

**West Berkshire Council
Neighbourhood Planning Guidance (March 2018)**

1. Overview of neighbourhood plans:

- 1.1. Neighbourhood plans can be a powerful and effective tool in shaping where and how development takes place in your parish. However, the time and financial commitments involved should not be underestimated and in many cases they will not be the right tool for parishes to use in pursuing their communities' aspirations. It is therefore important to first be very clear what you want to achieve before deciding whether a neighbourhood plan is the best option to deliver this.

What are neighbourhood plans?

- 1.2. A neighbourhood plan (*also referred to as a Neighbourhood Development Plan*) establishes general planning policies for development and the use of land in a defined neighbourhood area. It might specify where new homes and offices should be built, and what they should look like. It can also set a vision for the future.
- 1.3. Parish and town councils will lead neighbourhood planning in areas which include all or part of a parished area.
- 1.4. The table below shows the types of things that can and cannot be achieved through neighbourhood planning and it is well worth reviewing this before deciding whether a neighbourhood plan is the right way forward for your community, as many aspirations, such as reducing village speed limits and dog fouling, are outside the scope of neighbourhood planning.
- 1.5. However, the neighbourhood planning process does build momentum and demand for other "non-planning" issues to be addressed and it would be a shame for this to be lost. Plans can identify community actions and aspirations, such as managing allotments or creating village walks, but it needs to be clear that they are **NOT** planning policies and do **NOT** carry statutory weight. Ideally these should go in a separate section or appendix – or perhaps a separate "community projects" plan.
- 1.6. Additionally neighbourhood plans must "fit" with local and national planning policies and cannot be used for example to reduce the number of houses allocated to an area. They can however influence where that development goes.

Neighbourhood plans CAN	Neighbourhood plans CANNOT
<ul style="list-style-type: none"> ✓ Influence the design and character of development ✓ Designate Local Green Spaces that are important to the area ✓ Require additional infrastructure or facilities such as play areas in response to new development ✓ Earmark additional land for housing, employment or community facilities such as youth centres or village halls ✓ Provide affordable housing <p><i>However, in all cases, policies must be in general conformity with local and national planning policy and be clear, evidenced and justified.</i></p> <p>Community Actions: Plans can identify community actions and aspirations, such as managing allotments or creating village walks, but it needs to be clear that they are NOT planning policies and do NOT carry statutory weight. Ideally these should go in a separate section or appendix.</p>	<ul style="list-style-type: none"> ✗ Reduce the number of houses allocated to the area in the Local Plan. ✗ Change ‘Permitted Development Rights’, ie. the development that does not require planning permission such as small house extensions, some changes of use, and things like satellite dishes and solar panels on roofs. ✗ Introduce traffic calming measures or weight limits ✗ Tackle anti-social behaviour such as graffiti ✗ Set up training programmes or schemes ✗ Create rights of access to private land where it does not currently exist ✗ Change broadband speed
<p><i>Other options:</i></p> <p>Village Design Statements and Parish Plans can be adopted by West Berkshire Council to be used in determining planning applications. They do not hold as much weight as a Neighbourhood Plans (they are a ‘material consideration’) but are not subject to the same regulations and are generally less resource intensive to produce than a neighbourhood plan.</p> <p>West Berkshire Local Plan Review to 2036: work has commenced on the Local Plan Review, and the timetable for its preparation is set out at: http://info.westberks.gov.uk/lds.</p> <p>Upon adoption at the end of 2020, it will supersede the Core Strategy (http://info.westberks.gov.uk/corestrategy), Housing Site Allocations Development Plan Document (http://info.westberks.gov.uk/hsa), and the Saved Policies of the West Berkshire District Local Plan 1991-2006 (http://info.westberks.gov.uk/article/28783). It will include allocations for housing and economic development. Community input will be vital to this process and may be a way to achieve your aims without a neighbourhood plan.</p>	

- 1.7. The following table provides more detail on the differences between neighbourhood plans and parish plans, and this may help you to decide whether a neighbourhood plan is right for the community.

