

NEIGHBOURHOOD PLANNING IN HART

SUPPORT FROM HART DISTRICT COUNCIL – GUIDANCE NOTE

The purpose of this Guidance Note is to set out the support that Hart District Council (HDC) can give to those preparing Neighbourhood Plans (NP) in the District. It also signposts to other sources of information.

Neighbourhood Plans must be submitted by a 'Qualifying Body'. In Hart, Town or Parish Councils are the Qualifying Body that will take forward a Neighbourhood Plan. The Qualifying Body has formal responsibility for:

- submitting a request to Hart District Council to agree the neighbourhood planning area;
- preparing and submitting the draft Neighbourhood Plan, together with the Basic Conditions Statement and Consultation Statement;
- liaison with Hart District Council on matters relating to the Examination process.

A summary of the Neighbourhood Planning process and responsibilities is attached as Appendix 1.

General Advice and Support:

Hart District Council will:

- ✓ Provide initial advice relating to the purposes of neighbourhood plans and the process for their preparation;
- ✓ Provide signposting to other resources as set out at the end of this note;
- ✓ Respond to queries relating to the NP process as the Plan progresses;
- ✓ Provide an indicative timetable for the process through to adoption once there is an indicative date for Submission to the Council. This timetable will be updated as the Plan progresses and the Qualifying Bodies advised of likely timescales for the stages after Submission and through to adoption of the NP;
- ✓ Provide general advice on the plan content but cannot provide a planning advice, policy writing or review service. This is the responsibility of the Qualifying Body/neighbourhood plan steering group and their consultants;
- ✓ Provide information on other HDC planning related documents including the Hart Local Plan; and,
- ✓ Endeavour to make decisions within the statutory time periods unless otherwise agreed with the Qualifying Body.

Hart District Council has a statutory role in the administration and processing of Neighbourhood Plans and must therefore, maintain a degree of separation from the Neighbourhood Plan policy development and assessment process in order not to prejudice the roles of the Qualifying Body and HDC.

The remainder of this Note identifies the support that HDC will provide at each stage of the Neighbourhood Plan preparation process. Further information can be found on our webpages at www.hart.gov.uk/neighbourhood-planning.

Designation as a Neighbourhood Area:

The first formal stage in the Neighbourhood Planning process is for the Qualifying Body to seek designation of a Neighbourhood Area. HDC will:

- ✓ Advise as to the information required to submit an application for designation as a Neighbourhood Area;
- ✓ Carry out any relevant consultation;
- ✓ Determine the outcome of the application and advise the Qualifying Body accordingly.

Evidence to Support the Neighbourhood Plan

Neighbourhood Plans must be supported by appropriate evidence. Evidence published to support the Hart Local Plan is likely to be of use in the preparation of Neighbourhood Plans. This is available at <https://www.hart.gov.uk/Evidence-base>

Further information on preparing an evidence base can be found on the My Community website at <https://mycommunity.org.uk/help-centre/resources/neighbourhood-planning/>

HDC will advise on other topic specific information where requested and where information is readily available.

Mapping

HDC cannot provide a mapping service for Neighbourhood Plans. However we can provide access to our mapping layers. The Magic website (<http://magic.defra.gov.uk/>) provides nationally held natural environment data. In addition, there are a number of private Companies that will provide a mapping service.

Strategic Environmental Assessment (SEA)/Habitat Regulation Assessment (HRA)

A neighbourhood plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. Of particular relevance is the requirement for Strategic Environmental Assessment which seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes, and legislation supporting Europe's most important habitats and species (through Habitat Regulation Assessments).

Upon request by a Qualifying Body, HDC will carry out a first screening of an emerging Plan to determine whether it is likely to need a full SEA or HRA. In order to do this, HDC will require as a minimum:

- A draft vision and objectives
- a scope of the policies likely to be included
- information as to whether the NP is likely to include site allocations, particularly for housing.

As the Screening must include a minimum five week consultation with Natural England, Historic England and the Environment Agency this process takes approximately two months.

Whilst the above is the minimum information needed, the more complete that a Plan is for the Screening process then the more certain the Screening outcome will be and the less risk there is that a further Screening may be required.

If the Screening indicates that either a further Screening, or a full SEA and/or HRA are needed these must be undertaken by the Neighbourhood Plan team or their consultants and cannot be prepared or funded by HDC. If the statutory bodies raise specific issues of concern at the Screening stage these should be pursued by the neighbourhood plan team or Qualifying Body rather than HDC.

