

Draft version

Wealden District Council
Guide to Neighbourhood
Planning – March 2018



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1. Introduction

- 1.1 The Neighbourhood Planning (General) Regulations 2012¹ (as amended) and the Neighbourhood Planning (Referendums) Regulations 2012 (as amended) set out the legal stages necessary to prepare and adopt a Neighbourhood Plan or Order. This guidance note sets out the requirements for each stage of the process and should be read alongside other guidance notes published by Wealden District Council and additional information which can be found on the Council's website at:
- http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/NeighbourhoodPlanning/Planning_Neighbourhood_Planning.aspx
- 1.2 This guidance note also sets out;
- The advice and assistance Wealden District Council will provide in order to fulfil its statutory duties in relation to neighbourhood plans;
 - How Town and Parish Council's should aim to progress their neighbourhood plans; and
 - How Town and Parish Council's should engage with Wealden District Council.
- 1.3 Each Neighbourhood Plan is different and the steps required to prepare a Plan or Order will vary according to local circumstances and on what the Town or Parish Council wish to address through their Plan or Order.
- 1.4 It is recommended that the very first step for Town or Parish Council's considering preparing a Neighbourhood Plan or Order is to seek advice from Wealden District Council. This will establish whether Neighbourhood Planning is the most appropriate way to deal with the issues important to the local community. Please contact the Planning Policy Team at Wealden District Council at nplans@wealden.gov.uk or on 01892 602008.
- 1.5 If a neighbourhood plan is considered to be the most appropriate way forward it is recommended that an initial meeting take place with the Town or Parish Council with Wealden District Council to discuss;
- The process of preparing a Neighbourhood Plan;
 - The role and potential content of a Neighbourhood Plan;
 - The requirements of other legislations such as the Habitats Regulations and the Strategic Environmental Assessment;
 - Advice on the suitability of a proposed Neighbourhood Area if this differs from the existing Town or Parish Council boundary; and
 - Entering into a memorandum of understanding.

2. Financing a neighbourhood plan

¹ Statutory Instrument No. 637: The Neighbourhood Planning (General) Regulations (2012) available from: <http://www.legislation.gov.uk/uksi/2012/637/contents/made>

- 2.1 Wealden District Council has a duty to finance certain stages of the Neighbourhood Plan process, including the Examination and Referendum stages. Wealden District Council will not provide direct financial support in relation to other stages of preparing the Neighbourhood Plan which include the early stages of its preparation.
- 2.2 Town and Parish Councils can apply to Locality, a national network of community led organisations, for funding to help cover the costs of preparing a Neighbourhood Plan. This funding is confirmed to 2018 and further information, including details of how to apply, is available here:
- <https://mycommunity.org.uk/funding-options/neighbourhood-planning/>
- 2.3 Wealden District Council takes no responsibility for costs incurred by Town and Parish Councils during the preparation of their Neighbourhood Plan. However, Wealden District Council will assist Town and Parish Council's early in the process to explore opportunities that seek to minimise the cost of preparing a Neighbourhood Plan.

3. The Basic Conditions

- 3.1 Town and Parish Council's should consider from the outset the basic conditions a Neighbourhood Plan or Order must meet before it can proceed to the community referendum and ultimately for the Neighbourhood Plan to be adopted by Wealden District Council. The table below summarises the basic conditions and how they apply to Neighbourhood Plans and Orders.

Table 1: Basic Conditions

Basic Condition	Explanation
<p>Have appropriate regard to national planning policy and advice contained in guidance issued by the Secretary of State</p>	<p>The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.. It is available to view at:</p> <p>https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>The National Planning Practice Guidance (NPPG) sets out in more detail certain aspects of the NPPF and how these policies are expected to be applied by Local Authorities and as relevant to Neighbourhood Planning. It is available to view at:</p> <p>https://www.gov.uk/government/collections/planning-practice-guidance</p> <p>There is a specific section relating to Neighbourhood Planning and this is available to view at:</p> <p>https://www.gov.uk/guidance/neighbourhood-planning--2</p>

	<p>The NPPF and NPPG are clear that Neighbourhood Plans and Orders should not promote less development than is set out in the adopted development plan produced by the Local Planning Authority or undermine the objectives of a Local Plan</p>
<p>Be in general conformity with the strategic policies in the development plan</p>	<p>Neighbourhood Plans and Orders must align with the strategic policies in the development plan. The development plan currently comprises the Core Strategy (adopted February 2013), Affordable Housing Delivery Local Plan (February 2014), the saved policies from the Wealden Local Plan 1998 and the Community Infrastructure Levy (adopted 1st November 2015). These documents can be viewed at:</p> <p>https://www.wealden.gov.uk/planningpolicy</p> <p>If there is an emerging local plan this will provide up to date evidence and context for the neighbourhood plan and in accordance with the National Planning Practice Guidance may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. However, the examiner cannot consider the Neighbourhood Plan against emerging local plan policies. The Neighbourhood Plan can only therefore be considered against adopted planning policies. However, once adopted any Local Plan becomes the planning policy for the District and will only be superseded should an alternate policy be adopted at a later stage.</p> <p>National Policy as well as Waste and Minerals Local Plans adopted by East Sussex County Council are also relevant.</p>
<p>Have special regard for the desirability of preserving any listed buildings or its setting or any features of special architectural or historic interest that it possesses.</p>	<p>Neighbourhood Plans and Orders must not weaken the statutory protection afforded to listed buildings and Conservation Areas. Further information can be found using the following links:</p> <p>http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Listed_Buildings_And_Conservation_Areas/Planning_Listed_Buildings_and_Conservation_Areas.aspx</p> <p>Section 12 of the NPPF – Conserving and enhancing the historic environment:</p> <p>https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>NPPG – Conserving and enhancing the historic environment:</p> <p>https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment</p>

<p>Have special regard to the desirability of preserving or enhancing the character or appearance of any Conservation Area</p>	<p>Neighbourhood Plans and Orders must not weaken the statutory protection afforded to Conservation Areas. Further information can be found using the following links:</p> <p>http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Listed_Buildings_And_Conservation_Areas/Planning_Listed_Buildings_and_Conservation_Areas.aspx</p> <p>Section 12 of the NPPF – Conserving and enhancing the historic environment:</p> <p>https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>NPPG – Conserving and enhancing the historic environment:</p> <p>https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment</p>
<p>Be compatible with European obligations in relation to the protection of the environment, habitats and species.</p>	<p>Neighbourhood Plans and Orders must consider environmental assessments. There are different types of environmental assessments that apply to the preparation of a Neighbourhood Plan or Order. These are briefly outlined below. A separate guidance note has been produced on this topic which includes how to request a Screening Opinion.</p> <p><u>Strategic Environmental Assessment</u> Neighbourhood Plans will require Strategic Environmental Assessment if they are likely to have significant effects on the environment. To determine whether the Neighbourhood Plan or Order might have significant effects, Town or Parish Councils must request a Screening Opinion from Wealden District Council at an early stage in the Neighbourhood Plan making process. Once this has been requested then WDC will prepare the Screening Opinion and will consult the Statutory Bodies² for a period of five weeks. Where an SEA is required then this has its own legislative consultation requirements. The SEA process must therefore be begun early in the process so that it can form part of the Regulation 14 consultation.</p> <p><u>Habitats Regulations</u> Neighbourhood Plans and Orders must have regard to the European Directives which aim to protect and improve Europe’s most important habitats and species. To determine whether the Plan or Order might have a likely significant effect on a site that has been identified as being of European or international importance, Wealden District Council will prepare an initial screening opinion. Similar to</p>

² The Statutory bodies include The Environment Agency, Historic England, Natural England