Neighbourhood plan	Parish/town plan
Part of the local statutory development plan and will form the basis for determining planning applications in that area	No formal statutory weight and cannot be used to create planning policies of grant permission for development
Due to the statutory weight afforded to a plan, their preparation can be more complex, time-consuming and costly	Generally easier and quicker to prepare. No need for independent examination and referendum
Plans can focus on just one issue or action. It doesn't need to cover every aspect of planning if you don't want it to	Addresses a range of social, economic and environmental issues important to them
Must contain policies on the development and use of land and can allocate land for development	Includes action plan of practical actions which a community can work together with local agencies to achieve
Example content: location and type of housing, affordable housing, regeneration of derelict land, design, infrastructure, Local Green Space, conservation, specifications for development and type of use	Example content: Village halls, community shops, waste and recycling, rights of way, public open space, biodiversity, energy saving schemes, communication, community support, anti-social behaviour

2. What support you can expect from West Berkshire Council

2.1. The Council has a duty to support neighbourhood plans, and is formally required to:

- Designate neighbourhood plan areas
- Check and publicise submitted plan proposals
- Screen plans for significant environmental effects and determine whether further environmental assessments are required
- Appoint and fund an independent examiner and arrange the Plan's examination
- Arrange and fund a public referendum on the plan.

2.2. Following the designation of a Neighbourhood Area (this is the first formal stage in the preparation of a plan), a Service Level Agreement (SLA) is signed between West Berkshire Council and the parish/town Council. The SLA formally sets out how we will provide assistance to the parish/town council during the preparation of their neighbourhood plan.

2.3. Please note that the Council does not provide direct grant support. However, Government funding of up to £8,000 is currently available for bodies preparing Neighbourhood Plans. More information on funding is provided in section 3 (b) below.

3. Sources or information and advice

- 3.1. There is now a wealth of information and guidance on neighbourhood planning, including examples of “made” plans that have been through examination and referendum and case studies.

(a) General information

- 3.2. Perhaps the best (and most concise!) overview is the ‘Quick Guide to Neighbourhood Planning’ written by the Government funded organisation ‘Locality’ which can be found at <http://locality.org.uk/resources/quick-guide-neighbourhood-planning/>.
- 3.3. The webpage ‘My Community Rights’ has a dedicated section on neighbourhood planning <https://mycommunity.org.uk/take-action/neighbourhood-planning/>. We suggest that you read this before starting as it provides a comprehensive overview of neighbourhood planning and the other community rights set out in the Localism Act. The resources section also includes a wide range of advice notes, including information videos on a range of topics.
- 3.4. ‘The Community Knowledge Hub for Neighbourhood Planning’ is another website managed by Locality, and contains resources for every aspect of the neighbourhood planning process – from case studies to guidance and briefing notes, to a forum for questions and further resources online. See more at: <https://mycommunity.org.uk/take-action/neighbourhood-planning/resources/>.
- 3.5. Planning Aid England (part of the Royal Town Planning Institute and a registered charity) has produced a website “Our Neighbourhood Planning” which provides a wealth of information, resources and advice: <http://www.ourneighbourhoodplanning.org.uk/>. The “Resources” section contains link to recent examination reports and “made” Plans.
- 3.6. You can see which areas have a ‘made’ (adopted) neighbourhood plan at: http://www.ourneighbourhoodplanning.org.uk/about/npa_area_list. Nearby examples include:
- Stratfield Mortimer (West Berkshire),
 - Henley and Harpsden, Thame, Woodcote (South Oxfordshire)
 - Devizes, Pewsey (Wiltshire)
 - Bramley (Basingstoke and Deane)

(b) Funding

- 3.7. The cost of producing a neighbourhood plan will vary depending on the complexity and size of the proposed plan. Wiltshire Council estimate that it can cost between £17,000 and £63,000. It is a good idea to speak to parishes that have a plan in place to get a better idea of potential costs.
- 3.8. The My Community website (<https://mycommunity.org.uk/funding-options/neighbourhood-planning/grants/>) sets out what funding is available from the government and enables you to apply for funding online. A funding package for 2015-2018 has been announced meaning all groups writing a neighbourhood plan

will be eligible to apply for up to £8,000 in grant. The government announced in September 2017 that funding will also be available for the period 2018-2022.