Further information is available at <https://mycommunity.org.uk/help-centre/resources/neighbourhood-planning/screening-for-a-strategic-environmental-assessment/>

Pre-Submission Preparation and Consultation

To support Qualifying Bodies preparing their draft Plan and carrying out consultation HDC will:

- ✓ Provide a list of Strategic Development Policies - available on the neighbourhood planning page of the Hart website;
- ✓ Advise on the statutory requirements for the Pre-Submission process;
- ✓ Provide a contact list for statutory consultees as defined in Schedule 1 of The Neighbourhood Planning (General) Regulations 2012 (as amended);
- ✓ Provide comments and advice on specific issues proposed within a NP where officer resources are available, where there is a direct link with the emerging Local Plan, and where there are issues likely to affect meeting the Basic Conditions;
- ✓ Provide a high level review of a fully drafted (or close to fully drafted) Plan prior to formal consultation where officer resources are available; and,
- ✓ Provide a formal response to the Pre-Submission Consultation.

Submission Plan to adoption:

Once the Qualifying Body has considered any representations received on the Pre-Submission Plan, and prepared a final Plan, this must then be submitted to Hart District Council along with other supporting documents.

Appendix 2 sets out the stages from Submission through to adoption along with responsibilities and indicative timescales.

Upon **Submission** to HDC, the Council will:

- ✓ Undertake a review to ensure that the Submitted Neighbourhood Plan complies with all the statutory requirements. This checklist is attached as Appendix 3;
- ✓ Confirm in writing to the Qualifying Body whether the Plan meets these requirements;
- ✓ Undertake statutory consultation on the Submission NP for a minimum of 6 weeks;
- ✓ Notify consultation bodies identified in the Consultation Statement; and,
- ✓ Provide a formal response to the Submission Plan as part of the consultation process.

In relation to **independent Examination** of the Plan, HDC will:

- ✓ Appoint, and fund an Examiner for the Plan in discussion with the relevant Qualifying Body;
- ✓ Produce a summary of representations from the Submission consultation to be sent to the Examiner and to the Qualifying Body and placed on the website;
- ✓ Communicate examination timetables and progress with the Qualifying Body;
- ✓ Discuss the independent Examiners Report on the NP with the Qualifying Body;
- ✓ Consider at Cabinet the Examiners recommendations and make a decision as to whether to proceed to referendum;
- ✓ Amend the Plan in line with the Examiners Report in conjunction with the Qualifying Body; and,
- ✓ Issue a Decision Statement setting out its reasons for accepting or otherwise the Examiners modifications.

In relation to the **Referendum**, HDC will:

- ✓ Liaise with the Qualifying Body on the Referendum date (which will be subject to resources and workloads of the Elections team);
- ✓ Organise, fund and run the local referendum.

Where there is a majority 'yes' vote for the Plan, HDC will confirm that the 'making' of the Neighbourhood Plan as part of the Development Plan for Hart at Full Council.

Further Information

Further guidance is available from a number of sources including those set out below.

There are many organisations that can offer independent consultancy support and there are also a number of suitably qualified individuals who can be commissioned to give an Examiners perspective on policies and in particular policy wording.

National Planning Policy Framework – sets out national planning policy including on neighbourhood plans <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance – sets out national guidance on Neighbourhood Planning, including help on process and content <https://www.gov.uk/guidance/neighbourhood-planning--2>

MyCommunity – includes current news and information relating to Neighbourhood planning along with good practice guides and case studies. <https://mycommunity.org.uk/help-centre/resources/neighbourhood-planning/>

Hampshire County Council – sets out the support that Hampshire County Council will give those communities preparing neighbourhood plans - <http://documents.hants.gov.uk/planning-strategic/NeighbourhoodPlanninginHampshire.pdf>

Royal Town Planning Institute – provides case studies, advice and briefing notes on neighbourhood planning. <http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>

Magic – Nationally held environmental data. <http://magic.defra.gov.uk/>

Hart Local Plan evidence base – background evidence supporting the preparation of the Hart Local Plan. <https://www.hart.gov.uk/Evidence-base>

