

Guidance on Preparing Neighbourhood Plans,



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1.0 AIM OF THIS GUIDANCE

- 1.1 The aim of this guidance note is to provide clear and up-to-date information on the preparation of neighbourhood plans. It specifically sets out the stages required in working towards a neighbourhood plan, neighbourhood development order or community right to build order and identifies the responsibility of those involved.
- 1.2 This guidance also aims to help local communities decide on whether a neighbourhood plan is the right tool for what they are trying to achieve. Once 'made' (adopted) the Neighbourhood Plan becomes a statutory document and forms part of the statutory Development Plan for Lancaster District. As a result they hold much more weight in planning decisions than previous non-statutory documents such as Parish Plans. They are however restricted to planning matters and must follow a statutory process which can take some time to prepare (between one and two years).
- 1.3 It is important to remember that neighbourhood planning is not a 'no growth' agenda, it is not about placing a veto on development in your area nor should it seek to deliberately manage down opportunities for development. The purposes of a neighbourhood plan is intended to be positive and proactive towards development and promote new development rather than use it as an obstacle to block it.
- 1.4 Lancaster City Council will provide a supporting and advisory role in the community's preparation of a neighbourhood plan, assisting communities to decide on whether they are the right tool for them to achieve their aspirations. Further information on the role of the Council can be found via the Neighbourhood Plan Protocol at <http://www.lancaster.gov.uk/planning/planning-policy/community-rights/neighbourhood-planning>.

2.0 WHAT IS NEIGHBOURHOOD PLANNING?

- 2.1 Neighbourhood planning provides a chance for communities to decide and shape the future of the places that they live and work. They are able to choose where they want new homes, shops and offices to be located, what those buildings should look like and what infrastructure should be provided.
- 2.2 Neighbourhood planning can provide a powerful set of tools for local people and communities to ensure that they get the right type of development that the community needs where ambitions on the community align with the strategic development needs of the wider authority area.
- 2.3 A Neighbourhood Plan can allocate land for development and establish general planning policies for development and use of land in a neighbourhood. Its content however can be tailored to address the issues raised by local people, for example design, public realm, housing need, conservation and regeneration.
- 2.4 The preparation of a neighbourhood plan is not a legal requirement but a right which a community can choose to use. Local communities may decide that they could achieve the outcomes that they want through different approaches – such as incorporating their proposals within the local development plan or through other planning mechanisms such as local development orders. It may

be that the outcomes cannot be realistically achieved by through the planning process. Communities and the local planning authority should discuss these choices communities have in order to achieve their ambitions for their neighbourhood.

- 2.5 A **Neighbourhood Development Order** will grant planning permission for a specific type of development in a particular area. This could be either a particular development or a particular class of development such as housing or retail. Neighbourhood development orders can be linked to a Neighbourhood Plan – for example the plan could identify the need for development and a broad location and the order could then apply a planning permission to a particular site where the development could take place.
- 2.6 **Community Right to Build Orders** are a special type of neighbourhood development order but, unlike neighbourhood development orders and neighbourhood plans, any local community organisation (not just a Town / Parish Council) will be able to use the approach to bring forward small scale development. If a proposed development is likely to have significant environmental effects and an Environmental Impact Assessment is required, then the community right to build order approach cannot be used.
- 2.7 Where there is a Town or Parish Council, they are the responsible organisation for taking the lead in the preparation of a neighbourhood plan. In areas without a Town or Parish Council, a group of at least 21 people must be formed and apply to the City Council to be designated as a 'neighbourhood forum'. In most instances within Lancaster District (in particular outside of Lancaster) it will be the responsibility of Town and Parish Council's to prepare a neighbourhood plan.

3.0 WHAT ARE THE BENEFITS TO NEIGHBOURHOOD PLANNING?

- 3.1 Neighbourhood planning gives local communities an opportunity to play a positive role in shaping the areas in which they live and work and proactively support new development in their area. If adopted, a neighbourhood plan will be part of the statutory development plan for the district. This means that the plan will be a material consideration in planning decisions which affect the local area.
- 3.2 The process can help bring the local community together to agree on joint goals and aspirations for the area, in terms of the use and development of land and addressing key planning concerns. It allows for local people to play a more significant and proactive role in planning in their area to meet the needs of all sections of the community, both present and future needs.
- 3.3 It will generally be up to the designated body (usually either a Town or Parish Council) and the local community to fund the preparation of the neighbourhood plan, although significant funding opportunity are available from the Government via organisations such as Locality. The level of work required and the relevant costs associated with it will be highly dependent on the scope and detail of the proposed plan.

