



Basingstoke
and Deane

Neighbourhood Planning Protocol

May 2024



*V1.2: Updates to paragraph 5.21 and 7.5 regarding Local Green Space consultation
(October 2024)*

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1. Introduction

- 1.1 This Neighbourhood Planning Protocol has been prepared by Basingstoke and Deane Borough Council (BDBC) as a guide for preparing neighbourhood plans in the borough. Many areas of the borough have already made neighbourhood plans and town and parish councils are continuing to engage in neighbourhood planning through the creation of new plans or the modification of existing plans.
- 1.2 This document provides advice and clear guidance for those involved in the neighbourhood planning process. The previous version was published in 2018. This update reflects current and relevant legislation and best practice, and also provides more guidance on updating plans, reflecting the position that many communities in the borough are now at. It also sets out the important role that neighbourhood planning can have in helping to meet the council's Climate Emergency and Ecological Emergency declarations. The logos to the right have been used throughout the document to show where these issues can be particularly addressed.
- 1.3 The protocol breaks down the processes of developing a new neighbourhood plan and updating an existing plan into clear stages and sets out what needs to be done at each stage. The process for updating a neighbourhood plan is very similar to that of producing a new plan, where there are additional or different requirements these have been highlighted in green boxes.
- 1.4 This protocol aims to help local communities decide whether neighbourhood planning is the right tool for what they are trying to achieve. As a statutory document, neighbourhood plans hold more weight than non-statutory documents such as community plans or village design statements. They are, however, restricted to planning matters and their development must follow a statutory process which can take time to complete.
- 1.5 The council's Planning Policy Team can be contacted in respect of queries in relation to Neighbourhood Planning by email at local.plan@basingstoke.gov.uk or by phoning 01256 844 844 and asking for the Planning Policy Team.



2. What is neighbourhood planning?

- 2.1 Neighbourhood planning is a way for communities to make decisions to shape the future of the places where they live and work.
- 2.2 Communities can choose to create either a neighbourhood plan or a neighbourhood development order (which also encompasses another type of development order, namely community right to build orders) or both. This document focuses on neighbourhood plans. If you would like more information on neighbourhood development orders or community right to build orders, please refer to the [Locality Guide on Neighbourhood Development Orders \(including Community Right to Build Orders\)](#) or contact the Planning Policy Team.
- 2.3 A neighbourhood plan is a planning document produced by the local community that can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan as set out in the National Planning Policy Framework (NPPF). This can be achieved through allocating land for development and setting planning policies for the development and use of land in a neighbourhood area. Once a plan has been made (adopted), it will form part of the development plan for the local area and its policies will form the starting point for determining relevant planning applications.
- 2.4 Where there is a town/parish council in place, it will act as the 'qualifying body' and be responsible for taking the lead in the preparation of a neighbourhood plan. In areas without a town/parish council, a group of at least 21 people living or working in the area must be formed which then needs to apply to the council to be designated as a Neighbourhood Forum.

What can neighbourhood plans achieve?

- 2.5 Once adopted, a neighbourhood plan will be part of the [statutory development plan](#) for the area it applies to. This means that the borough council and planning inspectors will need to take the plan into consideration when making planning decisions.
- 2.6 The process allows local communities to agree joint aspirations in terms of the use and development of the land in the area. It must be remembered that neighbourhood planning is intended to guide and promote development rather than block it. If the local community wishes to include issues that are not planning matters (such as litter or events) a community plan might be more appropriate.

- 2.7 The production of a neighbourhood plan relies on local volunteers and, on average, takes two years to produce once the relevant area is designated for neighbourhood planning purposes. This process can be time and resource intensive but funding and professional support is available.
- 2.8 Funding to help with the preparation of neighbourhood plans is available from [Locality](#). Further information on grant funding is available on the [Locality Grant Funding Webpage](#). Additional funding for certain aspects may be available from the council upon request, subject to conditions. The council has responsibility for certain stages in the neighbourhood planning process, namely organising and funding the submission consultation, examination, and referendum. These stages are explained in more detail later in this document.
- 2.9 Once a neighbourhood plan is 'made' (adopted), the town/parish council will receive a greater portion of revenue from the [Community Infrastructure Levy](#) (CIL). CIL is a levy that the council charges on some new developments in the borough. The money collected through CIL can be used to support development by funding infrastructure that the council and local communities want.
- 2.10 A town/parish council without a neighbourhood plan will receive 15% of CIL revenue (capped at £100 per dwelling) where a charge is levied on new development in its area, some types of development have a nil charge. This increases to 25% if there is a made neighbourhood plan in place. Find out more about [CIL](#) on the council's website.
- 2.11 A neighbourhood plan can identify local infrastructure priorities for CIL revenue to be spent on that will benefit the area. However, there is no requirement to spend CIL in the specific parish and there may be opportunities to collaborate with the borough council and other parishes in meeting cross boundary infrastructure priorities. Any local infrastructure priorities identified by the 'qualifying body' should be consulted on throughout the preparation of the plan. The borough council can assist with identifying relevant local infrastructure priorities.
- 2.12 Having an up-to-date neighbourhood plan that includes site allocations can also help to protect the neighbourhood plan area from speculative development in the event that the borough council cannot demonstrate a supply of deliverable housing sites (and the 'presumption in favour of sustainable development' applies). The [NPPF](#) (December 2023) states:

NPPF Paragraph 14

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

- 2.13 This means that for plans that contain policies to meet their identified housing requirement, and which are not more than five years old, paragraph 14 of the NPPF allows the decision maker to attach significant weight to the neighbourhood plan even when the council cannot demonstrate a five year housing land supply. The latest figure is set out in the councils [five year housing land supply position statement](#).

Meeting Legal Requirements and The Basic Conditions

- 2.14 Although the local community can determine the content of its plans, neighbourhood plans must adhere to a set of legal requirements called the 'basic conditions'¹.

Basic Conditions relevant to Neighbourhood Plans

- Having regard to [national policies and advice](#) contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan,
- The making of the neighbourhood plan contributes to the achievement of [sustainable development](#),
- The making of the neighbourhood plan is in [general conformity with the strategic policies contained in the development plan](#) for the area of the authority (or any part of that area),
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, assimilated [EU obligations](#) and human rights requirements.

¹ [Paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

- Prescribed conditions are met in relation to the [neighbourhood plan](#) and prescribed matters have been complied with in connection with the proposal for the order. There is guidance [on other basic conditions](#).

The final two basic conditions can be dealt with alongside each other but it must be done so in a way that ensures it has been met.

- 2.15 The [NPPF](#) sets out policies relating to the role of neighbourhood plans in determining planning applications. Further guidance, including detail on how neighbourhood plans must be produced, can be found in the [Planning Practice Guidance on Neighbourhood Planning](#).
- 2.16 The Regulations used to guide neighbourhood planning and neighbourhood plans are found in [The Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#) and other legislation including:
- Town and Country Planning Act 1990
 - Planning and Compulsory Purchase Act 2004
 - Neighbourhood Planning (Referendums) Regulations 2012 (as amended); and
 - The Neighbourhood Planning Act 2017.
- 2.17 Legislative requirements continue to evolve, with national government changing and streamlining the process of plan making.

How do neighbourhood plans relate to the council's Local Plan?