	<p>Strategic Environmental Assessment, Town or Parish Councils must request a Habitats Regulations Assessment Screening Opinion from Wealden District Council at an early stage in the Neighbourhood Plan making process</p> <p><u>Environmental Impact Assessment</u> Neighbourhood Orders may require an Environmental Impact Assessment to ensure decisions are made in full knowledge of any likely significant effects to the environment. This would include any policy which could have an impact on one of the European designated sites located within the District (Pevensey Levels and Ashdown Forest).</p>
<p>Contribute to sustainable development</p>	<p>Neighbourhood Plans and Orders must demonstrate how their Plan or Order will contribute to sustainable development through improvements in environmental, economic and social conditions. This could include identifying how any potential adverse effects arising from the proposals would be prevented, reduced or offset. Preparing a Sustainability Appraisal can help demonstrate how Plans and Orders will contribute towards sustainable development. Wealden District Council would recommend that such an appraisal is carried out for all Plans and Orders. Further information can be found using the following links:</p> <p>http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Planning_Policy_Documents/</p> <p>https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal</p>

4. Stage 1: Application to designate a Neighbourhood Area

- 4.1 The first formal stage in the preparation of a Neighbourhood Plan or Order is for the relevant body³ to submit an Area Application to Wealden District Council. This is a request for a specified area to be designated as a Neighbourhood Area for the purposes of Neighbourhood Planning.
- 4.2 Town and Parish Councils should complete the Area Application Form which can be found in Appendix A to this guidance note. The Area Application comprises a map which identifies the proposed Neighbourhood Area and a written statement explaining why the Town or Parish Council consider their proposed Neighbourhood Area to be appropriate and a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.
- 4.3 Wealden District Council on request can prepare a map showing the boundary of the proposed Neighbourhood Area on request from the Town or Parish Council.

What is an appropriate Neighbourhood Area?

- 4.4 Town and Parish Councils should take into account the following factors when deciding the boundary of their proposed Neighbourhood Area;
 - Village or settlement boundaries;
 - Catchment areas for walking to local services, such as shops, primary schools, doctors surgery, parks or other community facilities;
 - The physical appearance and characteristics of the neighbourhood; and
 - Whether infrastructure or physical features define a natural boundary, for example a major road or railway line.
- 4.5 Most Neighbourhood Areas will follow existing parish boundaries. These boundaries benefit from established and recognised representation. They may also already be used as the basis for collecting data and information, which may be useful to provide evidence to support the proposals in the Plan or Order.
- 4.6 A Neighbourhood Area can comprise of more than one parish provided that all Town and Parish Councils involved agree on the area and can also follow a different boundary. This would need to be set out in the Area Application and include clear reasons to explain why the Neighbourhood Area does not follow existing parish boundaries. An area can only be included in one Neighbourhood Area and an application would be refused if two proposed Neighbourhood Areas overlap.

What is a business Neighbourhood Area?

- 4.7 Town and Parish Councils may choose to promote their Neighbourhood Area as a Business Area. As part of the process of designating a Neighbourhood Area,

³ A “relevant body” means (a) a parish council, or (b) an organisation or body which is, or is capable of being, designated as a neighbourhood forum (s61G(2) of the Town and Country Planning Act 1990 as inserted by paragraph 2 of Schedule 9 of the Localism Act 2011 (c.20)

Wealden District Council will consider the appropriateness of designating a Business Area. This may be appropriate for areas that are wholly or predominantly business in nature or commercial in character.

- 4.8 Further guidance on Business Neighbourhood Areas, including the implications of designating a Neighbourhood Area as a business area are explained in Stage 9 of this guidance note.

Determining a Neighbourhood Area

- 4.9 To ensure that Area Applications are determined in an efficient manner, Wealden District Council will:
- Support Town and Parish Councils as they prepare their application through advising on the suitability of the proposed Neighbourhood Area.
 - Attempt to resolve any objection from a Town or Parish Council, should there be any dispute over a potential Neighbourhood Area boundary.
 - Ensure designated Neighbourhood Areas in Wealden District are consistent with guidance. This recognises that the boundaries for different Neighbourhood Areas cannot overlap.
 - Consider:
 - The reasons why the Town or Parish Council believe the proposed area to be an appropriate Neighbourhood Area, should the area not follow the existing parish boundary;
 - The desirability of maintaining the existing boundaries of areas already designated as Neighbourhood Areas to ensure none overlap.
 - Make ward Councillors and the Portfolio Holder for Planning and Economic Development aware the Council has received an Area Application.

5. Stage 2: Approval of the Neighbourhood Area

- 5.1 Where a Neighbourhood Area is proposed to be the whole of the Parish area and the application is received by a Parish Council there is no requirement to consult on the application. In these circumstances the following timescales will apply:
- 5.2 Within 2 weeks of approving the Area Application, Wealden District Council will publicise on its website;
- The name of the Neighbourhood Area;
 - A map identifying the Neighbourhood Area; and
 - The name of the Town or Parish Council that has applied for the designation.
- 5.3 Within 2 weeks of refusing the Area Application, Wealden District Council will publicise on its website;
- The decision and the reasons for making the decision (the decision document); and
 - Details of when and where the decision document can be viewed

- 5.4 When determining the Area Application, Wealden District Council will consider;
- The desirability of designating the whole of the parish area as a Neighbourhood Area;
 - The desirability of maintaining the existing boundaries of area already designated as Neighbourhood Areas (designated areas must not overlap); and;
 - Whether the area should be designated as a Business Area.

- 5.5 Where a neighbourhood area designation is not received by a parish council for the whole of the parish boundary Wealden District Council must determine the application within the following timescales:

20 weeks – where the proposed Neighbourhood Area falls within the areas of two or more local planning authorities;

8 weeks – where the proposed Neighbourhood Area is the whole of the area of the Town or Parish Council; and

13 weeks – in all other cases (for example, where the proposed Neighbourhood Area falls within the areas of two or more parishes)

The timescales in paragraph 4.2 commence from the date the application is received by Wealden District Council.

- 5.6 Town and Parish Councils do not need to wait for Wealden District Council to formally approve the Neighbourhood Area before commencing work on the Neighbourhood Plan or Order. It is recommended that Town or Parish Council's promote the proposed Neighbourhood Area and the intention to prepare a Neighbourhood Plan on their website and any other means available (for example notice boards, newsletters).
- 5.7 Within one week of Wealden District Council approving the area designation the Town or Parish Council should publicise on its website the name of the neighbourhood area, a map identifying the neighbourhood area and the decision letter received from Wealden District Council.

6. Stage 3: Preparing the draft Neighbourhood Plan or Order

- 6.1 On Request Wealden District Council will provide electronically to the Town or Parish Council;
- All up to date information on neighbourhood planning including legislation, guidance and procedures involved in preparing a neighbourhood plan and details of funding available;
 - An update on the Wealden Local Plan and the published evidence base;
 - Details of how Town or Parish Councils can access OS mapping to help support development of the neighbourhood plan.

- 6.2 Within Stage 3 there are five main steps to follow to prepare a Neighbourhood Plan or Order. These steps are outlined in Table 2 below.

Table 2: Preparing a draft Neighbourhood Plan or Order

Step 1	Set up a steering group, consider sources of funding and prepare a project plan. Consider using a consultant.
Step 2	Gather evidence and identify planning issues.
Step 3	Develop a vision and objectives. Consider environmental assessments.
Step 4	Consider options.
Step 5	Prepare a Draft Plan or Order.

Step 1: Set up a steering group. Consider sources of funding and prepare a project plan. Consider using a consultant.

Set up a steering group

- 6.3 It is best practice for Town and Parish Councils to set up a steering group for their Neighbourhood Plan or Order comprising people who live, work and carry out business in the Neighbourhood Area. This may include individuals or organisations that are not on the Town or Parish Council and will help ensure Neighbourhood Planning is community led and engages a wide range of interests.
- 6.4 It is a matter for Town and Parish Councils to determine how the steering group or other bodies are constituted. Any members will need to take into account the provisions of the relevant Town or Parish Council Code of Conduct.
- 6.5 Wealden District Council recommends that Town and Parish Council's prepare 'Terms of Reference' for the Steering Group. These should set out the purpose and remit of the group, as well as the reporting and decision making procedures. Terms of Reference for the steering group should be approved and published by the Town or Parish Council and minutes of any meetings of the steering group should be made available to the public and published on the Town or Parish Council's website.
- 6.6 It is recommended that the Town or Parish Council set up a dedicated webpage for the Neighbourhood Plan which is updated regularly with the progress of the plan and has all documents relating to the preparation of the plan in one location.