APPENDIX 1 – Summary Neighbourhood Plan Process

Stage	Tasks	Who
Step 1 Neighbourhood Area	<ul style="list-style-type: none"> ➤ Make application to HDC for designation as a Neighbourhood Area 	Qualifying body HDC determines
Step 2 Preparing a Draft Plan	<ul style="list-style-type: none"> ➤ Gather baseline information and evidence ➤ Engage and consult those living and working in the neighbourhood area and other stakeholders ➤ Identify a vision and objectives ➤ Identify and assess options ➤ Determine whether the Plan is likely to have significant environmental effect (and therefore whether a Strategic Environmental Assessment and/or Habitat Regulation Assessment is required) ➤ Start to prepare proposals documents 	Qualifying body (Hart DC can provide a screening opinion in relation to SEA and HRA)
Step 3 Pre-submission publicity and consultation	<ul style="list-style-type: none"> ➤ Prepare and Publicise the draft Plan and invite representations (statutory 6 weeks) ➤ Ensure compliance with any Environmental obligations (as Step 2) ➤ Consider consultation responses and amend plan if appropriate ➤ Prepare Consultation Statement and other submission documents 	Qualifying body
Step 4 Submission of the Plan to Hart District Council	<ul style="list-style-type: none"> ➤ Submit the Plan (and supporting documents) to Hart DC ➤ Check the submitted Plan and documents comply with relevant legislation ➤ Publicise the Plan for 6 weeks ➤ Appoint an independent examiner 	Qualifying body Hart DC Hart DC Hart DC (consultation with Qualifying body)
Step 5 Independent Examination	<ul style="list-style-type: none"> ➤ Send Plan, representations and supporting documents to Examiner ➤ Examination takes place (usually by written representation) ➤ Examiner issues a report to Hart DC and Qualifying body ➤ Publish Examiners report ➤ Considers report recommendations and makes changes to the Plan ➤ Decide whether to send the plan to referendum (Cabinet) 	Hart DC Examiner Examiner Hart DC Hart DC (with QB) Hart DC
Step 6 Referendum	<ul style="list-style-type: none"> ➤ Publicise forthcoming referendum (28 working days notice) ➤ Undertake referendum 	Hart DC
Step 7 Make the Plan	<ul style="list-style-type: none"> ➤ Providing the Plan is compatible with EU obligations make the Plan part of the Hart Development Plan (Cabinet and Council) 	Hart DC

APPENDIX 2 – KEY STAGES FROM SUBMISSION to ADOPTION

Key Stage	Indicative Dates	Who	Comments
Submission to Hart District Council	Month 1	Qualifying Body	Must include Consultation Statement and Basic Conditions Statement/SEA etc
Preparation for Publication	Month 1	Hart DC	Includes checking and confirming legal compliance of submission docs
Publication of Submission NP	Months 1 – 2	Hart DC	Statutory minimum 6 weeks consultation. May run into 3 rd Month depending on start date.
Confirm Examiner	Month 1	Hart DC in conjunction with Qualifying Body	During consultation process
Submit Plan for Examination	Month 2	Hart DC	In practice likely to start during consultation process.
Examination	Months 2/3	Appointed Examiner	Length dependent on range of issues etc.
Receipt of Examiners Report and consideration of recommendations Prepare amended Plan for referendum	Months 3/4	Hart DC in conjunction with Qualifying Body	Need Cabinet agreement to proceed to Referendum – will depend on date of receipt of Examiners Report
Publish pre-referendum statement (and associated requirements)	Months 4/5	Hart DC	28 working days before Referendum This, and date of Referendum subject to discussions with Electoral team about timing with other work.
Referendum	Month 6	Hart DC	Affected by notes above.
Decision to ‘make’ the NP	Month 7	Hart DC	Cabinet and Council decision – timing dependent on meeting dates and date of Referendum.

APPENDIX 3

Neighbourhood Plan Submission Compliance Checklist

Neighbourhood Plan	
Date of Submission	

The statutory criteria are set out in the Town and Country Planning Act 1990 (the Act) (as amended), the Planning and Compulsory Purchase Act 2004 (P&CPA), and the Neighbourhood Planning (General) Regulations 2012 (as amended).

Submission Documents		
Schedule 4B of the Act, para 1, Para 6(2)(c) and NP (General Regulations 2012, Regulation 15.		
		MET?
1	Inclusion of a map/statement identifying the area to which the plan relates	
2	The consultation statement – containing details of those consulted, how they were consulted, summary of the main issues and concerns raised and how these have been considered, and where relevant, in the proposed NP.	
3	The proposed Neighbourhood Plan	
4	Basic Conditions Statement – setting out how the NDP meets the ‘basic conditions’ (para 8 Schedule 4B to the Act.	
5	Environmental Assessments (if required)	
Examination Checklist/Assessment of the NP – Requirements		
6	Plan is not a repeat proposal (LA has refused the same/similar proposal within previous 2 years or referendum relating to the same/similar proposal has been held and received a majority no vote and no significant changes in national policy/advice of relevance to the proposals, or strategic policies of the development plan have occurred since the refusal or referendum). ¹	
7	Body is a qualifying Body and is authorised to Act.	
	Proposal and accompanying documents:	

¹ Town and Country Planning Act 1990, Schedule 4B paragraph 5 and Regulation 18

Submission Documents

8	<ul style="list-style-type: none">• Comply with rules for submission (see above)• Meet the definition of an NDP (sets out policies in relation to the development and use of land in the neighbourhood area specified in the plan)²• Meet the scope of NDP provisions³<ul style="list-style-type: none">- Specifies the period for which it covers- Does not include provision about 'excluded development' (section 61K of 1990 Act)- Does not relate to more than one Neighbourhood Area	
9	Pre-submission publication requirements have been satisfied. ⁴	

Date of Assessment**Assessor**

² Town and Country Planning Act 2004, as amended by the Localism Act 2011 Section 38A (2)

³ Town and Country Planning Act 2004 Section 38B (1 & 2) (4)

⁴ Neighbourhood Planning (General) Regulations, 2012 (as amended) Regulation 14.