- 2.18 As previously set out, the Basic Conditions require neighbourhood plans to be in general conformity with the council's strategic planning policies. These policies are currently set out in the [Adopted Local Plan \(2011 – 2029\)](#) (ALP).
- 2.19 The council is in the process of updating the Local Plan to cover the period to at least 2040. The most up-to-date timeframes for this process are available on the [Local Development Scheme webpage](#). As the new [Local Plan \(LP\)](#) progresses towards adoption and the draft policies gain more 'weight,' neighbourhood plans should have greater regard to the emerging policies to avoid any conflicts.
- 2.20 Where there is deemed to be a conflict between the Local Plan and a neighbourhood plan policy, the most recently adopted policy will take precedence. To reduce the likelihood of a neighbourhood plan becoming out of date once the new plan is adopted, communities should take account of latest and up to date evidence during their neighbourhood plan preparation.

- 2.21 Currently, the ALP includes Policy SS5 (Neighbourhood Planning) which sets out the housing requirements to be met through rural areas. Through the new plan, these requirements will be updated. Should a town or parish council wish to review their neighbourhood plan before the new LP is adopted, they may request an indicative housing figure from the council, as set out in the NPPF.
- 2.22 Close collaboration between the borough council and the town/parish council (the 'qualifying body') will be critical to ensure that neighbourhood plans are in general conformity with the ALP and new LP policy requirements.

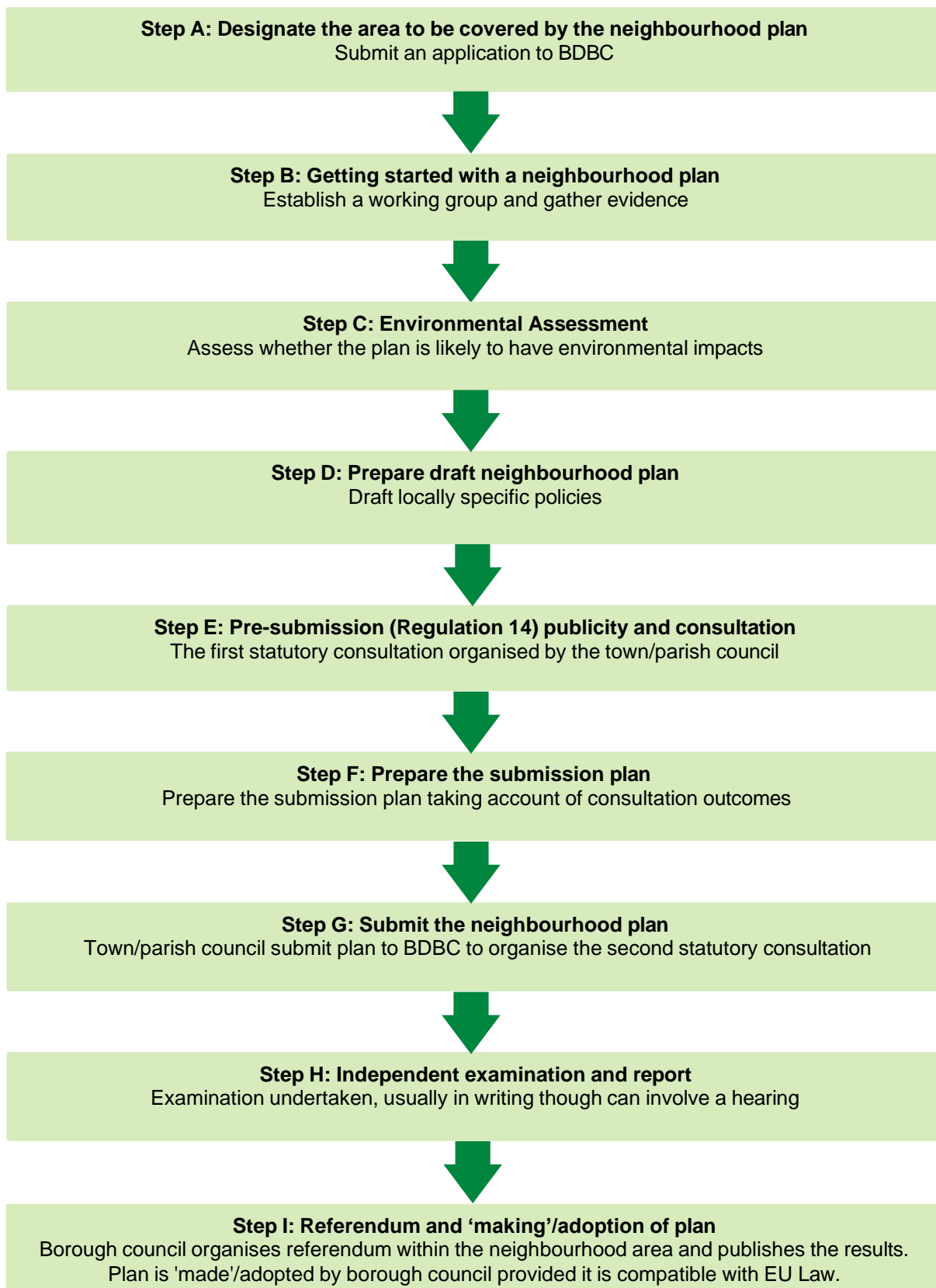
Support Available

- 2.23 BDBC actively supports and promotes neighbourhood planning and is committed to providing ongoing advice and support to groups who wish to prepare neighbourhood plans. [The Statement of Community Involvement](#) sets out what the council will do. The assigned BDBC officer will become the main point of contact and they can:
- Provide advice and support at suitable milestones in the process.
 - Informally review emerging policies before consultations take place.
 - Formally respond to consultations on draft versions of the plan.
 - Highlight examples of best practice or relevant case law.
 - Provide contact information for statutory consultees and consultation support.
 - Assist in understanding legislative requirements.
 - Provide technical support, including mapping.
 - Advise on the monitoring and review of adopted plans.
- 2.24 The borough council has processes in place to support neighbourhood planning, and the views of local ward members will be sought as part of the process. The decision to formally 'make' (adopt) a neighbourhood plan is required to go to a Full Council meeting.
- 2.25 Hampshire County Council (HCC) also has statutory responsibilities and they have produced the following [guide](#) explaining what they can and cannot do to support neighbourhood planning.
- 2.26 Town and parish councils also have the option of appointing private planning consultants to further assist them through the process of preparing a neighbourhood plan. This is encouraged for more complex plans.

3. Key stages in neighbourhood planning

- 3.1 This guidance sets out the key stages for neighbourhood planning, reflecting legislation and the [National Planning Practice Guidance \(PPG\)](#). This section seeks to explain in more detail the steps set out in the guidance and provide useful advice in terms of how to meet the various requirements. The flow chart below provides a basic outline of the neighbourhood planning process.
- 3.2 This process is broadly the same for when a plan is being modified/updated. Where there are significant differences these are highlighted in green boxes throughout this document.

Brief summary of key stages in the process



Step A: Designate the area to be covered by the neighbourhood plan

- 4.1 The area that the neighbourhood plan will cover (the 'Neighbourhood Area') needs to be officially designated by the borough council.

How to identify a suitable area?

- 4.2 The town/parish council must submit an application to the council to agree the area that the plan will cover. This will usually align with an existing parish boundary.
- 4.3 However, there may be some circumstances where it is not considered suitable to follow the parish boundary: either to only designate part of the parish; or to designate an area that covers more than one parish. The [PPG²](#) sets out the types of considerations that may be relevant when deciding on a suitable neighbourhood area.
- 4.4 In cases where a multi-parished neighbourhood planning area is to be designated, the town/parish council must secure the consent of the other town/parish councils to undertake neighbourhood planning activities.
- 4.5 In areas without a town/parish council, a group of at least 21 people must be formed and apply to the council to be designated as a Neighbourhood Forum that can take forward a neighbourhood plan.