- 3.9. Additionally, groups facing more 'complex' issues (including areas with a population of more than 25,000 and/or planning for more houses than allocated in the Local Plan) may be eligible for technical (face to face) support and additional grant. More information is available from: <https://mycommunity.org.uk/funding-options/neighbourhood-planning/technical-support/>.
- 3.10. Planning Aid England has produced a guide on how to resource a neighbourhood plan: <https://mycommunity.org.uk/wp-content/uploads/2016/08/How-to-resource-your-neighbourhood-plan.pdf>. This includes suggestions such as:
- The funding of specific elements of a plan by local businesses or developers.
 - Support from local businesses and organisations in the form of the free use of meeting rooms to professional work undertaken voluntarily or at a reduced cost.
- 3.11. In some areas, such as Headington in Oxford (see: <http://www.ourneighbourhoodplanning.org.uk/case-studies/view/475>) and Leeds (see: <http://www.ourneighbourhoodplanning.org.uk/case-studies/view/488>), planning students have provided free assistance to neighbourhood planning groups in the preparation of plans. Nearby universities that run accredited planning courses include Oxford Brookes, Reading, University College London, and the University of West of England.

(c) Timescales

- 3.12. The amount of work will be largely dependent on the content and scope of the plan. However, preparing a neighbourhood plan is likely to take a considerable amount of time and effort. Do not underestimate this. The Stratfield Mortimer Neighbourhood Area was designated in 2014. The neighbourhood plan was made (adopted) in June 2017.
- 3.13. You will need to consider the preparation of West Berkshire's new Local Plan – a neighbourhood plan may become out of date if it conflicts with policies in a Local Plan that was adopted after the making of a neighbourhood plan. We anticipate that the new Local Plan will be adopted in 2020.

4. Preparing a neighbourhood plan

- 4.1. There is a lot of guidance outlining the stages and tasks involved in the preparation of a neighbourhood plan. A good example is My Community's 'Neighbourhood Plan Roadmap Guide' available which can be viewed at <https://mycommunity.org.uk/resources/neighbourhood-plan-roadmap-guide/>. However, an overview of the stages is set out below.

(a) Decide to prepare a neighbourhood plan

- 4.2. Producing a neighbourhood plan is a big undertaking, so before committing to produce a plan, it is important to think about what your community wants to achieve. It might be that a village design statement or parish plan are more appropriate.

(b) Establish a steering group

- 4.3. We advocate a steering group approach when developing a neighbourhood plan. This should be led by the parish or town council(s) for the area being considered and also have wider representation from the community to ensure that there is a balance of interests so that social, environmental and economic interests are represented. This will help give confidence to local communities that the work is being taken forward by those providing a broad representation of the community as a whole. The steering group might include local residents, local business owners, and other key stakeholders such as schools, religious and cultural groups.

- 4.4. It is highly recommended that groups adopt a 'code of conduct' or 'terms of reference' to avoid any issues and ensure impartiality. The terms of this will be for the group to decide, but groups often have guidance on matters such as:

- declaring interests (financial or land)
- communication protocols with others on the steering group, developers and landowners

- 4.5. At this stage you might want to consider how the steering group is going to consult with the wider community and begin to prepare an action plan and timetable for the following stages.

- 4.6. It is also advisable at this stage to prepare a project plan. This can identify key stages, actions and an indicative timetable. It can also identify available resources and likely costs. Things like developing the evidence base and undertaking community engagement will have to be designed around the available budget.

(c) Decide on the area that the neighbourhood plan will cover

- 4.7. The first formal stage in the preparation of a neighbourhood plan is the identification of the area that the neighbourhood plan will cover, known as the 'neighbourhood area'. The area could cover the whole of the parish area, part of the parish, or you could partner up with an adjoining parish to produce a joint plan.

- 4.8. When you have identified the neighbourhood area you want the plan to cover, you must make an application to West Berkshire Council so that the area can be designated (there is no application charge). An application form is available upon

request from the Council's Planning Policy Team. Completed forms from the other parishes producing neighbourhood plans in West Berkshire can be viewed at: <http://info.westberks.gov.uk/neighbourhoodplanning>.

- 4.9. The application form must be completed and submitted by the parish council. If you choose to undertake a joint plan, there must be support from all parish councils.
- 4.10. Approval will be based on submitted documentation which should include:
- A map identifying the area; and
 - A statement explaining the area.
- 4.11. If the whole area of the parish is proposed to be designated as a neighbourhood area, in many cases the local planning authority will be able to designate the whole area applied for without wider consultation, as long as the parish council has submitted the necessary information.
- 4.12. There are exceptions, for example if the proposed neighbourhood area covers parts of a parish or several different parishes, and these will need to be publicised for a 6-week consultation period.
- 4.13. West Berkshire Council will consider the application (and any representations) and once we have made a decision we will inform the parish council and publicise the decision on our website.

