

Neighbourhood Planning Advice Note

The Process of Neighbourhood Planning

This note is for guidance only to help Town and Parish Councils through the process of neighbourhood planning.

*The process is governed by 'The [Neighbourhood Planning \(General\) Regulations 2012](#). The **qualifying body** (i.e. the Town or Parish Council) and the **local planning authority** (Northumberland County Council) have specific responsibilities at different stages of plan-making as laid down in the Regulations.*

There are 6 main stages in the preparation of a neighbourhood development plan ('neighbourhood plan'):

1. Designating the Neighbourhood Area
2. Preparing the Neighbourhood Plan
3. Submitting the Neighbourhood Plan and Publicising the Plan
4. Independent Examination
5. Referendum
6. Making the Neighbourhood Plan

In the following table each stage is described and the key actions are explained.

What is involved?	Comments	Weight carried by the Plan at this stage ¹
STAGE 1 Designating the Neighbourhood Area		
The qualifying body, i.e. the Town or Parish Council submits an area designation application to the County Council.	<p><i>Neighbourhood planning activity can only take place in specifically designated 'neighbourhood areas'.</i></p> <p><i>A parish council may propose a multi-parish neighbourhood area. For example, 'Norham and Islandshire Neighbourhood Area' comprises seven parishes with consent given for Ord Parish Council to be the 'qualifying body' for the purposes of neighbourhood planning. It was considered that the common interests and issues affecting this geographical area meant that it was an appropriate area to designate.</i></p> <p><i>Where a parish straddles the Northumberland County Council / Northumberland National Park Authority boundary, an area application must be made to each planning authority. (N.B. In these instances, the County Council would be the lead authority)</i></p>	N/A

¹ For all Plans the National Planning Policy Framework (para 48) says: From the day of publication, decision-takers may also give weight (unless other material considerations indicate otherwise) to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

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STAGE 2 Preparing the Neighbourhood Plan		
<p>This stage includes several distinct phases, which are detailed below.</p> <p>Preparing the draft Plan</p>	<p><i>This is a long and often challenging phase of plan-making where ideas are shaped and re-shaped.</i></p> <p><i>The initial stages typically involve gathering information about the neighbourhood area, including through community engagement. This gives a purpose to the Plan and should lead to the creation of objectives to be achieved through planning policies.</i></p> <p><i>Consultation with the local community and other stakeholders is extremely important during this stage. It allows parish councils to raise the profile of the plan, generate community support and deal with any issues raised in a timely fashion, i.e. before the time comes to submit the plan to the County Council.</i></p> <p><i>It is critical that the Plan is supported by robust evidence. Without this, the policies in the neighbourhood plan may be challenged: an independent examiner may recommend that a policy is deleted or modified if it is not supported by appropriate evidence.</i></p> <p><i>Drafting the policies is challenging and many parish councils use some of their funding to engage a planning consultant to do this.</i></p> <p><i>In order to meet the 'basic conditions', the policies in the neighbourhood plan must be in general conformity with strategic policies in the Northumberland Local Plan and contribute to sustainable development.</i></p>	No weight can be given to the Plan.
Complying with environmental protection legislation:	Strategic Environmental Assessment	