4.0 RELATIONSHIP BETWEEN THE NEIGHBOURHOOD PLAN AND LOCAL PLAN

- 4.1 A neighbourhood plan should positively support the strategic development needs set out within the Local Plan and plan positively support local development in accordance with paragraph 16 of the National Planning Policy Framework (NPPF).
- 4.2 In relation to Lancaster District, the neighbourhood plan will need to be in general conformity with the Council's Strategic Policies, as defined in Appendix C of the Draft Strategic Policies and Land Allocations Development Plan Document (DPD). This is accompanied by other DPDs relating to Development Management, the Arnside & Silverdale AONB and a Central Morecambe Area Action Plan.
- 4.3 Whilst it is possible for a neighbourhood plan to be prepared prior to the adoption of the new Local Plan documents this could result in the neighbourhood plan being undermined in due course if it does not conform with the strategic policies of the Local Plan. Wherever there is a conflict between development plan documents, it is the most recently adopted plan which will take precedence.
- 4.4 Close collaboration between Lancaster City Council and the Town / Parish Council's will be critical to ensure that neighbourhood plans align with the strategic priorities set out in national and local planning policy.

5.0 WHAT IS INVOLVED IN DEVELOPING A NEIGHBOURHOOD PLAN?

- 5.1 There are a number of required steps in preparing a neighbourhood plan which are set out within the relevant regulations for in the Neighbourhood Planning Regulations 2012. The following sections of this guidance set out the key stages of preparation, in line with the NPPF and the National Planning Practice Guidance (NPPG). This guidance also suggests other procedures and practices which it may be useful to consider and follow as part of the preparation of a neighbourhood plan.
- 5.2 Rather than restating the national level guidance, this guidance seeks to explain in more detail the steps which are set out within that guidance and provide advice in terms of how to meet the various requirements.
- 5.3 The stages set out in this guidance note clearly indicate where the responsibility lies for the progression of each part of the process. Further information on the varying responsibility for neighbourhood plan production are set out in the Neighbourhood Planning Protocol which is available at <http://www.lancaster.gov.uk/planning/planning-policy/community-rights/neighbourhood-planning>. Following a successful designation the City Council will expect designated bodies to sign up to this protocol to ensure that they are clear of the differing responsibilities in the process.

6.0 STEP 1: DESIGNATION OF THE NEIGHBOURHOOD PLAN AREA

QUALIFYING BODY TO SUBMIT AN APPLICATION TO LANCASTER CITY COUNCIL TO DESIGNATE A NEIGHBOURHOOD PLAN AREA

- 6.1 The first stage of preparing a neighbourhood plan is to agree which area the plan will relate to. It can apply to the whole parish area or just part of it, or include more than one parish area if it is appropriate to do so. The only caveat to making a designation is that the boundaries for separate neighbourhood plan areas cannot overlap.
- 6.2 It is for the Town or Parish Council (the qualifying body) to submit an application to Lancaster City Council and the relevant forms are available from the City Council upon request. The applications needs to be accompanied by a map which clear identifies the boundaries of the neighbourhood plan area to ensure that the application can be considered as valid.
- 6.3 Applications forms should also include a statement which explains why the proposed neighbourhood plan area is appropriate. It is highly recommended that the qualifying body discussing this matter with the City Council Planning and Housing Policy Team prior to submitting the application.
- 6.4 Generally, it will be a Town or Parish Council who will apply for a neighbourhood plan area to be designated, and if an area has a Town or Parish Council then only they can produce a neighbourhood plan or order. However, in areas where there is no Town or Parish Council (such as urban areas of Lancaster) it is possible to create a Neighbourhood Forum in order to pursue a neighbourhood plan. If you require further information and advice on setting up a Neighbourhood Forum please contact the City Council at planningpolicy@lancaster.gov.uk.
- 6.5 The following issues could be considered when deciding the boundaries of a neighbourhood area:
- Village or settlement boundaries, which could reflect planned expansion;
 - The catchment area for walking to local services such as shops, primary schools, doctor’s surgery, parks or other facilities;
 - The area where formal or informal networks of community based groups operate;
 - The physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style;
 - Where the area forms all or part of a coherent estate either for business or residents;
 - #whether the area is wholly or predominantly a business area;
 - Where infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway;
 - The natural setting or features in an area; and
 - The size of the population (living and working) in the area.
- 6.6 Electoral ward boundaries can also be a useful starting point for discussions on the appropriate size of a neighbourhood area.