Speak to the community

- 6.7 Where a Town or Parish Council chooses to produce a Neighbourhood Plan or Order they should work with other members of the community who are interested in, or affected by, the Neighbourhood Planning proposals. This will allow the wider community to play an active role in preparing the Neighbourhood Plan or Order.

- 6.8 Town and Parish Councils may wish to promote their intention to prepare a Neighbourhood Plan or Order on their website as well as through any other means available to them such as notice boards and local/ householder newsletters. They may also wish to set up public meetings to discuss the purpose of the Neighbourhood Plan or Order and what topics the Plan or Order should cover and address.
- 6.9 Town and Parish Councils must involve the community from the start of the Neighbourhood Plan or Order. Ultimately local people will vote in a community referendum to decide whether or not to bring the Plan or Order into force. It is important to engage the wider community throughout the preparation of the Plan or Order to ensure it represents their views.

Consider funding and sources of support

- 6.10 At this stage, Town or Parish Councils may wish to consider applying for funding. Further details of the grants which may be available can be found on the My Community website at:

<https://mycommunity.org.uk/take-action/neighbourhood-planning/>

- 6.11 It is the responsibility of the Town or Parish Council to ensure that they have sufficient funds to prepare the Neighbourhood Plan or Order. It is the responsibility of Wealden District Council to pay for the examination process and the referendum (further details are set out in Stages 7 to 9 below).
- 6.12 The Town or Parish Council may wish to consider appointing a consultant to work with them in developing a Neighbourhood Plan or Order. This may be to help with a specific element or ongoing support. The cost of this should be taken into account in estimating the cost of undertaking a Neighbourhood Plan. Further information on how to commission consultants can be found at:

<https://mycommunity.org.uk/resources/commissioning-consultants/>

Prepare a project plan

- 6.13 A project plan should be prepared and shared with Wealden District Council as soon as possible. This should set out:
- A list of activities which are required for each stage of developing the plan. This will include research, meetings, consultations, surveys, events and analysis.
 - Consideration of the resources that will be required (people, materials and funding); and
 - An estimation of how much time should be set aside to accomplish each stage.
- 6.14 Further information on how to prepare a project plan can be found at:

<https://www.ourneighbourhoodplanning.org.uk/resources/documents>

<https://mycommunity.org.uk/take-action/neighbourhood-planning/resources/>

- 6.15 The Town or Parish Council should submit a copy of the project plan to Wealden District Council at the earliest opportunity following the designation of the Neighbourhood Area.

Step 2: Gather evidence and identify planning issues

- 6.16 The Town or Parish Council must understand what planning issues are relevant to the community and could be included in a Plan or Order. It is also important to gather evidence to understand the needs and opportunities of the area and support the policies and development proposals in the Plan or Order.
- 6.17 Town and Parish Councils may already have a good idea of the issues they would like to cover in a Neighbourhood Plan or Order. It is important at this stage to consult with the wider community to understand the issues they may be concerned about. It is suggested that a questionnaire and/ or consultation event is undertaken within the area the Neighbourhood Plan or Order will affect.
- 6.18 Some issues identified by the community may already be addressed by policies in the adopted development plan. Policies in a Neighbourhood Plan or Order should comply with and not contradict the strategic policies in the adopted development plan.
- 6.19 If the Town or Parish Council chooses to include non-planning issues within the Neighbourhood Plan or Order they can do so, however, they must be clearly identified and these policies will not form part of the Plan or Order which will be examined and adopted. It is recommended that non planning issues are set out in a separate document, chapter or annex which is published as part of the Neighbourhood Plan process.
- 6.20 There is no 'tick box' list of evidence required for Neighbourhood Planning. A proportionate and robust evidence base should support the choices made and the approach taken. It will help Town and Parish Councils understand the needs and opportunities of their area and guide the policies and development proposals included in the Neighbourhood Plan or Order.
- 6.21 The evidence base informing the emerging Wealden Local Plan will provide a useful starting point for Neighbourhood Plans and Orders. This consists of a collection of documents, studies, research and data covering the economic, social and environmental characteristics and prospects of Wealden. These documents can be found at:

http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Evidence_Base/PPolicy_Evidence_Base.aspx

- 6.22 This evidence base includes but is not limited to;

- Strategic Housing Market Assessment – considers the characteristics of the housing market, including the scale and type of housing likely to be needed in the future.
- Transport Study – considers the impacts of revised development proposals coming forward in Wealden District Council's Draft Proposed Submission Wealden Local Plan.
- Economy Study – sets out the current situation with regard to the economy, retail and town centres within the District, identifies the need and demand for employment and retail land and premises and formulates recommendations for the emerging Wealden Local Plan.
- Town Centre and Retail Study - assesses the quality of Wealden's town centres and the amount of new floor-space that will be required in the future.
- Green Infrastructure Study – assesses the quantity, quality and accessibility of the Districts green assets that contribute to the green infrastructure network and identifies deficiencies within the network and makes recommendations for opportunities for provision and enhancement of green infrastructure to provide a coherent and accessible network.
- Landscape and ecological assessment – looks at the landscape impact and provides an ecological assessment of a number of sites contained within the Strategic Housing and Economic Land Availability Assessment.
- Landscape Character Assessment – identifies different landscape character types across Wealden, making judgements about the quality, value, sensitivity and capacity for new development.
- Open Space, Sports and Recreation Assessment – provides a detailed assessment of the quantity, quality and accessibility of open space in Wealden and identifies potential future requirements.
- Strategic Flood Risk Assessment – sets out information on all known sources of flooding that may affect existing or future development within Wealden.

- 6.23 The evidence base required to support a Neighbourhood Plan or Order does not have to be as extensive as for a Local Plan, however Neighbourhood Plan policies should be supported by evidence.
- 6.24 In addition to the evidence base prepared for the Local Plan, Town and Parish Council's will need to consider gathering local evidence to support their policies and any development proposals.
- 6.25 The amount of evidence collected to support a Neighbourhood Plan or Order should be proportionate to the level of detail and issues being covered by the Plan or Order. Plans allocating land for development will, for example, require a more comprehensive evidence base to help justify the selection of some sites over others.
- 6.26 At the initial meeting with Wealden District Council the type of evidence that may be required to support the preparation of a Neighbourhood Plan or Order can be discussed. This will help to identify whether the Town or Parish Council should consider commissioning external expertise to prepare a particular type of

evidence base and the potential to reduce the costs of preparing evidence, should evidence already exist.

Step 3: Develop a vision and objectives and consider environmental assessment

- 6.27 After the Town or Parish Council has gathered evidence and had an initial consultation with the local community, the next step is to consider preparing a vision and objectives for the Neighbourhood Plan. Planning policies in a Neighbourhood Plan should be based on a vision for the future of the area and an understanding and evaluation of the defining characteristics of the area.
- 6.28 A vision is an overarching statement outlining what the area will be like to live and work in, in the future. It should be realistic, achievable and be based on the evidence and information gathered.
- 6.29 Objectives are specific statements that set out what the community wants to achieve in realising the vision. Detailed policies then flow from the objectives.
- 6.30 Further guidance on how to develop a vision and objectives can be found on the My Community website at:
- <https://mycommunity.org.uk/resources/how-to-develop-a-vision-and-objectives/>
- 6.31 It is at this stage that Town or Parish Councils should consider whether their proposals might have significant effects on the environment and whether statutory environmental assessments for their Neighbourhood Plan or Order are required. Town or Parish Councils are required to complete a Neighbourhood Plan Screening Form which is attached at Appendix B and return it to Wealden District Council as soon as possible during this stage of plan making to enable an initial screening process to take place.

