies. In addition there are minimum statutory requirements that will need to be completed.

***What evidence has the Council already produced?***

The Council has undertaken /undertaking a number of studies and research into a number of planning topics. This evidence base can be used to inform the neighbourhood plan process. To view the Council's current evidence base go to our website: <https://www.uttlesford.gov.uk/localplanningevidence>

***What weight will be given to neighbourhood plans in planning decisions?***

When adopted, neighbourhood plans will be statutory planning documents. They will form part of the local development plan. Once adopted, neighbourhood plans will have significant weight in making decisions on planning applications.

### ***What is the Council's role in the neighbourhood planning process?***

The Council has a duty to provide technical advice and practical support to those producing a neighbourhood plan. The Council employ a planning consultant to work with neighbourhood plan groups to assist them when required. Council officers also meet with neighbourhood plan groups to advice and discuss. It also has to:

- Agree the boundary area to be covered by a neighbourhood plan;
- Organise the check by an independent examiner into a neighbourhood plan before it can go to referendum;
- Organise the referendums; the plan will need to get majority support;
- Adopt the neighbourhood plan and bring it into force

### ***Who will pay for the neighbourhood planning process?***

It will be up to the Neighbourhood group to pay for the preparation of a neighbourhood plan. There are grants available from Locality (up to £9,000 in grant for each group) and UDC (between £2,500 and £10,000 per group depending on the size of the Neighbourhood Plan Area)

The Council pay for the independent examination and the referendum.

### ***The relationship between a Neighbourhood Plan and Local Plan***

The Local Plan for Uttlesford will set out the statutory planning policies and proposals for the District.

Neighbourhood Plans must be in general conformity with these strategic policies. If a Local Plan that identifies different levels of growth to an adopted Neighbourhood Plan is adopted subsequent to that Neighbourhood Plan then the Local Plan will take precedence over that Neighbourhood Plan. This means that whilst it is possible for a Parish to prepare a Neighbourhood Plan prior to the option of a Local Plan by the District Council this could result in the Neighbourhood Plan being overridden if it does not

allocated at least the minimum amount of development allocated in the Local Plan. However, Neighbourhood Plans can be prepared regardless of the stage of preparation of the Council's Plan. Where neighbourhood planning is undertaken before an up-to-date local plan, collaboration between the community and the council is critical. The District Council will take an active role in advising and supporting the Plan preparation process by sharing evidence and information.

It is important to remember that a neighbourhood plan does not have to include site allocations.

***Who should I contact if I want to find out more?***

Contact the Planning Policy Team by emailing [planningpolicy@uttlesford.gov.uk](mailto:planningpolicy@uttlesford.gov.uk) or calling 01799 510510.