How to apply?

- 4.6 The town/parish council must submit an application to the borough council using the [relevant form](#) and a suitable map. The borough council can assist by providing a map if necessary.
- 4.7 Application forms must include a statement explaining why the proposed neighbourhood area is appropriate. The town/parish council should consult with the borough council before making an area application.
- 4.8 Where a town/parish council applies for the whole of the area of the parish to be designated as a neighbourhood planning area, the local planning authority (LPA) must designate the whole of the area applied for. Exceptions to this are where the area applied for:

² Planning Practice Guidance Reference ID: 41-033-20140306

- Has already been designated as a neighbourhood area which extends beyond the parish boundary; or
- Forms part of another application that has not yet been determined.

4.9 The timescales for the council to determine a valid neighbourhood area application are:

- Within 8 weeks of receiving the application where the area follows the parish boundary;
- Within 20 weeks of receiving the application where the area covers more than one local authority area (even if the application follows a parish boundary); and
- Within 13 weeks of receiving the application for all other neighborhood area applications.

4.10 As soon as possible after designating a neighbourhood area, the borough council will publish on their website (and elsewhere as appropriate) the name of the neighbourhood area, a map identifying the area and the name of the qualifying body that applied for the designation. Notification of the decision will also be sent to the town/parish council.

Step B: Getting Started with a Neighbourhood Plan

- 5.1 This section explains how to get started with plan-making after the neighbourhood planning area has been designated.

Project Management

- 5.2 Whilst the borough council is able to provide support, the project is ultimately led by and managed by the 'qualifying body'. Below are some questions to think about and consider at the outset:

Key Questions

- What is the main motivation for creating the neighbourhood plan? Why does the local community want a neighbourhood plan and what are the benefits going to be?
- What is the parish or neighbourhood plan area like? Are there particular areas or assets you would like to protect or anything you would like to improve?
- How is the project going to be managed? What resources are available? Are there any timescales in mind?
- What work will need to be done? Are people aware of the time commitment associated with creating a neighbourhood plan?
- What types of skills do you have in your local community or from volunteers? Are there any gaps that need to be filled by consultants or third parties?
- Can the Plan help to support the council's climate and ecological emergency declarations?
- If you do decide to use a consultant, what type of support do you need?
- What support do you need from the borough council?



Top Tip: Speak to other neighbourhood planning groups or town/parish councils that have already been through the process. There are plenty of made neighbourhood plans in the borough as well as lots of other neighbourhood plans across the country.

Establish a steering group

- 5.3 Although the town/parish council is the 'qualifying body' and has legal responsibility for the plan, it is common practice to set up a steering/working group (often known as a 'neighbourhood planning group') to co-ordinate the production of the plan. It is important for the town/parish council to consider the full range of skills and knowledge that will be required in a group. Once the group has been formed, a chairperson should be appointed to manage the project and it will be important to ensure there are formal links between the team and the town/parish council.
- 5.4 In this respect, terms of reference must be set for the steering/working group which should be made available on the town/parish council website, along with minutes of steering/working group meetings to ensure full transparency.
- 5.5 The terms of reference should provide information on the relationship between the group and the town/parish council, how formal stages of the neighbourhood plan are reported to the town/parish council, how information will be publicised on the neighbourhood plan, and any conflicts of interest to ensure agreement on working practices. The borough council will be able to provide examples of terms of reference from other steering/working groups in the borough.

Consider whether funding is required

- 5.6 There is a cost involved in producing neighbourhood plans and, in some cases, local communities may require consultant support. It is possible to apply for a grant from Locality and further information is available [here](#).
- 5.7 In 2023/24, all groups undertaking a neighbourhood plan were eligible to apply for up to £10,000 in basic grant. Additional grant and technical support was also made available for plans facing more complex issues. Within the borough, neighbourhood planning groups have used this additional funding to support the production of local design codes, as well as appointing consultants to complete technical assessments such as Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA). These are considered later in this document under step C.

Develop a vision and objectives

- 5.8 It is important that the neighbourhood planning group establishes a clear vision and a set of objectives at the outset to steer the plan. The vision should be a short and succinct statement setting out what the plan intends to

achieve, and the objectives will provide more detail on what is required to realise that vision.

- 5.9 The vision and objectives should underpin the scope of the plan in terms of what policy areas will be covered, and what development would be allocated. However, it is important to ensure that priorities within the plan are achievable and have a realistic chance of being delivered.
- 5.10 To guide the vision and objectives, the neighbourhood planning group will need to decide the lifespan of the neighbourhood plan. Most of the current adopted neighbourhood plans cover a similar period to the ALP (i.e. up to 2029) but it may now be suitable to align new plans to the timetable for the new LP (which currently plans to cover the period to at least 2040). It will be necessary to clearly set out how the vision and objectives have been arrived at and how they then lead on to the relevant policies and allocations.
- 5.11 Once the vision and objectives have been established, a project plan should be developed, setting out the programme of work that will need to be undertaken. This will help to establish the extent of the work involved, enabling better management of the project and should include details of activities that need to be carried out at each stage, the resource implications and when the input of the borough council is required. The borough council can assist in estimating timeframes and ensure that the project plan incorporates all the key stages of the plan-making process. It would also be advisable to prepare an estimated budget for the neighbourhood plan process as there will be financial costs associated with producing a plan.
- 5.12 A communications strategy could also be developed at this time setting out when and how the local community and statutory consultees will be engaged in plan making.
- 5.13 Consultation with the local community is encouraged at this early stage to shape the vision and objectives and to ensure that the plan reflects the issues facing the area and the needs of the local community.

Gathering baseline information and evidence

- 5.14 It is important that the neighbourhood plan is underpinned by suitable evidence. Whilst there are required documents that must be submitted alongside the neighbourhood plan, there is no 'tick box' list of evidence required. Proportionate and robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain the intention and rationale of the policies in the draft neighbourhood plan.

- 5.15 The borough council will share relevant evidence, including that gathered to support its own plan-making, with the qualifying body and steering group. However, some more locally specific information may be required, and this is likely to depend upon the scope of policies being included in the plan, and whether sites are being allocated. It may also be helpful to draw upon issues that have been previously identified in existing documents produced by town/parish councils such as village design statements and community plans.
- 5.16 The evidence base should assess the area's strengths and weaknesses. For example, it should cover:
- What is done well in the area/well provided for?
 - What could be improved or changed?
 - What is missing from the area?
 - What resources are available (e.g., people, services, land)?
 - What opportunities are there in the area?
 - What are the physical, financial and/or environmental barriers?
- 5.17 Some of the types of evidence that might be useful for drafting the neighbourhood plan are listed below:
- Demographic information.
 - Information about the existing housing stock.
 - Place of work and commuting patterns.
 - Current and emerging development proposals that will affect the area.
 - Values and concerns of the local community.
 - Information on the area collected in connection with the Local Plan Update.
 - Information about current gaps in provision and future needs.
 - Physical attributes such as: the provision of community buildings, playing fields/sports facilities, footpaths, health facilities, open space, local shops, and schools.
 - Studies on parish's the natural environment (landscape, ecology, flooding etc).
 - Studies on the parish's historic environment (including, where relevant, Conservation Area Appraisals).
- 5.18 The type of information required will be dependent on the scope and complexity of the plan.