Step 4: Consider Options

- 6.32 Plans and Orders should not be prepared in isolation from the rest of the community, they must ensure the wider community;
- Is kept fully informed on what is being proposed;
 - Is able to make their views known throughout the process;
 - Has opportunities to be actively involved in shaping the emerging Plan or Order; and
 - Is made aware of how their views have informed the draft Plan or Order.
- 6.33 Considering options is particularly relevant for a Neighbourhood Plan. Although it may be tempting to draft the Neighbourhood Plan, especially if the Town or Parish Council think they already know what needs to happen, there are often choices that can be made. These need to be explored and the next step is to present different options to the community to find out the preferences of local people. Presenting different options to the community is important. An Issues and Options consultation should be carried out before a plan is prepared and before a pre-submission consultation takes place.

6.34 Town and Parish Council's may need to generate a series of options for dealing with different issues. The number of options generated is likely to be influenced by the intended scope of the Plan.

6.35 Examples of the types of Options may include;

- The allocation of new housing and/ or employment sites. Considering all the alternative sites available for allocation will ensure that a transparent and robust selection process is undertaken.
- The scale, type, mix and location of development. This could include where any of the housing is located, what it looks like, how the site is assessed and where any open space is provided.
- Open space. What different options are there for local greenspace designations within a town/ village?

6.36 A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Further guidance on assessing sites including their viability can be found at;

<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

6.37 Wealden District Council will publish its latest Strategic Housing Land Availability Assessment (SHELAA) Methodology shortly. This could be used to assess different site options. The SHELAA methodology is the framework used to assess potential development sites for allocation through the emerging Wealden Local Plan and is available to view here:

http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Strategic_Housing_Economic_Land_Assess/PPolicy_SHELAA.aspx

Alternatively, a guide has been produced on the 'My Community' website which sets out the principles for allocating sites and the methods that should be applied to make sure the sites that are chosen are the most appropriate for the neighbourhood. This is available to view here:

<https://mycommunity.org.uk/resources/site-assessment-for-neighbourhood-plans/>

6.38 Depending on those issues proposed to be covered in the Neighbourhood Plan or Order, it may also be appropriate to hold initial discussions with statutory consultees. For example, should flood risk be an issue for the Neighbourhood Plan or Order, the Environment Agency, East Sussex County Council and Wealden District Council should be involved with the Plan or Order at an early stage. We can provide advice as to who should be contacted and at which stage.

6.39 A consultation statement must be submitted with the final Plan or Order. It is therefore important for Town and Parish Councils to keep a detailed record of consultation events and other documents associated with the preparation of the

Plan or Order. Consulting on different policy options should help to give a clear indication of those options that are supported by the community.

Step 5: Prepare a Draft Plan or Order

How should a Neighbourhood Plan or Order be structured?

- 6.40 Neighbourhood Plans should be clearly structured with the vision and objectives set out at the start of the document. This should be followed by planning policies and development proposals (if applicable).
- 6.41 Plans may include a series of policies covering a range of issues or one policy covering a single issue. The exact content will have been informed by community consultation, the evidence base and consideration of the different options, including the outcomes of any environmental assessment.
- 6.42 In addition, it is recommended that a Policies Map is included to accompany the Plan. The map should reflect the policies in the Plan. For example, this may include identifying areas of land allocated for certain uses or areas proposed to receive protection from development, such as Local Green Space. It will be important for the map to clearly define any areas or site boundaries. Parish and Town Councils are now able to sign up to the Public Sector Mapping Agreement (PSMA) so they can make use of all the Ordnance Survey products which are included within the agreement. WDC can provide further information with regard to this on request.
- 6.43 There are two useful information resources on structuring a Neighbourhood Plan produced by Planning Aid. They can be found;

<https://www.ourneighbourhoodplanning.org.uk/resources/documents>

How should planning policies in a Neighbourhood Plan be drafted?

- 6.44 Policies in an adopted Neighbourhood Plan will be used to make decisions on planning applications. In the case of Neighbourhood Orders, they will be used to grant planning permission for specified types of development. It is important that policies are drafted with clarity so that they can be applied consistently.
- 6.45 Planning policies in a Neighbourhood Plan should be locally distinct to reflect, and respond to, the unique characteristics and planning context of the Neighbourhood Area for which the Plan is being prepared. Policies in the Neighbourhood Plan should not contradict the strategic policies in the adopted development plan and should not try to achieve what a policy in the development plan is already achieving.
- 6.46 A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic conditions. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a Neighbourhood Plan is tested. For example, up-to-

date housing needs evidence is relevant to the question of whether a housing supply policy in a Neighbourhood Plan or Order contributes to the achievement of sustainable development.

- 6.47 Where a neighbourhood plan is brought forward before an up-to-date Local Plan WDC will discuss and aim to agree with you the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.
- 6.48 Policies in neighbourhood plans must relate to the development and use of land. Neighbourhood plans can contain aspirational statements or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. For example, wanting parking controls to be introduced or removed, traffic controls to be introduced or removed and additional school capacity to be provided. Where a policy or proposal falls within this category, it should be clearly identifiable or moved to a separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but these must not be confused with non-land use matters.

What types of policy can be included in a Neighbourhood Plan?

- 6.49 Policies in a Neighbourhood Plan can take different forms:
- To allocate specific sites for a particular type and scale of development within the Neighbourhood Area;
 - To set out specific requirements for the development of a piece of land. This could include; access arrangements, landscaping or the provision of open space and play areas.
 - To identify sites or locations within the Neighbourhood Area that would be enhanced as environmental assets or protected from development. For example; open space, nature reserves, historic assets or locally important features and landscapes.
 - To identify ways to protect a community building or prevent the change of use for certain pieces of land or buildings. For example: local pubs or shops.
 - More generic policies which cover a range of topics and would apply to any future development within the Neighbourhood Area. For example: design guidelines.
- 6.50 It is also important at this stage to consider how the policies in the Plan or Order will be implemented over the lifetime of the Plan or Order. Further information about this is set out in Stage 11 of this guidance note.

What type of planning permission can a Neighbourhood Order grant?

- 6.51 Neighbourhood Orders can grant unconditional planning permission for a specified development or type of development in a class of the Use Class Order.

6.52 The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. This Order is periodically amended. The most recent version can be found at;

https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use

6.53 A Neighbourhood Order can grant planning permission subject to the conditions or limitations in the Use Classes Order. This can include;

- Obtaining the approval of Wealden District Council;
- Specifying the period within which the planning application may be submitted to Wealden District Council for approval of any matter specified in the Use Classes Order; or
- Specifying the period within which the development must begin.

6.54 In line with paragraph 206 of the National Planning Policy Framework (NPPF), planning conditions can only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

What time period should a Neighbourhood Plan or Order cover?

6.55 Neighbourhood Plans and Orders will need to state the time period it covers. The national guidance does not stipulate a minimum time period for a Plan or Order and this should be a decision for each community which produces one. It is recommended that the time period aligns with the time period to that of the adopted development plan for the District.

How can Town and Parish Councils demonstrate their policies and proposals are viable?

6.56 National planning policy makes it clear that pursuing sustainable development requires consideration of the viability and costs associated with the Neighbourhood Plan or Order. It is important that a Plan or Order does not introduce a requirement that would limit the ability of a site to be developed viably. This means it may be necessary for Town and Parish Councils to prepare specific evidence to consider the impact of their policies in their Plan or Order on development proposals.

6.57 To ensure development remains viable, it will be necessary to consider the costs of any requirements, such as the provision of affordable housing, development standards, infrastructure contributions or other requirements.

6.58 Specific viability evidence may be required where land is being allocated for development in a Neighbourhood Plan, or where policies in a Neighbourhood Plan;

- Require developers to provide higher development standards (for example more open space or affordable housing) than is required in the adopted development plan; and/ or;
- Require developers to make contributions through planning obligations.

- 6.59 Wealden District Council can provide advice on the scope of viability evidence and when it might be required.

Can Neighbourhood Plans set policies requiring developers to make contributions through planning obligations?

