

Rotherham local plan



Neighbourhood Planning Guidance February 2017

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1. Introduction

This document aims to:

- Provide a general overview and advice on the neighbourhood planning process in Rotherham.
- Provide transparency and clarity for local communities in terms of Council support for neighbourhood planning.
- Assist in providing a coordinated approach within the Council in relation to neighbourhood planning.

Neighbourhood planning gives communities the opportunity to direct development in their area through creating plans and policies. This opportunity enables communities to take on new roles and responsibilities; preparing statutory planning documents that will be subject to independent examination and referendum.

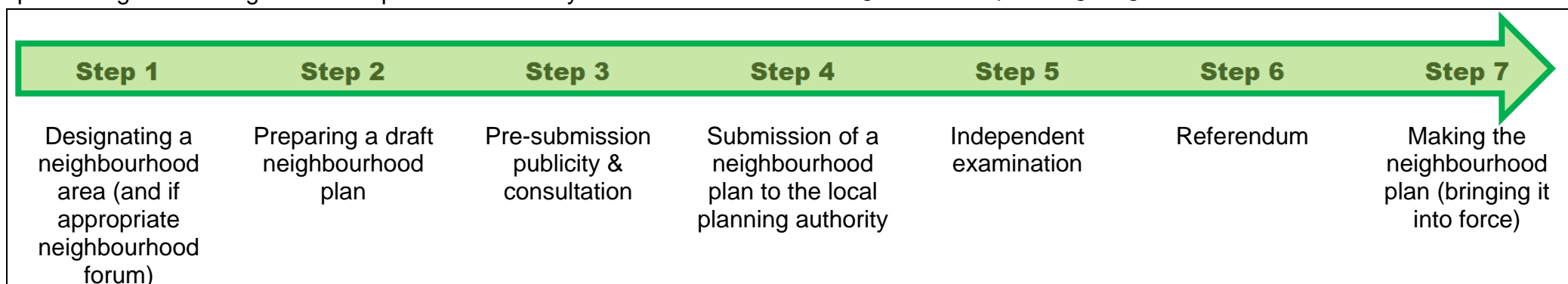
Neighbourhood planning proposals should set out policies in relation to the development and use of land within the neighbourhood area and be in conformity with local and national planning policies, in line with other laws and in accordance with the local planning authority plans for growth. Neighbourhood plans are normally led and

financed by the Town/ Parish Council or Neighbourhood Forum in the local area.

Local authorities have the responsibility to support communities who wish to engage in the neighbourhood planning process. It is the Councils statutory responsibility to ensure the plan meets the basic conditions before it can come into force. The Council has a dual role both in providing assessment and oversight as well as an enabling function.

The neighbourhood planning process is implemented through The Town and Country Planning Act 1990 (as amended) and Localism Act 2011 together with associated schedules and regulations.

This guidance describes the services that the Council can offer for the seven key stages of the neighbourhood planning process and also the actions the qualifying body i.e. the Town/ Parish Council or Neighbourhood Forum should undertake. The seven key neighbourhood planning stages are:



Each of the neighbourhood planning stages is discussed in turn giving actions for both the qualifying body and the Council for each stage.

2. Step 1: Designating a neighbourhood area (and if appropriate a neighbourhood forum)

Town Council / Parish Council / Qualifying Body (TC/PC/QB) Will	Council will	Further Information
Get in touch with the Council's Planning Policy Team to let them know of any intention to prepare a Neighbourhood Development Plan (NDP).	Offer a meeting with the community body to discuss the neighbourhood plan	
Keep a dialogue with the Local Planning Authority (LPA) through the whole NDP preparation process. Advise the Council if at any stage a decision is taken not to continue with the plan.	Provide a lead officer as a first point of contact with the Council	
For Neighbourhood Forums- please seek confirmation from the LPA that the Forum is likely to be in line with the regulations (as a suitable body to lead the NDP process) prior to a formal neighbourhood area application.	Advise if a neighbourhood forum would be in line with the regulations to be considered a relevant body (for neighbourhood planning) prior to a formal neighbourhood area application being made.	NB. Council confirmation that the forum is a suitable body to lead the NDP process prior to the formal application is helpful, as it would start the ground work needed for the formal neighbourhood area application. The Area Assemblies can help establish the Neighbourhood Forum
Form a steering group with terms of reference and representative stakeholder engagement.		
Seek support of the organisations funded by government to support neighbourhood planning.		
Provide the Council with the full names of: the proposed NDP, the qualifying body, the proposed neighbourhood area and provide a point for public contact for the neighbourhood plan process and submit a formal application to the LPA to designate a neighbourhood area. For Town Council/Parish Council area applications: submit a neighbourhood area application letter to the	Check the application in line with the regulations. Publicise and consult on the application unless a Parish Council applies for the whole of the area of the parish to be designated as a neighbourhood area (in which case no consultation is required). In all other cases current legislation requires the Council to consult for a minimum of 6 weeks. Where consultation is required the Council will publish	