Early engagement

- 5.19 Early work on the plan should be informed by local engagement, and this could include surveys, community events and focus groups. Effective communication will help to ensure that the neighbourhood plan meets the legislative requirements; yields a suitable evidence base; results in policies which are realistic and deliverable; ensures that the plan gains public confidence and support moving towards the referendum stage; and avoids conflict and delays.
- 5.20 The town/parish council should seek to involve stakeholders, including landowners and the development industry in the preparation of the neighbourhood plan at an early stage where relevant. They will be able to provide advice and guidance on their areas of expertise which will help to avoid placing unrealistic pressures on the cost and deliverability of development. Where Site Allocations (including Local Green Spaces) are proposed, the landowners should be engaged at the earliest opportunity. Often this engagement starts through a 'Call for Sites' consultation.

<p>Call for Sites is a specific type of consultation that invites landowners/developers/agents to promote sites for inclusion in the neighbourhood plan. The submitted sites should be assessed in a consistent and coherent manner to enable decisions to be clearly explained and robustly evidenced.</p>	
Development Sites	Green Sites/Uses
<p>These are sites for residential or economic development.</p> <p>In some instances, the borough council may have already assessed some of the sites through the Strategic Housing and Economic Land Availability Assessment (SHELAA).</p> <p>The town/parish council can make use of the borough council's analysis in its own site assessment process. It is suggested that the town/parish council use the borough council's site assessments as a template for its own consideration of the relevant sites.</p>	<p>It is also possible to invite applications for 'green' uses which may include sites for:</p> <ul style="list-style-type: none"> • Biodiversity Net Gain offsetting • Nutrient offsetting • Suitable Alternative Natural Greenspace (SANGs) provision • Renewable energy and associated infrastructure • Carbon offsetting (such as tree planting for carbon capture) • Local Green Spaces



- 5.21 It is important that no piece of land should be designated for any purpose within a neighbourhood plan without prior engagement with the landowner. This includes Site Allocations, Local Green Spaces and any other land

designation. If the landowners are not known, the NPG can undertake a land registry search to help identify relevant parties. It is good practice to make contact with landowners ahead of any consultation that includes their land and crucial that this is done before the Regulation 14 consultation. Failure to do so may result in legal challenge later in the plan making process.

- 5.22 A range of options for the neighbourhood plan can be consulted upon during the early engagement and building on initial engagement will allow options to be refined. However, the document that is consulted on at the pre-submission (draft) stage should contain only the preferred approach.
- 5.23 The borough council's guidance on [Engaging the Community in Neighbourhood Planning](#) is a useful starting point.

Processing Evidence

- 5.24 In the initial stages it is necessary to look at various options and the resultant assessment of the options, ensuring that they are sustainable, will feed into the draft neighbourhood plan.
- 5.25 In some cases, it might be suitable to write up the findings of consultations or evidence base work. These documents can be published as supporting evidence alongside the neighbourhood plan.

Updating the Plan

When updating a neighbourhood plan, it will be necessary to consider whether the scope of the plan and its original vision and objectives are still suitable. This is likely to need to be informed by community engagement.



Depending upon the scope of the update, new or updated evidence may be required. This might include a new 'call for sites' consultation if the plan is proposing to allocate new or additional sites.

Step C: Environmental Assessment

- 6.1 Once the broad scope of the Plan has been identified, it will be necessary to request a 'screening opinion' from the council to determine whether the Plan needs to be supported by additional environmental assessments. It is recommended that this screening is undertaken as early in the process as possible, because if specific environmental reports are required these may take some time to produce and this could delay the production of the plan.
- 6.2 The stage can be undertaken alongside the drafting of the plan's policies however, if the contents of the Plan changes significantly at a later date it may be necessary to re-do this assessment.

Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA)

- 6.3 In line with the Basic Conditions, a plan must not breach, and otherwise be compatible with EU obligations. It is important to establish as early as possible what EU obligations need to be complied with, and in particular whether a Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA) is required.
- 6.4 The purpose of the SEA process is to ensure that the environmental implications of plans are considered during the process of their preparation and adoption. An SEA is required if the neighbourhood plan is likely to have significant environmental effects. Furthermore, plans need to determine whether a Habitats Regulations Assessment (HRA) will be required. This will be the case if the designated neighbourhood area is in relatively close proximity to a European nature conservation site and is allocating development that will affect it (such as the Thames Basin Heaths Special Protection Area or within the River Test and Itchen Catchment that drains to protected sites in the Solent).
- 6.5 To understand whether or not an SEA or HRA will be required, the town/parish council should ask the borough council to undertake a screening exercise based upon a summary of the draft policies (including any potential site allocations) prior to the Regulation 14 consultation. The borough council will produce a draft screening report which will then be sent to the statutory consultees (Natural England, the Environment Agency, and Historic England) for 5 weeks.
- 6.6 The borough council will then formally write to the qualifying body confirming its decision on whether an SEA and/or HRA is required. If the plan is deemed likely to have significant environmental effects, then a full SEA will be required.

- 6.7 These assessments will need to be carried out in accordance with the relevant legislation and national level guidance. If it has been determined that an SEA/HRA is required, it will be necessary to 'scope' the content of those assessments to help ensure the SEA/HRA is proportionate and relevant to the neighbourhood plan being assessed. If a Scoping Report is produced, then it must also be subject to a minimum 5-week consultation period with the consultation bodies.
- 6.8 If it is determined that a SEA Environmental Report (i.e. the assessment of the environmental issues) is required, this should be consulted on alongside the draft neighbourhood plan for the full 6-week process, which must include consultation with the three statutory consultees (Natural England, the Environment Agency and Historic England). It must also be submitted with the final version of the neighbourhood plan.
- 6.9 Further guidance about the SEA process is set out in [Guidance by Locality](#).

Updating the Plan

When updating a neighbourhood plan, it will be necessary to re-screen the plan to check if the proposed changes to the Plan would result in a requirement for a Strategic Environmental Assessment (SEA) or a Habitat Regulations Assessment (HRA).



Step D: Prepare the draft neighbourhood plan

- 7.1 Once sufficient evidence has been collected, it will be possible to start drafting the plan and its policies.

The Draft Plan

- 7.2 The plan is a formal planning policy document which should be drafted to a high standard. The document should include page and paragraph numbers, and any appendices or supporting documents should be clearly labelled.
- 7.3 There is no specific format required for a neighbourhood plan, however the box below provides a basic outline of how the document could be organised.

Introduction

The introduction must, as a minimum, explain who has produced the plan, identify the boundaries of the neighbourhood area, and state the plan period.

Context

This section should describe the neighbourhood area and the key issues affecting it. It could also highlight the key findings from the evidence base and the public consultation which has taken place.

Vision and objectives

The vision and objectives need to be clearly set out. A table could be included to demonstrate which policies help to deliver each objective.

Policies and allocations

The section will include planning policies relating to the themes identified in the vision and objectives section. It is recommended that each policy has some supporting text before or after it, providing any necessary background and explaining how the policy should be implemented. Where site allocations are proposed, the amount and type of development on the site should be clearly identified and its boundaries should be mapped.

A section on non-planning matters could also be included to explain how other non-planning issues will be addressed, and to identify local priorities for spending CIL revenues.

Potential policy areas

7.4 It is up to the neighbourhood planning group to decide what types of policies it wishes to include in its plan in order to deliver its vision and objectives, however all policies must have a planning focus (i.e. relate to the development and use of land). The policies must comply with the Basic Conditions (as set out in Chapter 2) and be supported by evidence. The policies must only relate to development taking place within the designated neighbourhood area and should not repeat the policies in the Local Plan.