(d) Develop a vision and identify issues and potential options

- 4.14. Your neighbourhood vision will define what you want to achieve for your community today and in the future. It should be realistic, clear and inclusive. In simple terms, the visioning stage can be summarised by the following three questions:
- Where are we now?
 - Where do we want to be?
 - How do we get there?
- 4.15. To answer these questions you might want to:
- gather information about your area
 - assess your area's strengths and weaknesses
 - draft a vision statement for your community
 - identify a series of objectives.
- 4.16. The visioning stage is used to identify the key issues of concern at an early stage in the plan-making process. The results will determine the range, detail and terms of reference to be addressed by any subsequent approach. The objective is to create a clear vision which defines what you want to achieve for your community today and in the future.
- 4.17. Early endorsement of your objectives, priorities and vision with the local community will help gain support and consensus. You could consider talking to local residents, stakeholders and community groups.

- 4.18. This stage is not a requirement of the regulations and therefore the scope of any consultation should be determined by the steering group. However, it is important to keep the local community fully informed of what is being proposed so they can make their views known throughout the process.

(e) Information gathering around the identified issues and options

- 4.19. A process of information gathering will need to take place as the policies of a neighbourhood plan must be underpinned by evidence. Without evidence, the policies in a plan may be challenged, and the examiner may recommend that a policy is deleted or modified.
- 4.20. Relevant information may include an area profile, population data, a review of relevant parts of West Berkshire Council's planning documents and background studies, and new evidence in the form of local surveys or possibly identification of studies that need to be procured.
- 4.21. The information gathering process is likely to include:
- A review of the evidence base (it is worth keeping in mind that West Berkshire Council has available a wide range of evidence, data and information used to help inform its own planning policies. This can be viewed at: <http://info.westberks.gov.uk/evidencebase>.)
 - Collecting new evidence as required;
 - Consultation within the neighbourhood on issues, information and evidence

(f) Develop the draft plan

- 4.22. There are no set guidelines for what a plan should contain, but it is likely that it will comprise of a series of policies, associated explanatory text, and maps which detail policies and proposals.
- 4.23. Policies and proposals should be realistic, achievable and based on evidence. They must follow some ground rules which include the following:
- Generally conforming with local and national planning policies
 - Being in line with other laws including various EU Directives, eg. Strategic Environmental Assessment, Habitats Directive
- 4.24. Before consulting formally on your neighbourhood plan the steering group should consider the benefits of engaging with the local community before undertaking formal consultation required by the regulations. This will help build consensus with the local community.
- 4.25. There are many effective ways to seek community input and endorsement. The steering group might want to consider various options including:
- running a series of public exhibitions
 - meeting with community groups
 - undertaking online consultation using established networks and newsletters to publicise activities

(g) 6 week period of consultation

- 4.26. At this stage the Parish/Town Council must publicise the draft plan in a manner which is considered likely to bring the plan to the attention of people who live, work and undertake business in the neighbouring area.
- 4.27. This qualifying body must provide and publicise:
- the neighbourhood development plan
 - details of where and when the plan can be inspected
 - details of how to make representations on the plan
 - the date by which representations must be received, allowing not less than six weeks
- 4.28. If your plan needs Strategic Environmental Assessment and/or Habitat Regulations Assessment (West Berkshire Council will screen to see if these are needed. If they are, then the steering group or consultants on behalf of the steering group must prepare them), or has other legislative requirements, this should also be made available for consultation at this stage.
- 4.29. You will need to provide details of how to respond to the draft plan and how to make representations on it. This should include a 'representation form' for people to submit their comments on. The steering group could also consider making this available online.
- 4.30. You will also need to consider if your plan will affect any of the 'statutory consultees' listed within the Neighbourhood Plan regulations. You will need to consult those who may be affected and also to submit the plan to West Berkshire Council.
- 4.31. The minimum period of consultation at this stage is six weeks. However, the steering group may decide to extend this period.
- 4.32. When you submit your plan for independent examination you will need to provide the responses made on the draft plan and detail what changes have made in light of the representations made. As a result it is important that the steering group prepare for, and organise, this stage of the process carefully.