- 6.7 If the area designated reflects the Town or Parish boundaries (i.e. the area designation uses the totality of the Town or Parish Council area) then a 4 week consultation period will be required to allow interested parties to comment on the appropriateness of the proposed boundary. Following this consultation the City Council will make a swift decision on whether boundaries used as suitable for the purposes of Neighbourhood Planning.
- 6.8 Where area designation only involve part of a Town or Parish area, or where it involves more than one Town or Parish area, the City Council has a duty to consult on the area designation for a 6 week period. A decision on whether the area designation is valid must be determined within 13 weeks of it being first published or 20 weeks where the application relates to more than one local planning authority area. If these time limits are not met then the City Council must designate all the area being applied for.
- 6.9 Where consultation is necessary, the City Council will formally consult on the area designation with statutory parties. The City Council will consider the consultation responses and will make a decision on whether the proposed area is suitable or not for designation. Whilst the City Council should designate a neighbourhood area where it receives a valid application, it can chose to refuse the designation where it is considered not to be an appropriate area.
- 6.10 If the City Council decides to refuse to designate a neighbourhood plan area, they will issue a decision document setting out the reasons and provide details of where the decision document can be inspected.
- 6.11 In most cases the City Council will seek to approve the neighbourhood plan designation. As soon as possible after designating a neighbourhood plan area, the City Council will publish on their website (and anywhere else as appropriate) the name of the neighbourhood area, a map identifying the area and the name of the relevant body that is applying for the designation. Notification of the decision will be also sent to the Town or Parish Council.

7.0 STEP 2: THE VISION & OBJECTIVES OF THE NEIGHBOURHOOD PLAN

QUALIFYING BODY TO PREPARE A VISION AND SERIES OF OBJECTIVES TO ACHIEVE THE VISION. THIS SHOULD BE PREPARED IN DIALOGUE WITH THE WIDER COMMUNITY AND, WHERE NECESSARY, WITH INPUT FROM THE LOCAL PLANNING AUTHORITY.

- 7.1 The first element of preparation of a neighbourhood plan should be the creation of a clear aspiration / vision and a set of objectives in order to achieve it. This will need to be set out within a written statement which will form a key element of the neighbourhood plan. The vision and objectives should underpin the content and policies contained within the neighbourhood plan in terms of what policy areas should be covered and what type of development should be considered.
- 7.2 The preparation of vision and objectives should not be prepared in isolation. Their creation should involve consultation with the wider community to establish what key issues the plan should address.

This will assist in raising awareness in plan preparation and create the opportunity for community support in the creation of a neighbourhood plan for their area.

- 7.3 Once the vision and objectives have been established, a project plan should be prepared which sets out the program of work which needs to be undertaken and projected timescales of when that can be achieved. The preparation of a project plan is very important as it will help to establish the extent of the work involved and role of all responsible parties to achieve this. It will also set where funding resources may be required and when external support may be necessary.
- 7.4 The preparation of a consultation plan would also be beneficial at this stage which sets out how engagement with the community, interested parties and statutory consultees will take place.

8.0 STEP 3: GATHERING THE NECESSARY EVIDENCE

THE QUALIFYING BODIES BEGINS TO GATHER EVIDENCE TO SUPPORT THE PREPARATION OF THEIR NEIGHBOURHOOD PLAN, MAKING USE OF EXISTING EVIDENCE WHERE AVAILABLE AND COMMISSIONING NEW EVIDENCE WHERE IT IS REASONABLE TO DO SO AND IS REQUIRED TO JUSTIFY THE CONTENT OF THE PLAN.

- 8.1 The content and approaches taken in the Neighbourhood Plan must be driven and justified by evidence and information. Relevant evidence may be already available from a variety of sources include the evidence which is being used by the City Council in the preparation and monitoring of the wider local plan. Other organisations and agencies may also be able to assist by supplying information and evidence of a specialist nature.
- 8.2 The National Planning Practice Guidance (NPPG) suggests that whilst there are prescribed documents which must be submitted with a Neighbourhood Plan there is no 'tick box' list of evidence which is required. The NPPG does, however, place an expectation that a proportionate level of evidence will be prepared to support a neighbourhood plan and that any evidence needs to be robust in order to support the choices made and the approaches taken. The evidence should be used to explain clearly the intention and rationale of the policies and allocations in the neighbourhood plan.
- 8.3 The City Council will share relevant evidence, including evidence which has been gathered to support the preparation of the district-wide local plan with the qualifying body. However, it is highly likely that further evidence will be required, particularly site specific evidence which will be dependent upon the policies being included in the plan and whether sites are being allocated.
- 8.4 It is important that the requirements for evidence are set out and undertaken before the draft plan is finalised. A plan which has been prepared in the absence of relevant evidence will not be considered to be a sound approach to plan-making.
- 8.5 Table 8.1 below sets out the type of evidence which is likely to be required to underpin a neighbourhood plan. However, this will be highly dependent on the complexity and scope of the plan.

Population Size	Places of Work	Community Issues
Household Size	Commuting Patterns	Physical Attributes
Incomes	Current Proposals	Environmental Constraints
Family Composition	Emerging Proposals	Infrastructure Capacity

Table 8.1: Types of Evidence which could be collected for a Neighbourhood Plan

8.6 The City Council has already prepared an extensive evidence base to support the preparation of the district-wide plan which can be used to underpin the evidence base of a more localised neighbourhood plan. The Council’s evidence can be read in more detail via the Council website at <http://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-and-information>. A summary of the key evidence is provided below.