7.5 Potential policy areas could include:

- **Site allocations:** The plan can allocate sites to meet the neighbourhood area's specific needs (for example, housing or employment). This should be informed by a Call for Sites (see Step B), and where the qualifying body has chosen between competing sites, this should be clearly explained and robustly evidenced.

The inclusion of site allocation policies can enable the local community to identify particular design considerations, site sensitivities and infrastructure requirements to ensure the development fits with local aspirations. Where housing policies are proposed, the neighbourhood planning group should consider the provision of custom and self-build homes where there is an evidenced local need. The council collects this information as part of its Self Build Register and can make it available upon request.

- **High quality design:** Neighbourhood plans can have an important role in delivering high quality design in their area. One way to do this is by producing a Design Code identifying the positive characteristics of the area and setting out locally-specific design requirements.
- **Landscape and biodiversity:** The neighbourhood plan can identify, protect and enhance important natural assets in its area. Hampshire Biodiversity Information Centre (HBIC) is a source of data which can be used to identify important habitats. The plan can also include landscape policies and in some cases identify key views, where views have specific characteristics that should be protected. Key views need to be robustly evidenced, and the location of each view and its extent should be clearly mapped.
- **Historic environment:** Neighbourhood plans can have policies covering heritage assets which may not be protected by other policies.



- **Community facilities:** The plan can identify and protect community facilities or any other uses that are highly valued by the local community.
- **Allocation of Local Green Spaces:** The plan can identify green areas of particular importance to the local community and give them the same high level of protection as green belt land (provided they meet the specific requirements set out in the NPPF Paragraph 106³). These areas would need to be mapped and justified against each of the NPPF's policy tests. It is also important to consult with relevant landowners before designating Local Green Spaces.
- **Climate Change:** Neighbourhood plans should consider what they can do to support the council's Climate Emergency declaration and may include policies to support mitigation and adaptation measures. This could include requirements for development to minimise energy use through layout and design. However, at this time, neighbourhood plans are unable to require homes to be built to more challenging energy efficiency standards than Building Regulations. Instead, these will be taken forward through the Local Plan Update. Neighbourhood plans are also strongly encouraged to allocate sites or suitable areas for renewable energy development, where the evidence indicates such development would be suitable.



7.6 Links to more detailed guidance on some of these topics are set out in Appendix 2.

Policy writing

7.7 An important part of the plan will be the wording of the policies. The policies should be clear and unambiguous, with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. They should be concise, precise, and supported by appropriate evidence, and 'locally distinctive' which means they should reflect the unique characteristics and planning context of the neighbourhood area.

7.8 It is also necessary to ensure that policies are positively worded. More specifically, rather than seeking simply to restrict a certain form of development, policies should set out a positive goal/statement, subject to meeting certain criteria.

³ NPPF 2023

- 7.9 If policies do not meet these requirements, the independent examiner could potentially recommend modifications, or possibly remove them.
- 7.10 There is no set number of policies for a neighbourhood plan. The number of policies will depend on how many it takes to achieve the vision of the plan.

Updating the Plan

It will be up to the neighbourhood planning group to determine which parts of the adopted neighbourhood plan should be updated, taking account of the available evidence and any changes that have occurred in national or local policy. When updating the plan, it will be important to keep a 'track changed' version so interested parties (including the examiner) can clearly see what has been modified.



Mapping

- 7.11 The borough council can provide town/parish councils with maps for their neighbourhood plan. The maps should be used to define local designations such as Local Green Spaces and any site allocations, and it is usually expected that the Plan should contain a combined map showing all the relevant designations. Designations within the neighbourhood plan will also be added to the borough council's online Development Plan Policies map once the neighbourhood plan is made.
- 7.12 Neighbourhood plans are required to include a statement or map setting out the neighbourhood planning area. The borough council produces a map when designating the neighbourhood planning area that can be used for this purpose.
- 7.13 Maps should be considered early on in the preparation of a neighbourhood plan to allow the borough council as much notice as possible to produce the required maps. All maps in a neighbourhood plan should use an OS base map and designations related to policies in the plan should be clearly defined.
- 7.14 If maps are produced externally, the neighbourhood planning group is encouraged to share the mapping data with the council to enable the exact boundaries to be reproduced on the council's mapping systems.

Monitoring

- 7.15 The town/parish council is also strongly encouraged to consider the inclusion of indicators to monitor the performance of the policies. This will help to

consider how policies are performing and make decisions on whether policies will require updating in the future.

Support and advice from the borough council

- 7.16 Prior to undertaking the pre-submission consultation, the borough council can provide informal written feedback on draft plans. A full draft plan would require at least 3 weeks to be reviewed and requires sufficient notice prior to submission. This review may not benefit from the full range of internal consultation which will be carried out at the formal Pre-Submission consultation stage (step E). Please note that the borough council is unable to comment on multiple draft versions of a neighbourhood plan.

Step E: Pre-submission (Regulation 14) publicity and consultation

- 8.1 This is the first round of formal consultation on the draft neighbourhood plan. It is organised and funded by the town/parish council and should last at least 6 weeks. The Regulations specify who should be consulted, what documents should be made available, and how the consultation should take place.

Who should be consulted?

Consultees

Legislation requires that a town/parish council must consult in a way that is likely to bring the plan to the attention of people who live, work or carry on business in the neighbourhood area. There is also a requirement to consult statutory bodies, which the council can provide the contact details for.

- 8.2 Consultation is required to reach residents as well as groups that operate in the community such as local community groups, businesses, and other interested parties.

What consultation documents should be made available?

- 8.3 At this stage, the draft neighbourhood plan containing the town/parish council's preferred approach needs to be consulted upon. This includes any appendices or supporting evidence documents.
- 8.4 If the council's screening exercise determined that a Strategic Environmental Assessment (SEA) or a Habitat Regulations Assessment (HRA) were required, those reports should also be consulted upon alongside the draft neighbourhood plan for the full 6 weeks.

Updating the Plan

In the case of a neighbourhood plan review, a **modification statement** is required by legislation at Regulation 14 which needs to state whether the qualifying body believe the proposed modifications are so substantial that they change the nature of the plan. The [PPG](#) sets out three different types of modification:



- **Minor (non-material) modifications** to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors,

such as a reference to a supporting document, and would not require examination or a referendum.

- **Material modifications which do not change the nature of the plan** or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
- **Material modifications which do change the nature of the plan** or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

How to consult?

8.5 The Council's [Statement of Community Involvement](#) recommends the following means of consultation:

- Holding events/drop-in sessions.
- Adverts/posters.
- Letters/flyers to everyone in the neighbourhood area.
- Questionnaires/comments forms.
- Use of websites, social media, and e-mail.
- Notice in parish newsletters/local magazines.

8.6 Consultation material must include details of the Plan, details of where and when the plan can be viewed (including the locations of hard copies), details of how to make representations, and the date by which representations must be submitted.

8.7 Evidence of the above public engagement should be retained so it can be used in the Consultation Statement (required at submission stage), which will be reviewed by the independent examiner to ensure legislative requirements have been met. This should include evidence of consultation with the statutory bodies and could also include copies of leaflets, screenshots of websites and photographs of events, where relevant.

Step F: Prepare the submission plan

- 9.1 Following the Pre-Submission consultation, the town/parish council should review the comments received and consider whether any changes to the Plan are necessary. This is the town/parish council's last chance to change their Plan before it is examined. There are also some additional documents required under the legislation that need to be prepared at this stage.
- 9.2 When preparing the final plan, the town/parish council may wish to discuss the proposed changes with the council or seek an informal review from a Neighbourhood Plan examiner (for a cost, see below).