(h) Finalise the plan and submit it to West Berkshire Council

- 4.33. At this stage the steering group should review the consultation responses and make any necessary changes to the plan.
- 4.34. It is likely that the independent examiner will want to review the representations made and see how you have addressed these issues and concerns.
- 4.35. The steering group should, therefore, consider how to present this information in an accessible form which can be distributed easily and made publicly available.
- 4.36. Once you are ready to submit the plan you must include the following with your submission to West Berkshire Council. The parish/town council must submit:

- a map or statement which identifies the area to which the proposed neighbourhood development plan relates
- an environment scoping assessment of Strategic Environmental Assessment to comply with environmental regulations
- a consultation statement which:
 - contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan
 - explains how they were consulted
 - summarises the main issues and concerns raised by the persons consulted
 - describes how these issues and concerns have been addressed in the proposed neighbourhood plan
 - the proposed neighbourhood development plan
 - a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990.

(i) 6 week period of consultation

- 4.37. West Berkshire Council will validate your submission and verify it with the parish/town council.
- 4.38. As soon as possible after receiving the proposed neighbourhood development plan (including all of the documents referred to above), West Berkshire Council will publicise on its website the proposal for consultation - for a period being not less than six weeks.
- 4.39. Any representations made during this period will be passed to the independent examiner.

(j) Independent examination

- 4.40. Once the consultation period has ended and the council has collated all of the representations made to the plan an independent examination will be arranged.
- 4.41. The examiner will be appointed by West Berkshire Council in agreement with the parish or town council(s).
- 4.42. The examination process is described as being 'light touch' and it is, therefore, likely to be a written exercise, although the examiner can decide to visit sites or hold a public hearing (as was the case with the examination of the Stratfield Mortimer neighbourhood plan).
- 4.43. The independent examiner will assess:
- the plan against national policy
 - whether the plan is in general conformity with policies in the West Berkshire Local Plan
 - whether the plan is compatible with EU obligations and the proposal is consistent with the convention for human rights
 - the geographical extent of the referendum

- 4.44. The examiner will also consider any representations made to the plan and how these issues and concerns have been addressed.
- 4.45. The examiner may recommend changes to the plan. If significant changes are suggested you may need to re-consult your community to endorse these changes.
- 4.46. If the independent examiner recommends that a referendum is held, the council must hold a referendum. However, the examiner may also recommend that your plan does not proceed to referendum if the plan is not aligned with:
- the strategic elements of the Local Plan
 - legal requirements
 - national policy
- 4.47. West Berkshire Council will notify the qualifying body whether a community referendum will be held or not in light of the independent report.

(k) Referendum

- 4.48. If the examiner has recommended that the neighbourhood plan should proceed to referendum, and any necessary changes have been made based upon his/her findings, West Berkshire Council will arrange for a community referendum.
- 4.49. Individuals will be eligible to vote if they are on the electoral roll for the plan area.
- 4.50. If the proposals affect a wider area the referendum will be reflective of the areas concerned.
- 4.51. Where more than 50% vote in favour, West Berkshire Council will have a duty to make (adopt) the plan.

(l) Updating neighbourhood plans

- 4.52. It is not compulsory for made (adopted) neighbourhood plans to be updated. However, be aware that policies in a neighbourhood plan may become out of date, for example, if they conflict with policies in a local plan that is adopted after the adoption of the neighbourhood plan. In such cases, the more recent plan policy takes precedence.
- 4.53. West Berkshire's Local Plan currently comprises of the Core Strategy, Housing Site Allocations Development Plan Document (DPD), and the Saved Policies of the West Berkshire District Local Plan 1991-2006. However work has now commenced on the West Berkshire Local Plan Review to 2036. It is anticipated that the Local Plan Review will be adopted at the end of 2020, and upon adoption it will supersede the Core Strategy, Housing Site Allocations DPD, and Saved Policies of the West Berkshire District Local Plan 1991-2006.
- 4.54. In terms of the process of updating neighbourhood plans:
- Minor changes – local planning authorities can modify a plan without the need for subsequent referendum and examination. Minor changes are those which do not materially affect the policies contained within the plan or permissions granted by

- it. They could also be changes to correct errors. At West Berkshire, any minor changes would need to be agreed with the Council.
- Significant changes – involves the assessment of proposals by an independent examiner with an emphasis for them to be dealt with by written representations with hearings only in exceptional circumstances. If the proposed changes are so significant that they would change the nature of the plan, then it is necessary to go through the full neighbourhood planning process, ie. examination and referendum.