Town Council / Parish Council / Qualifying Body (TC/PC/QB) Will	Council will	Further Information
<p>LPA containing:</p> <ol style="list-style-type: none"> 1. A clear map identifying the area (1:10000 scale with a red line around the area for consideration) 2. Statement explaining why it is considered an appropriate 3. Statement that the organisation making the application is a relevant body under 61G of the Town and Country Planning Act 1990. <p>In an area without a town or parish council a prospective neighbourhood forum submits an application to be the designated neighbourhood forum for a neighbourhood area. For Neighbourhood Forum area applications:</p> <p>Submit a neighbourhood area application to the LPA including:</p> <ol style="list-style-type: none"> 1. Name of the proposed neighbourhood forum 2. Copy of its written constitution 3. Name of the neighbourhood area to which application relates and a map which identifies the area (1:10000 scale with a red line around the area for consideration) 4. Contact details of at least one member that can be made public 5. Statement explaining how the proposed forum meets the following conditions: <ol style="list-style-type: none"> a. Is established to promote or improve the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area for the NDP (this can also relate to businesses) b. Has 21 individual members and membership is open to the following groups : 	<p>the application and keep a database of comments and details of respondents (so that they can be advised as the plan progresses). Update the Council's neighbourhood planning web pages with new NDP proposals and application.</p> <p>Arrange for the application to be determined by a Commissioner Cabinet Making Decision Meeting or similar.</p>	

Town Council / Parish Council / Qualifying Body (TC/PC/QB) Will	Council will	Further Information
<ul style="list-style-type: none"> • people living in the area • People who work there • County council, district or London borough councillors for the area <p>b. Has a written constitution.</p>		
	<p>Designate a neighbourhood area within the statutory timescales carrying out publication and consultation as necessary.</p> <p>Current legislation sets out that:</p> <ul style="list-style-type: none"> • Where a Parish Council applies for the whole of the area of the parish to be designated as a neighbourhood area there is no timescale set out in which a decision is to be made. • Where the proposed area falls across two or more Local Authorities decisions will be made within 20 weeks of publicising the application; • Decisions will be made within 13 weeks of publicising the application in all other cases <p>(Final neighbourhood area application decision notification given on Council web site and TC/PC/QB informed of the decision along with elected members and any other bodies or individuals of the designation decision as appropriate)</p>	
	<p>Consider a neighbourhood area designation to be valid for five years from the date it was made.</p>	

3. Step 2: Preparing a draft neighbourhood plan

Town Council / Parish Council / Qualifying Body (TC/PC/QB) will	Council will	Further Information
<p>Consider the format of the draft plan, its timetabling and resourcing.</p>	<p>Assist and advise.</p> <p>Provide advice on general planning matters including local plan and national planning policy, legal requirements as needed</p> <p>Discuss with the TC/PC/QB the Sites and Policies Document to clarify the stance of the emerging NDP to site allocations. (The Sites and Policies document is currently under examination and adoption is envisaged in early 2018).</p>	<p>The draft NDP will be prepared in accordance with the Localism Act, Regulations and national and local planning policy.</p> <p>Consideration should be given to the format* and structure of the plan, the period of time it will cover and how it can be measured or monitored.</p> <p>The NDP may be text based or include photos sketches maps and diagrams to explain the ideas in the plan. The method by which the plan is written is at the TC/PC/QB discretion.</p> <p>A NDP could be wide-ranging, or deal with one or two issues only. It could be detailed, or simply set general principles for development. The choice is down to the body producing the plan and this will clearly have significant implications in terms of time and cost.</p> <p>It is advised to set out a programme to undertake the NDP; seek to maintain contact with Council at key stages in drafting the NDP (and advise the Council of changes to the program).</p>