Reviewing the consultation responses

- 9.3 It will be necessary for the town/parish council to demonstrate to the independent examiner that they have given thorough consideration to all of the responses to the pre-submission consultation. The neighbourhood planning group should therefore produce a 'Schedule of Representations' summarising the responses received and providing a response explaining whether a change has been made (or not) and the reasons for it. This information is often tabulated. This can usefully be included within the Consultation Statement which will be considered by the examiner.
- 9.4 If significant amendments are made to the plan during this process, then it may be beneficial to carry out a further round of public consultation on the amended draft plan before it is formally submitted to the borough council.

Final review of the plan

- 9.5 Prior to submitting the final version of the Plan, the town/parish council may wish to discuss the comments received through the Regulation 14 consultation with the council. At this stage the council is available to review policies or any other outstanding concerns within the plan, provided there is sufficient time for officers to undertake a review.
- 9.6 There is the option of applying to the Neighbourhood Planning Independent Examiners Referral Service (NPIERS) for an independent 'health check' of the neighbourhood plan, but please note there is a fee for this service. The service can provide valuable insights into whether the plan meets the basic conditions and if it is likely to be successful at examination.

Preparing for Submission (Regulation 15/16)

9.7 Legislation requires neighbourhood plans to be accompanied by a consultation statement and a basic conditions statement. An appropriate environmental report may also be required following the environmental assessment or alternatively an environmental report/ statement of reasons as to why one was not necessary. The borough council strongly encourage neighbourhood plans to be supported by an Equality Impact Assessment (EqIA). Further details on the key documents are provided below.

Consultation Statement

9.8 The purpose of the Consultation Statement is to demonstrate how consultation has informed the submission Plan, and that legislative requirements have been met. The Regulations states that the Consultation Statement includes the following:

- (a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified;
- (b) explains how they were consulted;
- (c) summarises the main issues and concerns raised by the persons consulted; and
- (d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified

9.9 The information set out in the following box is not intended to form a prescriptive list, but rather to provide a helpful framework for how the required document could be structured to assist in meeting the criteria set out in the Regulations.

9.10 Depending on the extent of the consultations, the document and appendices can become quite long. It is suggested that where possible the consultation statement should be prepared as one document with necessary appendices at the end of the document to make it easier to use. Make sure to check that appendices are correctly labelled, and page and paragraph numbers should be used throughout the document.

Consultation Statement

Introduction

- Provide the background information in relation to the statement and a summary of the consultation undertaken to date.

Details of the consultation which has been undertaken

- Set out full details of who has been consulted, including with statutory consultees.
- Give details of how they were consulted, including any consultation events that were held.
- Demonstrate that the legislative requirements relating to consultation and publicity have been met.
- Provide evidence of the consultation material such as copies of letters, screenshots and photographs (these may be best included in appendices).

Summary of responses received

- Set out the number of responses received.
- Calculate the level of support for the plan (e.g., 60% of respondents stated that they approved of the draft plan).
- Summarise the main issues and key concerns raised by the respondents.

Changes proposed in response to the consultation

- Describe how these issues and concerns have been considered and where relevant addressed in the proposed neighbourhood plan. It is suggested that this could take the form of a 'you said, we did' table.

Please note that any personal information should be redacted.

Basic Conditions Statement

9.11 It is also necessary to provide a Basic Conditions Statement explaining how the submission plan will meet each of the basic conditions (as set out in paragraph 2.14).

9.12 To demonstrate conformity with national policy, the use of a table can help to clearly evidence how each policy is worded in a way that is policy compliant. A similar approach can be followed to demonstrate conformity with the development plan which principally will focus on the Local Plan (but may also refer to the emerging Local Plan).

- 9.13 Neighbourhood plans must 'contribute to the achievement of sustainable development'. This can be demonstrated by summarising the key findings of the SEA (if one had been produced – in line with the council's screening opinion). However, if an SEA has not been produced, a detailed section should be included within the basic conditions statement itself. An effective way of explaining the sustainability credentials of the plan will be to base the assessment on the issues set out in the borough council's Sustainability Appraisal (SA) for the ALP (i.e. covering the themes and issues set out in that document), though in a simplified manner, proportionate to the complexity and content of the neighbourhood plan.
- 9.14 The basic conditions statement should also refer to EU legislation. The council's SEA/HRA screening report will help to highlight any impacts on legislation relating to the environment. However, it is also necessary to consider human rights requirements through demonstrating how people might be impacted by the plan and how their views were considered through its production. It is logical to include an Equalities Impact Assessment here to help evidence this.
- 9.15 If the Equality Impact Assessment does not form part of the Basic Conditions Statement, it can be provided as a separate document.

Submission Check List

- 9.16 The following documents must be submitted to the borough council:

- The draft plan, including a map of the neighbourhood plan area and any appendices
- Basic conditions statement
- An Equalities Impact Assessment (which can be provided as part of the basic conditions statement)
- Consultation statement
- SEA/HRA reports or a copy of BDBC's screening report and decision notice demonstrating these are not required
- Modification Statement (in the case of a review)

- 9.17 Where the plan is supported by evidence base documents these should also be submitted to the council so they can be made available alongside the consultation.
- 9.18 All documents should be clearly formatted, paying particular attention to ensure documents are named and labelled correctly (in cases where there are multiple supporting documents or appendices). These documents are only required in electronic format. If the document file size is too large to be sent via email the borough council can provide a secure link to transfer these documents.
- 9.19 Once these are prepared the Neighbourhood Planning Group will require formal agreement from the town/parish council (via a meeting of the town/parish council if necessary) that the draft neighbourhood plan can be submitted for examination.

Updating the Plan

A modification statement (as described in Step E) will be required alongside any updated plan. It is also helpful to provide a track changed version of the plan showing how it has been updated from the original version.



Step G: Submit the neighbourhood plan

- 11.1 Once the town/parish council are content that the plan is finalised, it (and the required supporting documents) should be submitted to the borough council who are responsible for the next stages in the process.

Legal Compliance Check

- 11.2 The borough council will undertake a legal compliance check to ensure that all the required documents have been submitted and comply with the legislation. If documents are missing or incomplete, these will need to be corrected before the plan can be consulted upon. Following the compliance check, the town/parish council will be issued with a copy of the completed checklist and a written statement confirming the compliance of the plan, which will also be published on the borough council's website. The issues considered in the legal compliance check can be found in Appendix 1.
- 11.3 At this stage, the borough council is not required to check whether the plan meets the basic conditions.

Submission Consultation

- 11.4 Subject to the legal compliance check, the borough council will consult on the plan for at least 6 weeks. This will be publicised in line with the council's Statement of Community Involvement.
- 11.5 Although the borough council will run the consultation, some support will still be required from the neighbourhood planning group. This may include (but is not limited to):
- Sending out a notification email (produced by the borough council) to everyone who responded to the Regulation 14 consultation as well as notifying any other local contacts.
 - Arranging for the consultation documents to be deposited and available for inspection at suitable places around the parish. Usually these will be the same locations used for the Regulation 14 consultation.
 - Any other tasks requested by the borough council, such as putting up notices to raise awareness of the consultation.
- 11.6 Anyone wishing to make their views known to the independent examiner, or who wishes to submit evidence for the examiner to consider, will need to submit their comments to the borough council.