- 6.60 Planning obligations, also known as Section 106 agreements, are private agreements made between local authorities and developers. They can be attached to a planning permission to make development, which would otherwise be unacceptable in planning terms, acceptable. For example, planning obligations can require developers to contribute towards the provision of new infrastructure, affordable housing or open space. However, they should only be sought where they meet all of the following tests:

- They are necessary to make the development acceptable in planning terms;
- They are directly related to the development; and
- They are fair and reasonably related in scale and kind to the development.

- 6.61 Should Town or Parish Councils wish to include planning obligations in their Neighbourhood Plan, they should prepare viability evidence that demonstrates the policies in the Plan are deliverable.

How can Town and Parish Council's be certain planning policies in a Neighbourhood Plan will pass Inspection by an Independent Examiner?

- 6.62 When drafting policies it is important for Town and Parish Councils to check that the development proposals in the Plan or Order are based on evidence. The evidence should be prepared so it succinctly explains the intention and rationale of the policies in the draft Neighbourhood Plan or the proposals in an Order.
- 6.63 In particular, each policy in a Neighbourhood Plan should be tested to see if it is supported through public consultation and that it is based on appropriate evidence. This will ultimately be considered by the Independent Examiner. It may be helpful for a Town or Parish Council to assess their policies against each of the basic conditions (listed in Table 1).
- 6.64 Figure 1 (below), adapted from the Locality Guide, provides a useful table to check that the planning policies in a Neighbourhood Plan are consistent with the basic conditions.
- 6.65 This table asks Town and Parish Councils to consider whether their proposals would contribute towards sustainable development. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental:
- An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is

available in the right places and at the right time to support growth and innovation; and by identifying and co-coordinating development requirements; including the provision of local infrastructure and supporting new business start-ups.

- A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing increasing independence and reducing social isolation.
- An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, build to the highest possible standard and mitigate and adapt to climate change including moving to a low carbon economy.

6.66 Town and Parish Councils will need to consider what economic, social and environmental role their Plan will have.

What should the Town or Parish Council do once they have an initial draft neighbourhood plan?

6.67 When an initial complete draft neighbourhood plan is prepared the Town or Parish Council should send this in 'Word' format to Wealden District Council to comment on before the draft plan is published for consultation under Regulation 14. This should include all supporting maps and documents used to inform the draft neighbourhood plan. Comments will be made on the Draft Plan within 21 days of receipt from the Town or Parish Council and the opportunity of a follow up meeting to discuss the comments will be available to the Town or Parish Council.

6.68 The Town or Parish Council should also request that a Habitats Regulations Assessment/ Strategic Environmental Assessment screening is undertaken by Wealden District Council on the emerging draft plan. Upon receipt of this request Wealden District Council will seek to complete the screening process in a time period of no more than 11 weeks and provide the Town or Parish Council with a formal response. This response should be published on Wealden District Council's website within 7 days of issuing the response.

6.69 It is advised that only when the screening process has been completed and a decision letter sent to the Town or Parish Council for consultation to take place under Regulation 14 on the draft neighbourhood plan. Should an SEA be required then this will also need to be consulted on as part of the Regulation 14 consultation.

6.70 Upon receipt of comments from Wealden District Council the Town or Parish Council should make any amendments to the draft neighbourhood plan and supporting documents and produce a final version of the draft plan to be consulted upon.

Figure 1 – Template to test Neighbourhood Plan policies.

Policy	Link between policy and evidence or engagement?				For site allocations only			Does the policy meet the basic conditions? ⁴			
	Support from evidence	Support from community consultation	Is the link between evidence consultation and the policy clear? (Y/N)	Is more work needed? (Y/N)	How do you know the site is suitable?	How do you know the site is available?	Is it clear how the site has been selected as an option?	In line with the National Planning Policy Framework (NPPF)	In line with policies in the Core Strategy, Affordable Housing Delivery Local Plan, the saved policies from the Local Plan 1998. ⁵	Contribute towards sustainable development?	Compatible with EU obligations?

⁴ Set out in Table 1

⁵ Policies are all of those within the Core Strategy (adopted February 2013), Affordable Housing Delivery Local Plan (February 2014) and the saved policies from the Local Plan 1998

7. Stage 4: Pre- Submission Consultation and Publicity (Regulation 14)

- 7.1 The Pre-Submission version of a Neighbourhood Plan or Order is the version the Town or Parish Council consider to be the final draft. Whilst earlier versions of the Plan or Order may include different options, the Pre-Submission version should only contain the community's preferred approach.
- 7.2 It is important that the content of the Neighbourhood Plan or Order must represent the views of the wider community. Therefore, residents, businesses and other relevant bodies must be consulted and given the opportunity to comment on the final draft Plan or Order.
- 7.3 Before the formal Pre-Submission consultation takes place, Town and Parish Councils must be satisfied that:
- A complete Neighbourhood Plan or Order has been prepared that satisfies the basic conditions including the requirements under the SEA/HRA regulations where applicable;
 - All development proposals in a Plan or Order involving landowners are deliverable and realistic; and
 - The Plan or Order has general support from the community and other stakeholders.
- 7.4 At this stage Town and Parish Councils must also consult specific consultation bodies whose interests they consider may be affected by the Plan or Order. A comprehensive list of bodies Town and Parish Councils are required to consult at this stage is set out in Schedule 2 of the Neighbourhood Planning Regulations (2012)⁶. We can provide contact details on request. The consultation bodies include:
- A Local Planning Authority, County Council or Parish council where any part of whose area is in or adjoins the Wealden administrative area;
 - The Coal Authority
 - The Homes and Communities Agency
 - Natural England
 - The Environment Agency
 - Historic England
 - Network Rail
 - Highways England
 - The Marine Management Organisation

How should the Pre Submission Plan or Order be publicised?

- 7.5 At this stage, it is the responsibility of the Town or Parish Council to publish the Pre-Submission Plan or Order for consultation for a minimum of **6 weeks**. The following information should be published:
- The Pre-Submission Neighbourhood Plan or Order;

⁶ www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf

- Details of where and when the Pre Submission Plan or Order may be inspected; and
- Details on how residents, businesses and statutory consultees can make comments.

We can discuss specific arrangements with each town/ parish council. This may include the preparation of posters advertising the consultation and/ or leaflets that can be distributed to all households and businesses in the parish.

Comments must be received no longer than **6 weeks** from the date of the Plan or Order was first publicised.

- 7.6 A copy of the Pre Submission Plan or Order should also be sent to Wealden District Council together with copies of any other supporting documentation and a list of the statutory bodies consulted on the draft plan (in accordance with paragraph 7.4 above).
- 7.7 At this stage Wealden District Council will review the Pre Submission Plan or Order and will only make formal comments if matters previously addressed have not been or there have been changes in national or local planning policy which will impact on the draft plan.

What happens after the pre submission consultation?

- 7.8 Depending on the nature of the issues raised in response to the consultation, Town and Parish Councils may wish to make changes to their Neighbourhood Plan or Order before formally submitting it to Wealden District Council.
- 7.9 Wealden District Council encourages Town and Parish Councils to submit their final Plan or Order for an independent and impartial health check. This is a service for Town and Parish Councils who feel their Plan or Order is ready to be submitted to Wealden District Council. An independent assessor will check all the documents are in order and provide a view as to whether the Plan or Order meets the basic conditions (listed in Table 1). Further information on this service is available here:

<http://www.rics.org/us/join/member-accreditations-list/dispute-resolution-service/neighbourhood-planning-independent-examiner-referral-service-npiers/>

If the Town or Parish Council undertake this health check they should notify Wealden District Council of this decision and provide a copy of the report at the earliest opportunity.

8. Stage 5: Submission of the Neighbourhood Plan or Order

- 8.1 Once any comments received through Pre-Submission consultation have been considered by the Town or Parish Council and a health check (if appropriate) has been carried out, any changes should be made to the draft neighbourhood plan by the Town or Parish Council before the Neighbourhood Plan or Order is

submitted by the Town or Parish Council to Wealden District Council. This version of the Plan or Order is called the Submission Version.

What do Town and Parish Councils do at this stage?