- Lancaster District Housing Requirements Study - Turleys 2015
- Strategic Housing Land Availability Assessment (SHLAA) – Lancaster CC 2015
- Lancaster District Housing Needs Assessment – Arc4 (Due Summer 2017)
- Employment Land Review – Turley Economics 2015
- Employment Land and Premises Survey – Lancaster CC 2015
- Achieving the Economic Potential for Lancaster District – Turley Economics 2015
- Commercial Leisure Capacity Study – White Young Green 2016
- Lancaster District Retail Capacity Refresh – White Young Green 2015
- Lancaster / Morecambe / Carnforth Town Centre Health Check – White Young Green 2014
- Lancaster District Transport and Highways Masterplan – Lancashire County Council 2016
- Strategic Flood Risk Assessment (SFRA) – Jacobs (Due Late Spring 2016)
- Landscape, Townscape and Visual Field Reports – Arcadis 2016
- PPG17 Open Space Study – Lancaster CC 2010
- Lancaster District Infrastructure Delivery Plan (IDP) – Lancaster CC 2016
- North Lancashire Green Belt Review – Lancaster CC / ARUP 2016
- Lancaster District Settlement Hierarchy Review – TBC (Due Late 2017)
- Lancaster District Housing / Report / Employment Monitoring Reports (Prepared Annually)
- Sustainability Appraisals & Habitat Regulation Assessment (Screening) – Arcadis 2016

8.7 The City Council can also provide useful information regarding the examples of sites specific constraints which can inform the neighbourhood plan process (in particular the preparation of a robust site assessment report).

SITE ASSESSMENT

8.8 If the neighbourhood plan is seeking to address the allocation of land for future development, for instance residential development, then a site assessment will be necessary. The site assessment work should assess the suitability of the site (i.e. physical and infrastructure constraints), the availability of the site (i.e. land ownership and the availability of the site for future development) and the deliverability of the site for development (i.e. developer interest in the site).

8.9 These are three critical planks of the site assessment work and clear robust evidence should be provided to ensure a comprehensive site assessment has been undertaken. Evidence should not be retro-fitted to justify the decisions of the neighbourhood plan group. Sites which do not have this level of information should not be identified in the neighbourhood plan.

9.0 STEP 4: ACTIVE CONSULTATION AND ENGAGEMENT

THE QUALIFYING BODY SHOULD ENGAGE WITH AND CONSULT THOSE LIVING AND WORKING IN THE NEIGHBOURHOOD AREA. THEY SHOULD ALSO ENGAGE WITH OTHER INTERESTED PARTIES, INCLUDING LOCAL LANDOWNERS, THE DEVELOPMENT INDUSTRY AND INFRASTRUCTURE PROVIDERS WHERE IT IS RELEVANT AND APPROPRIATE TO DO SO.

- 9.1 Good communication, seeking the views of all those interesting in or affected by the neighbourhood plan is important right from the start of the process. This will help make sure that the finalised plan meets all the legislative requirements, has an appropriate and proportional evidence base, includes policies which are realistic and deliverable, ensuring that the plan gains public support and confidence as it moves towards the referendum stage.
- 9.2 The National Planning Practice Guidance (NPPG) is clear in regard to consultation when it states that Town or Parish Councils should be inclusive and open in the preparation of its neighbourhood plan or order and ensure that the wider community:
- Is kept fully informed of what is being proposed;
 - Is able to make their views known throughout the process;
 - Has opportunities to be actively involved in shaping the emerging neighbourhood plan; and
 - Is made aware of how their views have informed the preparation of the neighbourhood plan.
- 9.3 The manner in which the above requirements have been addressed during the plan-making process should be set out within a consultation statement which highlights all the consultation measures undertaken throughout the plan-making process and how it has informed plan preparation.
- 9.4 Further to consultation with the local community. Consultation and engagement is also necessary with a range of other interested parties and organisations which may be affected by the preparation of a neighbourhood plan. Given these implications it is important that the engagement process is as extensive as possible and includes all interested parties. It is important to keep records of such engagement as this needs to be included in the consultation statement which will be assessed by the independent examiner.
- 9.5 The Government guidance requires qualifying bodies to engage positively with local landowners and the development industry to understand the availability and deliverability of land to meet future development needs (should the neighbourhood plan seek to address these issues). A failure to undertake this engagement is likely to lead to preparation of a neighbourhood plan which is neither sound nor robust.