- 11.7 Representations should address whether the draft neighbourhood plan meets the basic conditions and other matters that the independent examiner is required to consider under paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). Representations may also address whether the referendum area should be extended beyond the neighbourhood area. Anyone wishing to make a case for an oral hearing should do so as part of their written representation.

Appointing an Examiner

- 11.8 The borough council will appoint the independent examiner in agreement with the town/parish council. It is a requirement that the town/parish council provide written confirmation that they formally agreed to the choice of independent examiner. The borough council will use the Neighbourhood Planning Independent Examiners Referral Service (NPIERS) to recommend an independent examiner. The examiner is independent of both the town/parish council and the borough council. The borough council is responsible for drawing up the contract for the examiner and paying for the examination.

Step H: Independent Examination and Report

- 12.1 After the submission consultation has closed, the submission documents and all the consultation comments will be passed to the independent examiner. The examiner will notify both the borough council and the qualifying body when they plan to undertake the examination.

Examiner considers neighbourhood plan

- 12.2 An independent examiner's role is to test whether a draft neighbourhood plan meets the basic conditions. Usually, the examination does not include a public hearing, rather the examiner will reach a view on the basis of an unaccompanied visit and by considering the written representations. If the examination is by written representations, then the examiner may request further information from the borough council and/or the town/parish council. These requests (and any responses) will be published on the council's website.
- 12.3 If a hearing is required, the independent examiner will decide on the format and scope of the hearing, the questions to be asked and who will be invited to speak at the hearing (in addition to the borough council and town/parish council).
- 12.4 The examiner will provide the opportunity for the town/parish council to respond to any representations received through the consultation, and their responses will be considered as part of the examination.

Examiner's report

- 12.5 After the examination has taken place, the independent examiner will issue a report recommending either that the neighbourhood plan can proceed to the next stages or the plan cannot proceed as it does not meet the basic conditions. If the examiner recommends that the plan can proceed, they may recommend changes (such as the specific wording of policies), to ensure the plan meets the basic conditions. The independent examiner can also recommend that the referendum area is extended beyond the neighbourhood area.

Next steps after receiving the report

- 12.6 Once the independent examiner's report has been published, the borough council must decide whether the plan meets the basic conditions and agree the next steps within 5 weeks. For new plans, this will be a decision about

whether to proceed to referendum, however for updated plans, a referendum will not always be required (see below). This decision will be made in consultation with the town/parish council who will also need to formally decide whether they accept the examiner's recommendations and want the plan to proceed. However, if the borough council is not satisfied that the plan complies with the basic conditions, then the plan cannot be taken forward.

- 12.7 Whatever decision is taken by the borough council, it must clearly set out the reasons for that decision in a decision statement.
- 12.8 Where the decision of the borough council departs from the recommendation of the independent examiner, then the borough council must notify and invite representations from the neighbourhood planning group, statutory consultees and consultees that made representations on the neighbourhood plan on that decision.
- 12.9 Once the borough council has made the decision to move forward with the plan, the neighbourhood plan cannot be withdrawn. The borough council must have regard to a post-examination neighbourhood plan when determining a planning application, so far as that plan is material to the application.
- 12.10 If the examiner recommends modifications are required following an examination, the qualifying body should make the required modifications to the neighbourhood plan in liaison with the borough council. A tracked change version of the neighbourhood plan should be provided by the qualifying body to the borough council to demonstrate that all of the changes have been made.

Updating the Plan

In the case of a neighbourhood plan review that proposes material changes, the examiner will have the final say on whether another referendum is required. This will be informed by the town/parish council's modification statement, and the views of the borough council.



If a referendum is required, the plan will be subject to the same process as when it was first made, which will be a referendum (after which, if successful, the plan would form part of the development plan) and then a decision to formally make the plan at Full Council (as explained in Step 1).

If a referendum is not required, the borough council will seek the views of the town/parish council and then decide whether or not to accept the examiner's recommendations.

The formal decision to 'make' (adopt) the plan will be made at Full Council, and prior to this meeting a consolidated version of the plan (including the examiner's changes) will need to be produced.

The council meeting should take place within 5 weeks of the examiner's report being received. If this is not possible, an extension of time can be agreed between the borough council and town/parish council so that the decision can be taken at the next available Council meeting.

Step I: Referendum and ‘making’/adoption of plan

- 13.1 Following a successful examination, and where any modifications suggested by the examiner have been agreed by the qualifying body and the borough council, the plan can proceed to referendum.

Arrangements for referendum

- 13.2 The borough council will make arrangements for the referendum to take place, and this must usually be held within 56 working days of the decision that a referendum should be held. The legislation does enable the council and the town/parish council to agree an alternative timeframe if this is considered suitable. In addition, legislation does allow the time period to be extended so the referendum can be combined with another poll.
- 13.3 The area in which the referendum is to take place must, as a minimum, be the neighbourhood area to which the proposed plan relates. If the borough council considers it appropriate to do so, they may extend the area of the referendum to include other areas.

Preparing for the referendum

- 13.4 The borough council is required to publish all the relevant documents 28 working days before the referendum takes place. It is therefore important that the town/parish council and borough council establish an early dialogue in respect of the information required and procedures that are followed as part of the referendum process. The borough council will keep the town/parish council informed on the referendum date and arrangements.
- 13.5 If the independent examiner had proposed changes to the plan, the town/parish council should make these changes as track changes for the borough council to check before the referendum version of the plan is finalised.
- 13.6 All the referendum documents, including the Neighbourhood Plan (which incorporates any modifications required by the examiner) and supporting documents should be ready and provided to the borough council in good time prior to the 28-day deadline.

Referendum guidance for town/parish councils

- 13.7 The town/parish council can only produce material that is neutrally worded in relation to the referendum. Such material can be publicised on noticeboards, parish council website and social media, however, the town/parish council should check with the borough council that the material is suitable. Distributing flyers or leaflets borders into campaigning and should be avoided unless this is done as part of an official campaign group. Further information regarding registering as a campaign group can be sought from the borough council.
- 13.8 The borough council has produced a [Neighbourhood Plan Referenda: a guide for ward councillors, parish councillors and campaigners](#) which provides information on the key issues in relation to publicity and limits on expenses leading up to the referendum.
- 13.9 The borough council can provide advice on what information/activities (such as campaigns) are acceptable during the publicity period prior to and during the referendum.

Who is eligible to vote in the referendum?

- 13.10 A person is entitled to vote in the referendum if:
- He or she is entitled to vote in a local government election in the referendum area; and
 - His or her qualifying address for the election is in the referendum area. A person's qualifying address is, in relation to a person registered in the register of electors, the address in respect of which he or she is entitled to be registered.

After the referendum

- 13.11 After the polling takes place, the results will be declared by the borough council. Where more than 50% of those who voted vote in favour of the neighbourhood plan, the plan will become part of the statutory Development Plan. At this stage, the plan attains the same legal status as the Local Plan in the determination of planning applications.
- 13.12 The neighbourhood plan should then be 'made' within 8 weeks from the date of the referendum. This is the formal process whereby Full Council makes a decision to 'make' the plan, and it is given the seal and authorised signatory of the borough council.