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<ul style="list-style-type: none"> • Strategic Environmental Assessment (SEA) • Habitats Regulations Assessment (HRA) 	<p><i>The process of Strategic Environmental Assessment is intended to ensure a high level of protection of the environment and to integrate consideration of the environment into the preparation and adoption of plans. SEA screening is carried out under 'the SEA Regulations', which implements European Directive 2001/42/EC into UK law. The screening process will determine whether, in the opinion of the County Council, a neighbourhood plan is likely to result in significant environmental effects.</i></p> <p><i>The draft plan should be screened for SEA at the earliest possible stage.</i></p> <p><i>Consultation on the screening opinion is then required with three statutory consultation bodies, that is: the Environment Agency; Historic England; and Natural England. Once consulted, a determination can be made by the County Council, having regard to any comments made by those consultation bodies. A final screening opinion will then be issued to the Town or Parish Council.</i></p> <p><i>If the screening opinion determines that SEA is not required, then further detailed assessment is not necessary. If the screening opinion determines that SEA is required, then a further detailed assessment of environmental effects will be required. This will involve the preparation of an Environmental Report.</i></p> <p>Habitats Regulations Assessment</p> <p><i>There is a network of protected sites across Europe, which includes Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and RAMSAR Sites. These are designated for their flora, fauna or birds under the Habitats Directive or the Birds Directive, respectively. Collectively these are known as 'European Sites'.</i></p> <p><i>All plans, which may have a significant effect on designated European Sites are required to undertake a HRA, which assesses the effect on the flora and fauna</i></p>	

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	<p><i>present. Neighbourhood Plans may only proceed to examination where it has been ascertained that there are no 'Likely Significant Effects'.</i></p> <p><i>The County Council will screen the draft plan to determine if HRA is required. The earlier this is done, the better to allow for mitigation measures to be incorporated into the plan and to prevent unnecessary delays later in the process. If HRA is required this will automatically trigger the need for SEA.</i></p> <p><i>Parish Councils should submit their outline plan to the County Council as soon as possible – this doesn't have to be in any great detail but enough to allow for screening.</i></p>	
<p>Regulation 14: Pre-submission consultation and publicity</p>	<p><i>The Parish Council must publicise the draft plan in a manner that is likely to bring it to the attention of people who live, work or carry on business in the Neighbourhood Area.</i></p> <p><i>In addition, the Parish Council must consult any consultation body listed in paragraph 1 of Schedule 1 of the Neighbourhood Planning Regulations. The County Council will provide you with details of the consultation bodies that you must consult at Regulation 14.</i></p>	<p>Following consultation, you will have evidence of community support for the plan. However, the plan might not be legally compliant and has not been tested against the Basic Conditions. Little weight can therefore be given.</p>
Revisions to the draft Plan	<p><i>Following the consultation period, representations must be considered and any amendments thought to be necessary by the parish council must be made to the plan before it is submitted to the County Council.</i></p>	
The Consultation Statement	<p><i>At this stage, it is useful to draft the 'consultation statement' which must be submitted with the draft plan to the County Council. The consultation statement must contain:</i></p>	

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	<ul style="list-style-type: none"> • Details of the persons and bodies who were consulted about the proposed neighbourhood development plan; • An explanation of how the persons and bodies were consulted; • A summary of the main issues and concerns raised by the persons consulted; and • A description of how those issues and concerns have been considered and where relevant, addressed in the proposed neighbourhood development plan. 	
STAGE 3 Submitting the Neighbourhood Plan and Publicising the Plan		
<p>Regulation 15: Plan proposal</p> <p>The Parish Council submits the Plan to the County Council, who will check it meets the legal requirements.</p>	<p><i>The process of checking the plan and supporting documents is usually fairly quick but it can take more time if amendments to any of the documents are required.</i></p> <p><i>The submission must include:</i></p> <ul style="list-style-type: none"> • a map of the area • the draft plan • a 'consultation statement' • a 'basic conditions statement' • either an (SEA) Environmental Report or a screening opinion which determines that an Environmental Report is not required • either an (HRA) Appropriate assessment or a screening opinion which demonstrates that an Appropriate Assessment is not required • Evidence papers that support the policies <p><i>The 'basic conditions statement' is a requirement of the Regulations. Its purpose is to allow the parish council submitting the neighbourhood plan to demonstrate how its plan has met a set of 'Basic Conditions' which are prescribed in legislation.</i></p>	