10.0 STEP 5: PREPARATION OF A DRAFT NEIGHBOURHOOD PLAN

- 10.1 There is no specific format which is required in terms of the structure of a neighbourhood plan. The guidance provided below is designed to provide a basic framework for the production of a draft plan. This should not be read as a prescriptive framework, rather it is to provide guidance on some of the issues which should be considered within the creation of a draft plan.
- 10.2 The City Council will provide constructive feedback on the emerging neighbourhood plan (and its supporting documentation) prior to their formal submission to the Council and should be factored into relevant work programmes. If the City Council consider that the draft plan falls short of meeting one or more of the basic conditions (as described in Section 11 of this guidance), they will discuss their concerns with the Town or Parish Council in order that these can be fully considered prior to the submission of the plan.

Chapter One - Introduction

- 10.3 The initial chapter should clearly set out the background to the neighbourhood plan, providing details on the organisation which is submitting the plan, the scope and context for the area which has been designated as part of the neighbourhood plan. It section should also clearly state the period of time which the plan will be effective for and should summarise the key findings from the evidence base which has been collected.

Chapter Two - Context

- 10.4 This should general provide more detail in regards to the nature of the neighbourhood area and provide a thorough explanation of the findings from the evidence base and the public consultation which has taken place. The information is likely to involve a detailed assessment of the local built and natural environment (this can include the historic environment, landscape and biodiversity considerations), demographics and provide details of the key issues which affects the neighbourhood area. This section should effectively form the basis for the policies and allocations section by outlining what issues need to be addressed by the neighbourhood plan.

Chapter Three – Vision and Objectives

- 10.5 The vision and objectives of the plan need to be clearly set out, with an accompanying support or concluding commentary setting out how the vision and objectives feed into the policies and allocations (where relevant) in the rest of the neighbourhood plan.

Chapter Four – Policies and Allocations

- 10.6 This section will include the draft policies in relation to the themes which have been identified in the vision and objectives section. This could include policies in relation to:
- Housing supply (which would then feed into the site allocations);
 - Housing mix;
 - Affordable Housing;
 - Design;
 - Historic Environment;
 - Landscape; and
 - Community Facilities.

10.7 The writing of policies is the key element of the neighbourhood plan and need to be written in the correct way. The government guidance on neighbourhood planning provides the following requirements in terms of how policies in a neighbourhood plan should be drafted stating:

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

10.8 In light of the National Planning Policy Framework (NPPF) it is also necessary to ensure that policies are positively worded. More specifically, rather than seeking to simply restrict a certain form of development, policies should set out a positive approach, subject to meeting certain criteria. For example Policy DM17 of the Development Management DPD which states...

‘The Council will support proposals for renewable energy and low carbon energy schemes that offer the opportunity to contribute to a low carbon future where the direct and indirect impacts are, or will be made, acceptable (unless material considerations indicate otherwise)’

10.9 If the policy do not comply with the guidance set out then the independent examiner will potentially recommend modifications, or possibly recommend the removal of some policies altogether (if they are too negatively worded).

10.10 Lancaster City Council can provide advice on policy writing and the policies contained within both the Development Management DPD and Morecambe Area Action Plan DPD (the two most recent examples of planning documents) should provide examples of the types of policy wording which is likely to be acceptable.

10.11 The neighbourhood plan may also include site allocations for development, for example:

- Housing Sites (setting out the minimum number of units to be provided on the site);
- Community facilities (if a need has been identified and such a facility is deliverable);
- Infrastructure requirements.

10.12 The site allocations will need to be accompanied by a policy setting out the site specific policy requirement and allocations need to be clearly shown on an OS map.

Chapter Five – Monitoring and Review

10.13 The final section should relate to monitoring, setting out how the progress of the neighbourhood plan will be monitored over time. This could be done by identifying a series of indicators which could be included within the plan.

11.0 STEP 6: ENSURING THE DRAFT PLAN MEETS THE BASIC CONDITIONS

THE QUALIFYING BODY TO PREPARE THE NEIGHBOURHOOD PLAN IN THE CONTEXT OF THE BASIC CONDITIONS, ENSURING THAT ALL BASIC CONDITIONS ARE MET. THE QUALIFYING BODY TO PREPARE A BASIC CONDITIONS STATEMENT TO SET OUT HOW THESE REQUIREMENTS HAVE BEEN MET.