- 13.13 As soon as is practicable once the decision has been made to make the neighbourhood plan, the borough council must publicise on their website a document setting out their decision and their reasons for making that decision ('the decision statement') and set out where that document can be inspected.
- 13.14 The publication of the 'decision statement' gives notice that the borough council has formally made or not made the plan and its reasons for the decision.
- 13.15 Following the making of the plan, there is a period of six weeks during which a legal challenge can be issued in response to the council's decision.
- 13.16 Where a SEA was produced for the neighbourhood plan, the borough council will also produce and publicise a SEA adoption statement, which amongst other things, provides information on how environmental considerations have been integrated into the neighbourhood plan and how the SEA has been considered. The borough council must send a copy of the decision statement, and, where produced, the SEA Adoption Statement, to the town/parish council and any other person who asked to be notified of the decision.

Appendix 1 - Compliance Checklist

When neighbourhood plans are submitted to the local planning authority under Regulation 15, the below checklist is used to determine whether or not the plan is legally compliant.

Requirements and relevant legislation and/or guidance.
Neighbourhood Planning (General) Regulations 2012 (as amended). Regulation 15 requirements: <i>A qualifying body is required to submit:</i>
<i>(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates</i>
<i>(b) A consultation statement;</i> (the statement should contain details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed Neighbourhood Plan).
<i>(c) The proposed neighbourhood development plan;</i>
<i>(d) A statement explaining how the proposed neighbourhood development plan meets the 'basic conditions', i.e. the requirements of paragraph 8 of Schedule 4B to the 1990 Act.</i> The local planning authority has to be satisfied that a basic condition statement has been submitted but it is not required at this stage to consider whether the draft plan or order meets the basic conditions. (NPPG - Paragraph: 053 Reference ID: 41-053-20140306)
<i>e) Environmental Assessment;</i> The Plan needs to be submitted with one of the following a) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects OR b) an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 ((Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.)
The draft neighbourhood Plan should be checked to ensure it is not a 'repeat' proposal. If so, the LPA can decline to consider the plan (1990 Act Schedule 4B Paragraph 5 and Regulation 18).

The body submitting the neighbourhood plan is authorised to act. (2004 P & CP Act as amended by Localism Act 2011 Section 38 A (2) and 1990 Act schedule 4B as it applies- 61F (2)).In a designated neighbourhood area, which contains all or part of the administrative area of a town or parish council, the town or parish council is responsible for neighbourhood planning.

The relationship between any steering group and the town or parish council should be transparent to the wider public. For example, it should be clear whether a steering group or other body is a formal sub-committee of the parish or town council. The terms of reference for a steering group or other body should be published and the minutes of meetings made available to the public. (See NPPG - Paragraph: 015 Reference ID: 41-015-20140306)

The pre-submission publication requirements need to have been satisfied. Before submission to the LPA the qualifying body should:

1. publicise (but this does not have to be on a website) in a way that is likely to bring to the attention of people who live work or carry on business in the area details of:

- a) the proposals
- b) when and where they can be inspected
- c) how to make representations, and
- d) the deadline for making representations – not less than 6 weeks from first publicised.

2. consult any consultation body whose interests they consider may be affected by the proposals for a NDP

3. send a copy of the NDP to the LPA.

(Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of the Neighbourhood Planning (General Regulations) 2012, i.e. Regs 102 and 102A, Assessment of implications for European site: *A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.*

Meets the definition of a 'neighbourhood development plan': *"A plan which sets out policies (however expressed) in relation to the development use and of land in the whole or any part of a particular neighbourhood area specified in the plan."*

(2004 P & CP Act as amended by Localism Act 2011 Section 38 A (2))

Meets the scope of neighbourhood plan provisions, i.e. specifies the period for which it covers, does not include provision about development that is 'excluded development' (as set out in section 61K of the 1990 Act) and does not relate to more than one neighbourhood area.(2004 Act s 38B (1 & 2) (4))

Where the draft neighbourhood plan submitted to a local planning authority meets the requirements in the legislation, the local planning authority must publicise the neighbourhood plan for a minimum of six weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft neighbourhood plan to independent examination (see regulations [16](#), [17](#), [23](#) and [24](#) of the Neighbourhood Planning (General) Regulations 2012 [\(as amended\)](#), NPPG - Paragraph: 054 Reference ID: 41-054-20140306)

Appendix 2 – Useful sources of information

- National Planning Policy Framework: this provides the governments guidance on neighbourhood planning. This sets out the basic principles, and some of the more detailed considerations.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf
- Planning Practice Guidance: this sets out guidance on the interpretation of the NPPF above. <https://www.gov.uk/government/collections/planning-practice-guidance>
- MyCommunity.org.uk provides an array of neighbourhood planning resources including information on grant funding, guides and case studies:
<https://mycommunity.org.uk/take-action/neighbourhood-planning/>
- The Locality website has all the information on funding and grants available as well as resources and advice. <https://neighbourhoodplanning.org/>
- The Planning Advisory Service provides extensive guidance on neighbourhood planning: <https://www.local.gov.uk/pas/pas-topics/neighbourhood-plans>
- Planning Aid provides guidance and useful templates for neighbourhood planning: <http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>
- The Basingstoke and Deane has a range of resources on the webpage including a summary of [What is Neighbourhood Planning](#), and a page outlining the [Progress of Neighbourhood Plans](#) this page is shows the latest stages of all the neighbourhood plans in the borough and is a helpful starting point to locate other plans to refer to.
- Historic England has some guidance on neighbourhood plan making, available on their website. [Neighbourhood Planning and the Historic Environment | Historic England.](#)

Climate change and neighbourhood plans

- Centre for Sustainable Energy provides lots of guidance and is a good starting point for climate change policies. They have produced a report on [Neighbourhood Planning in a Climate Emergency](#) which includes examples of best practice as well as workshops and resources to assist the community involvement process. There are lots of other resources available on their [webpage on neighbourhood plans](#).
- CPRE has worked with local communities to produce [Community Energy Visions](#) based off a series of workshops where residents discussed their views on the future of renewable energy in the local landscape.
- The National Association for Parish Councils (NALC) has some guidance on [climate change and what local council can do](#).

Appendix 3 – Neighbourhood Planning Glossary

Basic Conditions: The legislative requirements that neighbourhood plans must meet.

Design code: A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.

Design guide: A document providing guidance on how development can be carried out in accordance with good design practice, often produced by a local authority.

Developable: To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

Equalities Impact Assessment (EqIA): An assessment of the potential implementation of policies and what impact this may have on different equality groups.

Green infrastructure: A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

Habitats Regulations Assessment (HRA): This seeks to determine whether or not neighbourhood plans could negatively impact on a protected European Site.

Habitats site: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas, and any relevant Marine Sites.

Heritage asset: A building, monument, site, place, area, or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

International, national, and locally designated sites of importance for biodiversity: All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

Local Plan: The [Local Plan](#) is written by BDBC and sets out the plan for future development in consultation with the local community. In legal terms it forms part of the Development Plan.

Local Planning Authority: Basingstoke and Deane Borough Council is the Local Planning Authority, whose duty it is to carry out specific planning functions in the borough.

Neighbourhood Plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

Non-strategic policies: Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

Qualifying Body: Legislation enables three types of organisations to lead on the making of the neighbourhood plan these are: a town or parish council; a neighbourhood forum or a community organisation.

Regulation 14: The pre-submission consultation undertaken by qualifying body. The first statutory consultation in the neighbourhood planning process.

Regulation 16: The submission consultation undertaken by the LPA.

Site of Special Scientific Interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Special Protection Areas: Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.

Strategic Environmental Assessment (SEA): A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Strategic policies: Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.

Wildlife corridor: Areas of habitat connecting wildlife populations.

Working/Steering Group: Also known as the neighbourhood planning group. The group of people who are responsible for the preparation of a neighbourhood plan.

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