- 8.2 The following information must be submitted by the Town or Parish Council, alongside the Plan or Order:
- **A map showing the area to which the Plan or Order relates**
 - **A consultation statement**
 - This will;
 - Explain who was consulted and how;
 - Provide a summary of the main issues and concerns raised through the consultation;
 - Describe how any issues and concerns have been considered in preparing the Plan or Order; and
 - Confirm, where relevant, how an issue or concern has been addressed through change to the Plan or Order.
 - Maintaining an ongoing record of consultation on the Plan or Order as it is prepared will make the consultation statement easier to write.
 - **A Basic Condition statement**
 - This will explain how the Plan or Order meets each of the basic conditions (listed in Table 1). Town and Parish Councils preparing a Neighbourhood Plan or Order will have to balance the need to respond to public opinion (in order to pass the referendum (Stage 9)) with the need to ensure their Plan or Order meets the basic conditions.
 - **Environmental Assessment Information**

Town and Parish Council's preparing Neighbourhood Plans must submit additional information to ensure their Plan or Order is compatible with European obligations. For Neighbourhood Plans this information will comprise:

 - A statement specifying the Plan is unlikely to have significant environmental effects; or
 - An environmental report in accordance with the Environmental Assessment Regulations. This will be necessary should a Screening Opinion conclude the Plan is likely to have significant environmental effects.
 - **An archaeology statement**

This is only required for Neighbourhood Orders and should:

 - Confirm the information in relation to archaeology contained in the historic environment record for the Neighbourhood Area has been reviewed; and
 - Explain there were no findings relevant to the Neighbourhood Area.

- 8.3 Further information relating to writing a consultation statement and a basic conditions statement can be found at:

www.ourneighbourhoodplanning.org.uk/resources/documents

9. Stage 6: Checking and Publicising the Neighbourhood Plan or Order and appointing the Independent Examiner

What does Wealden District Council do at this stage?

Check and consider the Submission Plan or Order.

- 9.1 On receipt of a Submission Plan or Order, Wealden District Council will check whether;
- The Town or Parish Council is authorised to act in relation to the Plan or Order;
 - The Plan or Order meets the definition of a Plan or Order and the scope of what can be included in a Plan or Order;
 - The correct documents have been submitted; and
 - The Town or Parish Council has undertaken the correct procedures in relation to consultation and publicity.
 - The Plan or Order complies with paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended);

The authority must consider;

(a) Whether the qualifying body is authorised for the purposes of a neighbourhood development order to act in relation to the Neighbourhood Area concerned as a result of section 61F,

(b) Whether the proposal by the body complies with provision made by or under that section,

(c) Whether the proposal and the documents and information accompanying it (including the draft neighbourhood development order) comply with provision made by or under paragraph 1, and

(d) Whether the body has complied with the requirements of regulations made under paragraph 4 imposed on it in relation to the proposal.

(3) The authority must also consider whether the draft neighbourhood development order complies with the provision made by or under sections 61E(2), 61J and 61L.

(4) The authority must—

(a) Notify the qualifying body as to whether or not they are satisfied that the matters mentioned in sub-paragraphs (2) and (3) have been met or complied with, and

(b) In any case where they are not so satisfied, refuse the proposal and notify the body of their reasons for refusing it.

Issue a decision letter

9.2 Wealden District Council will issue a decision statement within 7 working days of receipt of the submission neighbourhood plan setting out whether the Plan or Order complies with paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). Plans or Orders will be refused if they do not comply with the criteria. The Town or Parish Council will be sent a copy of the decision statement which should be published on their website within 7 working days of receipt.

Publicise the Plan or Order

9.3 Wealden District Council will;

- Agree with the Town or Parish Council the timetable for the consultation on the submission neighbourhood plan including the dates for the consultation and the number of deposit points for hard copies of the consultation documents (to a maximum of five).
- Produce an A5 flyer to be distributed to all households and businesses within the Parish and distribute this one week prior to the commencement of the consultation period or as agreed with the Parish or Town Council.
- Print hard copies of the consultation documents for the deposit points and provide the Town or Parish Council on the Friday prior to the commencement of the consultation hard copies of the deposit point documents to place at the deposit points within the Parish.

9.3.1 Publicise the Submission Plan or Order on its website and by other means appropriate. This will include social media posts and the inclusion in 'My Alerts' in the first and last weeks of the consultation period. This will set out:

- The Plan or Order;
- Where and when the Plan or Order can be inspected;
- How to make comments on the Plan or Order;
- How to request notification of Wealden District Council's decision in relation to the Plan or Order and;

9.3.2 The deadline for the receipt of comments (no less than **6 weeks** from the first day the Plan or Order is publicised). Notify the bodies referred to in the consultation statement as soon as possible.

9.4 The Town or Parish Council should also place a link to Wealden District Council's consultation page on their own website.

Additional publicity for Neighbourhood Orders

9.5 Should an Environmental Statement be prepared for a Neighbourhood Order this must be displayed, for no less than **21 days**, in at least one place on or near the land to which the Order relates. The Environmental Statement must also be publicised in a local newspaper circulating in the locality to which the Order relates.

Appointment of an Independent Examiner

- 9.6 At the start of the consultation period Wealden District Council will contact the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) for the availability of up to three Independent Examiner's for the examination of the Plan or Order and obtain their CV's. These CV's will be sent to the Town or Parish Council.
- 9.7 Within **6 weeks** of the close of the consultation period, and in agreement with the Town or Parish Council, Wealden District Council will appoint an Independent Examiner.
- 9.8 Within **2 weeks** of appointment , Wealden District Council will send the following documents to the Examiner;
- A map identifying the area to which the Plan or Order relates;
 - The Submission Plan or Order (and, in the case of Orders, a statement summarising the proposals and reasons why the Order should be made in the terms proposed);
 - The Consultation Statement;
 - The Basic Conditions Statement;
 - The Strategic Environmental Assessment (SEA) Screening Opinion and Environmental Report, or reasons why one is not required (for a Plan).
 - The Environmental Impact Assessment (EIA) Screening/ Scoping Opinion and an Environmental Statement, if required (for an Order);
 - The Habitats Regulations Screening Assessment, and if necessary, the Appropriate Assessment;
 - The Archaeology Statement (for an Order);
 - Any other relevant evidence or documentation submitted to Wealden District Council by the Town or Parish Council in relation to the Plan or Order; and
 - A copy of the comments received in response to the Submission Consultation.
- 9.9 The appointed examiner will decide when to hold the examination and the timescales for undertaking the examination including when a report will be received.

10.Stage 7: Independent Examination

- 10.1 The Independent Examination is organised (and funded) by Wealden District Council and is an opportunity for the Independent Examiner to assess the Neighbourhood Plan or Order. It will focus on whether the Plan or Order meets the basic conditions listed in Table 1.
- 10.2 In most cases the examination will involve consideration of representations in writing. However, the Independent Examiner may choose to listen to different viewpoints through oral representations at hearing sessions. These sessions would be arranged to ensure adequate examination of any significant issues in

relation to the Plan or Order. Oral representations must be heard in public and will allow participants to have a fair chance to put their case forward. The Examiner will decide on the conduct of the hearings, such as whether speakers may be questioned, the matters they can be questioned on and the amount of time given to a person to speak.

- 10.3 Those wishing to make their views known to the Independent Examiner, or want to include evidence for the Examiner to consider, need to submit their comments to the **6 week** Submission Consultation (see Stage 6). It is only these comments that will be sent to the Examiner. Comments from members of the public should address whether or not the Submission Neighbourhood Plan or Order meets the basic conditions set out in Table 1.