- 11.1 Demonstrating compliance with the ‘basic conditions’ is a very important legal requirement of neighbourhood planning. Failure to meet these conditions is highly likely to result in an unsound neighbourhood plan which may not be able to proceed to a referendum stage. The ‘basic conditions statement’ (setting out how the basic conditions have been complied with) will be assessed in detail by the examiner).
- 11.2 The Government guidance states the Town and Parish Council is advised to discuss and share early draft of its basic conditions statement with the City Council. The basic conditions are set out in full below:
- a. Having regard to national policies and advice contained in guidance issued by the Secretary of State, for example the National Planning Policy Framework;
 - b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses. This only applies to the preparation of Local Development Orders.
 - c. Having special regard to the desirability of preserving or enhancing the character and appearance of conservation areas. This only applies to the preparation of Local Development Orders.
 - d. The making of the neighbourhood plan contributes to the achievement of sustainable development.
 - e. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for area of the authority (or any part of that area).
 - f. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
 - g. Prescribed conditions are met in relation to the Order (or neighbourhood plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

12.0 STEP 7: STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) AND HABITATS REGULATION ASSESSMENT (HRA)

AT THE APPROPRIATE POINT THE QUALIFYING BODY SHOULD REQUEST A SCREENING OPINION ON THE REQUIREMENT FOR SEA AND HRA. THE CITY COUNCIL WILL PREPARE A SCREENING OPINION WHICH IS PROVIDED TO THE QUALIFYING BODY. IT WILL BE FOR THE QUALIFYING BODY TO DECIDE ON WHETHER SEA OR HRA IS UNDERTAKEN AND ITS WILL BE FOR THE QUALIFYING BODY TO UNDERTAKE THE ASSESSMENT WORK.

- 12.1 A neighbourhood plan must comply with EU law (this is a legal requirement set out by the Government). It is important to establish as early as possible what EU obligations need to be

complied with, principally whether a Strategic Environmental Assessment (SEA) is required or a Habitats Regulation Assessment (HRA) is required.

- 12.2 In relation to neighbourhood planning, the SEA Directive relates to all plans defined in the legislation and seeks to ensure that the environmental implications of the plan are taken into account during the process of their preparation and adoption. An SEA will be required where a neighbourhood plan is likely to have significant environmental effects.
- 12.3 The first stage of this process would be for the City Council to undertake a screening process in order to establish whether significant environmental effects are likely. The Screening Opinion will involve consultation with statutory consultees, such as Natural England, Historic England and the Environment Agency in order to establish whether significant environmental effects are likely.
- 12.5 The City Council recommend that a Screening Opinion is sought as early as possible to establish whether the EU obligations apply. The most appropriate time to conduct this is once an emerging draft plan has been prepared, but has not yet been formally submitted to the City Council. The City Council will need as much information as possible from the Town or Parish Council in order to ensure that the screening opinion is as accurate as possible.
- 12.4 If the plan is concluded to have significant environmental effects then it will be recommended that SEA and potentially HRA is undertaken as part of the neighbourhood plan process. SEA and HRA should be taken out in accordance with the relevant legislation and national guidance. It is important to note that the preparation of SEA and HRA will be the responsibility of the Town or Parish Council, both in terms of its preparation and funding. As a result the potential need for SEA and HRA should be factored into the project plan and should be submitted with the final version of the neighbourhood plan.
- 12.5 When considering the role of SEA, it may be beneficial whether a wider Sustainability Appraisal (SA) should be undertaken which looks at the wider social, economic and environmental impacts of the plan. Whilst the Government guidance is clear the environmental impacts of the plan are of primary importance, the consideration of the wider impacts of the plan may demonstrate a greater level of robustness to the plan.

13.0 STEP 8: PRE-SUBMISSION PUBLICITY, CONSULTATION AND DIALOGUE

PRIOR TO THE FORMAL SUBMISSION OF THE NEIGHBOURHOOD PLAN TO THE CITY COUNCIL, THE QUALIFYING BODY SHOULD UNDERTAKE PRE-SUBMISSION CONSULTATION ON THE DRAFT PLAN WITH THE LOCAL COMMUNITY AND INTERESTED PARTIES AND GIVE CONSIDERATION TO THE RESPONSES PRIOR TO THE FORMAL SUBMISSION. THIS PROCESS SHOULD BE CAPTURED VIA THE PREPARATION OF A CONSULTATION STATEMENT

THE QUALIFYING BODY SHOULD DISCUSS THE CONTENT OF THE DRAFT NEIGHBOURHOOD PLAN WITH THE CITY COUNCIL PRIOR TO SUBMISSION. THE CITY COUNCIL SHOULD PROVIDE CONSTRUCTIVE AND PROACTIVE ADVICE ON THE CONTENT OF THE PLAN TO ENSURE IT MEETS THE BASIC CONDITIONS.