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Regulation 16: Publicising a plan proposal	<p><i>There are examples of the 'basic conditions statement' and 'consultation statement' on the County Council's website.</i></p> <p><i>The County Council will publicise the Plan and supporting documents for a minimum of six weeks and any comments submitted will be sent directly to the independent examiner.</i></p>	Increasing weight can be given after the close of consultation - taking into account any comments received during the consultation and with the knowledge that the examiner can require changes to the plan.
STAGE 4 Independent Examination		
Regulation 17: Submission of plan to examination	<p><i>The County Council appoints an independent examiner with the consent of the qualifying body.</i></p> <p><i>The independent examination will consider whether the plan meets the basic conditions (set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990). The examiner will produce a report detailing their findings and make recommendations about the draft plan including whether it should be put to referendum.</i></p> <p><i>A neighbourhood plan meets the Basic Conditions if:</i></p> <ul style="list-style-type: none"> <i>• having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;</i> <i>• the making of the neighbourhood plan contributes to the achievement of sustainable development;</i> <i>• the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area;</i> 	

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	<ul style="list-style-type: none"> the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. 	
Regulation 17A: Decision on examiner's recommendations	<i>The County Council must decide what action to take in response to each recommendation made by the report. It has 5 weeks from the date the examination report was received to make its decision.</i>	
<i>Post-examination modifications</i>	<p><i>N.B. The County Council may choose not to accept a recommendation made by the independent examiner if it considers that it is not required in order for the Plan to meet the Basic Conditions. In such a situation, the County Council is obliged to set out its reasons for that decision and to notify persons prescribed in Regulations, inviting their representations. The persons prescribed in Regulation 17A(2) of The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 are:</i></p> <ul style="list-style-type: none"> <i>the qualifying body;</i> <i>any person whose representation was submitted to the examiner of the plan; and</i> <i>any consultation body.</i> <p><i>This consultation period would last for 6 weeks.</i></p>	
Regulation 18: Publication of the examiner's report and decision	<i>The County Council publishes the examination report and its (Regulation 18) decision statement.</i>	So far as is material to the application, officers should have regard to the draft Plan in decision-making. This must be the Plan as it would be if modified in accordance with the recommendations in the examiner's report.

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STAGE 5 Referendum		
Organising the Referendum ²	<p><i>Where it is recommended by the examiner that the Plan should proceed to referendum, the County Council will organise the referendum. The referendum will take place in the Neighbourhood Area no later than 56 days from the publication of the decision statement.</i></p> <p><i>The referendum will ask registered voters in the Parish to vote ‘yes’ or ‘no’ to a question:</i></p> <p><i>‘Do you want Northumberland County Council to use the neighbourhood plan for [insert name of neighbourhood area] to help it decide planning applications in the neighbourhood area?’</i></p> <p><i>For the plan to be adopted (‘made’), it must receive majority support from the local community. If more than 50% vote in favour, the County Council must bring it into force.</i></p> <p><i>The County Council will publicise the referendum (in an un-biased and factual way) and will publish an ‘information statement’ for voters. The qualifying body may also wish to publicise the referendum but any publicity should remain neutral and should not encourage people to vote one way or another.</i></p>	<p>Once the referendum date has been agreed the draft Plan should be given significant weight in decision making so far as is material to the application.</p> <p>If successful at referendum, the Plan carries full weight in decision making.</p>

² The Referendum is governed by a separate set of regulations: The Neighbourhood Planning (Referendums) Regulations 2012.

What is involved?	Comments	Weight carried by the Plan at this stage
STAGE 6 Making the Neighbourhood Plan		
Regulation 18A : Prescribed date for making the plan	<i>The County Council must ‘make’ (adopt) the neighbourhood plan no later than 8 weeks from the day immediately following the referendum.</i>	The Plan is part of the Development Plan for the Neighbourhood Area. So far as material to the application, its policies will be used to determine planning applications in the Neighbourhood Area.
Regulation 19 : Decision on the plan	<i>As soon as possible after deciding to make a neighbourhood plan, the County Council must publish its decision and the plan to bring it to the attention of people who live, work or carry on business in the neighbourhood area.</i>	
Regulation 20 : Publicising the plan		