11. Stage 8: Independent Examiners Report

- 11.1 Following the examination, a report will be prepared by the Examiner who has three options:
1. That the Plan or Order does not proceed to referendum;
 2. That the Plan or Order proceeds to referendum as submitted; or
 3. The Plan or Order is modified to meet the basic conditions and then the modified version proceeds to referendum.
- 11.2 Modifications can only be those that the Examiner thinks are needed to:
- Make the Plan or Order conform with the basic conditions;
 - Make the Plan or Order compatible with the Human Rights Act 1998;
 - Make the Plan or Order comply with the definition of a Plan or Order;
 - To correct errors; and/or
 - Alter timescales in relation to periods for receipt of applications and start dates for development (for Neighbourhood Orders).
- 11.3 The Examiner cannot recommend the Plan or Order goes to referendum if it does not meet the basic conditions listed in Table 1.
- 11.4 If the Examiner recommends the Neighbourhood Plan or Order should proceed to referendum, they must consider whether the referendum area should extend beyond the designed Neighbourhood Area. If the Examiner recommends that the Neighbourhood Area should be extended they must state what the extended area should include. This may be appropriate where the scale and nature of the development proposals in the Plan or Order have a substantial, direct and demonstrable impact beyond the Neighbourhood Area.
- 11.5 Within **2 weeks** of receiving the Examiner's report, Wealden District Council will publicise the report on its website and by other means as appropriate and send a copy of the report to the Town or Parish Council

What does Wealden District Council do at this stage?

- 11.6 On receipt of the Examiner's report, Wealden District Council will:

- Consider each of the Examiner's recommendations, the reasons for them and what actions may be required; and
 - Come to a formal view on whether the Plan or Order meets the basic conditions.
- 11.7 Where Wealden District Council proposes to make a decision which differs from the Examiner's recommendation, it must notify anyone who asked to be notified of the decision. This would need to explain the reasoning for the difference, invite representations and, if appropriate, refer the issue back to an independent examination.
- 11.8 Wealden District Council must also:
- Determine if any modifications should be made to ensure the Plan or Order:
- Meets the basic conditions;
 - Complies with the Human Rights Act (1998);
 - Complies with the definition of a Plan or Order and the provisions that can be made by a Plan or Order; and;
 - Complies with suitable periods for making applications and starting development (Orders only); or
 - Determine the Plan or Order is unsatisfactory as it does not meet one or more of the aforementioned points.
- 11.9 The Independent Examiner's report will be reported to the Portfolio Holder for Planning within 3 weeks of receipt of the final report from the Independent Examiner. This report will also contain the decision of Wealden District Council in connection to the recommendations made in the report. This report will be subject to a call in period of five working days before the decision is made. If the report is called in then there will be a period of two weeks to convene the Overview and Scrutiny Committee to discuss the matter and make a final decision.
- 11.10 At the end of the call in period Wealden District Council will publish the portfolio holder decision on its website together with a Decision Statement and details of where and when the Decision Statement can be inspected.
- 11.11 A written notice of the decision will be sent to the Town or Parish Council and any person who asked to be notified of the decision. The Town or Parish Council should publish this statement on their website.
- 11.12 When Wealden District Council is satisfied that the Plan or Order meets the basic conditions and is compatible with the Human Rights Act (1998) a referendum will be held in accordance with stage 9 below.

12. Stage 9: Community Referendum

- 12.1 If the Neighbourhood Plan or Order meets the basic conditions, Wealden District Council will organise and fund a Local Community Referendum to decide whether the Plan or Order should be brought into force.
- 12.2 Any referendum has to take place within **60 days** of the publication of the Decision Statement (see Stage 8).
- 12.3 Where a Neighbourhood Area has also been designated as a Business Neighbourhood Area, two separate referendums will be held in parallel. The first will be for residents and the second for businesses (non-domestic rate payers). Each business will have one vote, ensuring the business community also has a role in Neighbourhood Planning.
- 12.4 Where there are two applicable referendums, Wealden District Council will not be obliged to make (adopt) the Plan or Order unless both referendums are in support of it.
- 12.5 Wealden District Council will publish notice of the referendum for at least **28 days** prior to the referendum being held. This ensures residents are aware that it will take place and can obtain all the key information in relation to the referendum. Should the Neighbourhood Area be designated as a Business Area an additional Business Referendum will take place. In this case, Wealden District Council will publish notice of the referendum for at least **56 days** prior to the referendums being held.
- 12.6 Wealden District Council will publish an Information Statement alongside notice of the referendum. This will include the following information and documents:
- That a referendum will be held;
 - The date of the referendum;
 - The questions to be asked;
 - A map of the referendum area;
 - Where the referendum area and Neighbourhood Area are not identical, a map of the Neighbourhood Area;
 - A description of those entitled to vote in each referendum;
 - The referendum expenses limit application (the maximum that someone campaigning can spend to ensure everyone campaigns on a level playing field) and the number of people identified as entitled to vote on which the limit was calculated;
 - That the referendum will be conducted in accordance with procedures similar to those for local government elections;
 - The address and times at which a copy of the specific documents can be inspected;
 - Summary Plan or Order;
 - Examiner's report;
 - Summary of all the comments submitted to the Examiner;
 - Statement confirming Wealden District Council is satisfied the Plan or Order meets the basic conditions; and
 - General information on the Plan or Order and the referendum.

- 12.7 People living and working in the Neighbourhood Area who are registered to vote in local elections will be entitled to vote in the referendum. The minimum age to vote in a Neighbourhood Plan or Order referendum is 18 years of age.
- 12.8 In some special cases, people residing outside the Neighbourhood Area may be allowed to vote. This might happen if the Plan or Order for one Neighbourhood Area has significant implications for other people living nearby.

The regulations prescribe the questions that must be asked in a Neighbourhood Planning referendum. There are three questions depending on whether the referendum relates to a Neighbourhood Plan, Neighbourhood Order or Community Right to Build Order:

1. Do you want Wealden District Council to use the Neighbourhood Plan for [name of neighbourhood area] to help it decide planning applications in the neighbourhood area?
2. Do you want the type of development in the Neighbourhood Development Order for [name of neighbourhood area] to have planning permission?
3. Do you want the development in the community right to build order for [name of neighbourhood area] to have planning permission?

- 12.9 The referendum is the important last step before a Neighbourhood Plan or Order can be made (adopted) by Wealden District Council. Gaining support for the Plan or Order throughout all stages of its preparation will be the key to a successful result.
- 12.10 It could be possible for the Plan or Order to meet all the basic conditions and receive a positive Examiner's report, but if it does not gain the majority support at the referendum, Wealden District Council would be unable to make (adopt) it.
- 12.11 Town and Parish Councils should follow the advice below to improve the chances of success at the referendum:
- Ensure adequate publicity is given to the Plan or Order throughout the process. If people understand the importance of the document and have had a chance to be involved they are more likely to vote in support of it.
 - Involve a wide range of local residents, businesses and organisations in all stages of the Plan or Order. Anyone feeling they have been left out of the process or unable to give their comments may be more inclined to vote against the Plan or Order.
 - Ensure that a full range of options are consulted on. This will ensure that everybody's suggestions have been considered.
 - Base decisions and the content of the Plan or Order on robust evidence, consultation and feedback.
 - Ensure openness and transparency in all decision making. Record decisions within Town and Parish Council minutes.
 - Keep the Neighbourhood Plan, Town or Parish Council website up to date, including regular updates on progress with the Plan or Order.
 - Explain decision making and options at regular meetings.

- 12.12 In accordance with the Localism Act 2011, there will be a **6 week** period from the date on which the referendum results are declared within which someone can make a legal challenge to the conduct of the referendum.

13. Stage 10: Adoption of the Plan or Order

- 13.1 Following a positive referendum vote and the 6 week challenge period, Wealden District Council will make (adopt) the Plan which will be through a Portfolio Holder Decision. A decision will be made within three weeks of the end of the challenge period. This decision will be subject to a five working day call in period. If the decision is called in then there will be a two week period in which to convene an Overview and Scrutiny committee to consider the decision and the reasons for the call in.
- 13.2 The adopted Neighbourhood Plan will form part of the development plan and will be used by Wealden District Council to make decisions on planning applications (
- 13.3 Within **2 weeks** of the date of the decision Wealden District Council will, publish on its website, and by other means as appropriate:
- The made (adopted) Plan or Order;
 - Details of where and when the Plan or Order may be inspected;
 - The Environmental Report (where a Plan has been subject to environmental assessment through the Strategic Environmental Assessment Directive); and
 - A final decision statement, setting out the reasons why the Plan or Order has been made (adopted).
- 13.4 Those who asked to be notified when the Plan or Order is made (adopted) will be informed.
- 13.5 The Town or Parish Councils should also publish on its website all documents set out in paragraph 13.4 above as soon as possible following the decision of Wealden District Council to adopt the neighbourhood plan.