- 13.1 It is important that prior to formally submitting a plan to the City Council that the Town or Parish Council undertakes a public consultation on the draft neighbourhood plan. Whilst further formal consultations will take place following its submission this stage of consultation will provide an opportunity for final amendments to be made following responses from the local community and other interested parties such as infrastructure providers, the development industry and local landowners.
- 13.2 Whilst initial consultation may have already taken place with some stakeholders and organisations there is still significant benefits in undertaking which consultation to ensure that the views of a wide range of groups and individuals are captured and considered prior to the completion and submission of the final draft of the neighbourhood plan.
- 13.3 The consultation responses received, and how they have informed the preparation of the neighbourhood plan should be captured via the preparation of a consultation statement, which forms an important part of the submission process and will be considered by the examiner when deciding whether the legislative requirements and government guidance to consultation have been met.
- 13.4 The town or parish council is encouraged to submit their draft material (both the plan itself and the supporting material to accompany it) to the City Council prior to its formal submission so that the City Council can provide constructive advice on its content. Dialogue with the City Council at this stage will ensure that they can provide support to the plan at the examination process.
- 13.5 Any constructive advice provided by the City Council will typically cover the following issues:
- The necessary statutory requirements have been met in terms of the designation of the neighbourhood area?
 - The plan or order has been subject to appropriate pre-submission consultation and publicity?
 - There has been a programme of community engagement proportionate to the scale and complexity of the plan or order as well as consideration of the consultation statement prepared.
 - If allocations are made, are these suitable, available and developable?
 - Is the evidence provided robust?
 - Screening has been carried out in relation to EU obligations?
 - The policies are clear, unambiguous and appropriate justified?
 - Whether there are any obvious conflicts with the NPPF guidance or the City Council strategic and emerging planning policies?
 - There is a clear explanation of the ways in which the plan or order contributes to the achievement of sustainable development?
 - Whether there are any issues concerning compatibility with human rights legislation?
 - In the case of a neighbourhood development order, does it avoid dealing with excluded development (as defined in the relevant legislation)?
 - There is a consensus between the City Council and the town or parish council as to whether the Neighbourhood Development Plan meets the basic conditions including conformity with strategic development plan policy and, if not, what are the areas of disagreement?
 - Whether there are any obvious errors or other matters that require further consideration?

14.0 STEP 9: SUBMISSION OF THE NEIGHBOURHOOD PLAN TO THE CITY COUNCIL

THE QUALIFYING BODY SUBMITS THE NEIGHBOURHOOD PLAN AND ACCOMPANYING INFORMATION TO THE CITY COUNCIL. THE CITY COUNCIL WILL CHECK THAT ALL RELEVANT INFORMATION HAS BEEN SUBMITTED BEFORE COMMENCING A 6 WEEK CONSULTATION PERIOD ON THE FINALISED PLAN.

THE CITY COUNCIL WILL FUND THE APPOINTMENT OF AN EXAMINER. THE APPOINTMENT OF AN EXAMINER WILL BE DONE JOINTLY BETWEEN THE CITY COUNCIL AND THE QUALIFYING BODY.

- 14.1 In submitting the neighbourhood plan the Town or Parish Council should ensure that the following documents are also submitted to accompany the plan, these include:
- The draft neighbourhood plan including a plan and/or statement setting out the area which the plan relates to;
 - A Basic Conditions Statement;
 - A Consultation Statement; and
 - A Sustainability Appraisal Report / SEA Report / HRA Report (where it is considered necessary and applicable to do so).
- 14.2 In assessing whether the legal requirements have been met, the City Council will need to be satisfied that the basic conditions statement has been submitted and whether it addresses all the basic conditions. The City Council are not required to consider whether the draft plan actually meets the conditions as this will be for the examiner to assess.
- 14.3 Once the City Council are satisfied that all relevant information has been submitted, they are required to consult on the neighbourhood plan for a 6 week period. Members of the public, statutory consultees, affected landowners, infrastructure providers, the development industry and other interested parties wishing to make their views known to the examiner (or wish to submit evidence to the examiner to consider) will need to do this by submitting written representations to the City Council during the statutory 6 week period.
- 14.4 Representations should address whether or not the draft plan meets the basic conditions and other matter which the independent examiner is required to consider under Schedule 4b (para 8) of the Town and Country Planning Act 1990 (as amended). Representations may also address whether the referendum area should be extended beyond the proposed neighbourhood area. Anyone who wishes to make a case for an oral hearing should do so as part of their written representation.
- 14.5 Lancaster City Council will fund the appointment of an examiner. The appointment of an examiner will be made jointly by the City Council and the Town or Parish Council. This process is done through the Neighbourhood Planning Independent Examiners Service (NPIERS). The examiner will be independent of both the City Council and the Town or Parish Council.

15.0 STEP 10: INDEPENDENT EXAMINATION

THE CITY COUNCIL WILL SEND THE DRAFT NEIGHBOURHOOD PLAN, THE ACCOMPANYING INFORMATION AND ALL REPRESENTATIONS RECEIVED TO THE EXAMINER. THE EXAMINER WILL CONSIDER ALL THE INFORMATION BEFORE THEM BEFORE COMING TO A CONCLUSION ON WHETHER THE PLAN IS SOUND AND HAS MET THE BASIC CONDITIONS.