14. Stage 11: Implementing and Monitoring the Plan or Order

- 14.1 Wealden District Council and Town and Parish Councils will work together to implement and monitor Neighbourhood Plans and Orders.
- 14.2 Wealden District Council is responsible for making decisions on whether to grant permission for new development in a Neighbourhood Area. This will be determined in accordance with made (adopted) Plans and Orders, unless material considerations indicate otherwise. Where a planning application conflicts with a made (adopted) Neighbourhood Plan or Order, permission will not normally be granted.

14.3 Monitoring is essential to establish what is happening now and what may happen in the future. One way to consider how a Neighbourhood Plan will be monitored is to prepare an implementation plan, which may include:

- *Objectives*: describe the circumstances the community wishes to achieve over the lifetime of the Plan.
- *Actions*: what should be done to turn the Plan into reality on the ground, who is responsible for undertaking action, the priority the action should be given (for example high, medium, low), the timetable for the action, and the source of any funding to enable the action to happen.
- *Targets and indicators*: to measure whether or not the policy is being achieved once the Plan is made (adopted).

14.4 Should environmental assessments of a Neighbourhood Plan be required there are additional tasks involved at the monitoring stage.

Where can Town and Parish Councils find further information about preparing a Neighbourhood Plan or Order?

14.5 Wealden District Council can provide advice to Town and Parish Councils in relation to preparing a Neighbourhood Plan and Order and the steps involved in this process.

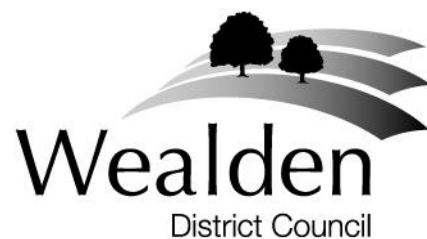
14.6 The National Planning Practice Guidance (PPG) contains further guidance in the preparation of Plans and Orders:

<http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/>

Wealden District Council

Neighbourhood Planning

Application to designate a
Neighbourhood Area



What is a Neighbourhood Area Application?

This form should be completed by Town and Parish Councils wishing to designate a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan or Order. Please contact the Planning Policy Team for help in completing this form or advice on preparing a Neighbourhood Plan or Order.

Address:
Planning Policy
Wealden District Council
Vicarage Lane
Hailsham
BN27 2AX

Telephone: 01892 602008
Email: nplans@wealden.gov.uk

1. Name of Proposed Neighbourhood Area

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2. Extent of the Proposed Neighbourhood Area

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Please attach a map identifying the extent of the proposed Neighbourhood Area (Wealden District Council can prepare this map at your request)

Whole parish boundary area:

Yes:

No:

Different from parish boundary:

Yes:

No:

3. Neighbourhood Areas including another Parish Area

Neighbouring Town or Parish Councils should complete this section only if the proposed Neighbourhood Area includes the whole or part of a neighbouring parish.

We confirm that we support this application for designation of a neighbourhood area.

Neighbouring Town or Parish Council:	
Name and Position:	
Date:	

4. Statement of Intent

The statement must include an explanation why the area is considered appropriate to be designated as a neighbourhood area. Explain who you involved, how you decided on the extent of your neighbourhood area and how this may have evolved over time. If certain parts of an area were omitted explain why. If your area covers the whole parish the local planning authority is legally obliged to consider designating the entirety of the parish. Therefore if your area only covers part of a parish there must be a clear explanation why this is the case.

5. Relevant Body

Please confirm that you are the relevant body to undertake Neighbourhood Planning in your area in accordance with section 61G of the Town and Country Planning Act 2012 (as amended) and section 5C of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Yes:

No:

Name of Town or Parish Council:	
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6. Parish Clerk Details

Name and Position:	
Town or Parish Council Office address:	
Email:	
Phone number:	

7. Declaration

I hereby apply to designate a Neighbourhood Area as described on this form and the accompanying map.

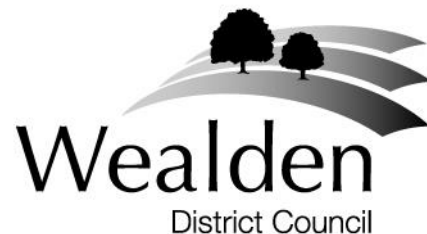
Name and Position:	
Date:	

Please return you're completed from by email or post to the Planning Policy Team (details are at the top of this form)

Wealden District Council

Neighbourhood Planning

Screening Opinion Request Form



What is a Screening Opinion Request Form?

Town and Parish Councils should complete this form to enable Wealden District Council to assess:

- Whether the proposals in an emerging Neighbourhood Plan are likely to have significant environmental effects under the Strategic Environmental Assessment (SEA) Directive; and;
- Effects on European Sites protected under the Habitats Regulations. and Strategic Environmental Assessment Directive

These assessments are called **Screening Opinions**. The results of the screening exercise will determine whether:

- An Environmental Report is required for a Neighbourhood Plan (under the Strategic Environmental Assessment Directive); and;
- A Habitats Regulations Assessment is required for a Neighbourhood Plan (under the Habitats and Wild Birds Directives).

Town and Parish Councils are encouraged to consider the environmental implications of their Neighbourhood Plan at an early stage. The Screening Opinion should be requested when initial work is carried out on a Neighbourhood Plan, for example, when the draft policies, objectives, priorities and vision are prepared. The screening opinion must be completed prior to consultation on the draft plan under Regulation 14 (see section 6 above)

The Screening Opinion will be carried out on the basis of the information provided in the form, upon the understanding that the information is subject to further refinement. This form should be completed by Town and Parish Councils wishing to designate a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan or Order.

Town and Parish Council's should not wait until a draft Neighbourhood Plan is prepared to request a Screening Opinion from Wealden District Council.

Please contact the Planning Policy Team for help in completing this form or advice on preparing a Neighbourhood Plan or Order.

Address:
Planning Policy
Wealden District Council
Vicarage Lane
Hailsham
BN27 2AX

Telephone: 01892 602008
Email: nplans@wealden.gov.uk

8. Name of your Neighbourhood Area

Please provide the name of the Designated Neighbourhood Area:

9. Indicative Neighbourhood Plan Vision

Please set out below the draft Neighbourhood Plan Vision:

10. Indicative Neighbourhood Plan Objectives

Please set out below the draft Neighbourhood Plan Objectives:

11. Indicative Neighbourhood Plan Priorities and Policies

Please set out below the draft Neighbourhood Plan Priorities and Policies:

12. Will your Neighbourhood Plan propose a higher level of development than is identified in the Core Strategy/Affordable Housing Delivery Local Plan/the saved policies from the Local Plan 1998?

Yes:

No:

If 'Yes' please provide more information below:

13. Will your Neighbourhood Plan include any additional or alternatives allocations which are not included within the Core Strategy/Affordable Housing Delivery Local Plan/the saved policies from the Local Plan 1998?

Yes:

No:

If 'Yes' please provide more information below:

14. Will the policies in your Neighbourhood Plan lead to new development in the future?

Yes:

No:

If 'Yes' please provide more information below on the types of development that would be supported in your Neighbourhood Plan:

15. Environmental Effects

Using the information above please set out below how your Neighbourhood Plan might affect the environment:

16. Town or Parish Clerk details

Name:	
Town or Parish Council Office address:	
Email:	
Phone number:	

17. Declaration

I hereby request a Screening Opinion from Wealden District Council.

Name:	
Position:	
Date:	

Please return you're completed from by email or post to the Planning Policy Team (details are at the top of this form).Please also submit any other relevant information together with this form. This may include a draft plan or options document.