THE EXAMINER WILL ISSUE A REPORT WHICH SET OUT THEIR RECOMMENDATIONS AND ANY AMENDMENTS REQUIRED.

- 15.1 When considering the content of the neighbourhood plan, the examiners role is to test whether or not the plan meets the basic conditions as set out in Section 11 of this guidance.
- 15.2 It is expected that the examination of the plan will not include a public hearing and will be undertaken via written representations. As a consequence the basic conditions statement and other accompanying documents are likely to be the only way that the Town or Parish Council can seek to demonstrate to the examiner that the plan meets the basic conditions. However, where the examiner considers it necessary to ensure adequate examination of an issue or to give a person a fair chance to put their case, they must hold a hearing to listen to the oral representations about a particular issue.
- 15.3 The examiner can reach a number of conclusions over the draft plan, the examiner could conclude the plan to fail to meet the basic conditions and is unsound, the examiner could conclude that the plan could be considered sound subject to a number of changes to address issues with the basic conditions or the examiner could conclude that the plan is sound in its current form.
- 15.4 Should the examiner conclude that the plan meets the basic condition (either in its proposed state or subject to a number of changes) then the neighbourhood plan can move forward to the referendum stage. In the event that the examiner makes recommendations to change the plan these recommendations are binding (i.e. they must be made in order for the plan to meet the basic conditions). If the recommendations are not made then the plan cannot go forward to referendum. Should changes be recommended it will be for the Town or Parish Council to decide whether they are willing to accept the changes proposed in order to move the plan forward to referendum.

16.0 STEP 11: REFERENDUM

FOLLOWING THE QUALIFYING BODY ACCEPTING ANY RECOMMENDATIONS / CHANGES MADE BY THE EXAMINER. THE CITY COUNCIL WILL FUND AND MAKE THE NECESSARY ARRANGEMENTS FOR A REFERENDUM TO TAKE PLACE INTO THE ADOPTION OF THE NEIGHBOURHOOD PLAN. THIS WILL BE DONE AS QUICKLY AS POSSIBLE AFTER THE QUALIFYING BODY HAVE AGREED TO ANY CHANGES BEING MADE TO THE PLAN.

- 16.1 The City Council will fund and make the necessary arrangements for the referendum to take place. The area which the referendum takes place must, as a minimum, be the neighbourhood area to which the order relates (the examiner may make a recommendation that this is extended).

- 16.2 The rules covering all aspects of organising and conducting the polls can be found in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended by subsequent regulations in 2013, 2014 and 2016).
- 16.3 The City Council will publish an Information Statement not fewer than 28 days before the referendum. This provides voters with all relevant information they need in relation to the referendum. More specifically, the Neighbourhood Planning (Referendums) Regulations 2012 set out the following requirements and state that the Information Statement should specify:
- That a Referendum will be held;
 - The date on which the referendum will be held;
 - The question to be asked in the referendum;
 - A map of the referendum area;
 - Where the referendum area is not identical to the neighbourhood area, a map of the neighbourhood area;
 - A description of persons entitled to vote in the referendum;
 - The Referendum expenses limit that will apply in relation to the referendum and the number of persons entitled to vote by reference to which that limit has been calculated;
 - That the referendum will be conducted in accordance with procedures similar to those used at local government elections; and
 - The address and times at which a copy of the specified documents can be inspected.
- 16.4 The 2011 Localism Act states (Schedule 4b section 14(4) that the following criteria needs to be met in order to vote in the referendum on the neighbourhood plan or order.

‘A person is entitled to vote in the referendum if, on the date of the referendum...

- (a) The person is entitled to vote in an election of any councillors of a relevant council any of whose area is in the referendum area; and*
- (b) The person’s qualifying address for the election is in the referendum area.*

Anyone not registered to vote will need to register in order to vote in the referendum’

- 16.5 If simply the majority (i.e. more than 50%) of those who vote in a referendum are in favour of the neighbourhood plan then the plan must be ‘made’ (adopted) by the City Council as part of the statutory development plan for the district.

17.0 STEP 12: ‘MAKING’ (ADOPTING) THE NEIGHBOURHOOD PLAN

- 17.1 Following the conclusion of a successful referendum (i.e. over 50% have voted in favour of the neighbourhood plan) then the City Council must ‘make’ (adopt) the neighbourhood plan as part of the wider statutory development plan for the district.
- 17.2 This decision will be made as soon as practically possible in line with Government guidance. It is likely that any decisions will be made via a Full Council meeting. As soon as is practicable once the decision has been made to make the neighbourhood plan or order the City Council must publicise on

their website a document setting out their decision and their reasons for making that decision (this is called the 'decision document') and set out where that document can be inspected. The City Council must also send a copy of the decision document to the town or parish council and any other person who asked to be notified of the decision.