Town Council / Parish Council / Qualifying Body (TC/PC/QB) will	Council will	Further Information
		<p>The Area Assemblies can assist and advise on the draft plan, timetabling and resources.</p> <p><i>* Usually planning documents follow a format which can include:</i></p> <ul style="list-style-type: none"> • <i>A description of the area, its strengths, weaknesses, issues and opportunities</i> • <i>A vision and objectives</i> • <i>Projects/proposals – the things you think need to happen to achieve your aims e.g. this could include what development should look like</i> • <i>Action plan/implementation – what is needed to make it happen who will lead on this and by when.</i>
Undertake evidence gathering, then identify and assess options and identify proposals.	<p>Make available data for the evidence base, including the evidence underpinning any adopted or emerging local plans.</p> <p>Provide technical support subject to resources.</p>	If a NDP is based on poor evidence this may invite challenge later.
Undertake community engagement; engaging and consulting with those living and working in the neighbourhood area and those with an interest in or affected by the proposals (e.g. service providers, land owners and the development industry).	Assist and advises.	A NDP will only be adopted where it has the support of the local community (measured through a local referendum) and approval of an independent inspector. TC/PC/QB will need to show you: have talked with people in your local area and given them opportunity to get involved in shaping the plan and its proposals through appropriate publicity. The draft plan should be written following consultation and engagement with the local community as their views will be important in forming key

Town Council / Parish Council / Qualifying Body (TC/PC/QB) will	Council will	Further Information
		<p>visions, strategies or policies.</p> <p>Demonstrate consultation on the draft plan through consultation plan and consultation record.</p> <p>Area Assemblies can advise on issues relating to community capacity/ training/understanding options/ support and development.</p>
<p>Prepare key supporting documents to the NDP: determine whether a plan is likely to have significant environmental effect and prepare proposals documents e.g. basic conditions statement.</p>	<p>Assists and advises.</p> <p>Local authorities will screen emerging neighbourhood plan proposals (preferably jointly with the qualifying body, preferably at an early stage), to ascertain whether they are likely to trigger any EU directives. Neighbourhood Plans must be compatible with EU obligations and human rights requirements.</p> <p>In its 'advise and assist' role the LPA may choose to help the qualifying body to undertake environmental assessments.</p>	<p>Key documents to be prepared include the consultation summary and sustainability appraisal; there may be a need to produce other supporting documents: eg Community Engagement Strategy, Transport Impact Assessment, as appropriate.</p> <p>Neighbourhood plans must be compatible with human rights law.</p> <p>A useful approach to assessing impact on human rights is to undertake an equalities impact assessment.</p> <p>It is a requirement that all neighbourhood plans submitted for examination be accompanied by either an SEA report or a screening determination stating that the plan would not have significant environmental effects and does not require an environmental assessment, giving the</p>

Town Council / Parish Council / Qualifying Body (TC/PC/QB) will	Council will	Further Information
		<p>reasons for that determination. (Identifying a need for SEA at an early stage or determining that it is not required helps the community and local authority to deal with the issue in the most efficient way). Screening/scoping can be carried out in conjunction with the LPA). This could take place as soon as there is clarity on the purpose of policies, the means of specifying where growth will be allowed (for example site allocations) and the level of growth enabled by the plan. The inclusion of site allocations in a neighbourhood plan may make the need for environmental assessment under EU directives more likely.</p>
<p>Keep the Council informed of progress and seek feedback as appropriate.</p>	<p>Provide feedback on draft reports and background documents within an agreed timeframe prior to submission.</p> <p>Providing technical support if needed, such as providing Local Plan data and maps.</p>	

4. Step 3: Pre-submission publicity & consultation

Town Council / Parish Council / Qualifying Body (TC/PC/QB) will	Council will	Further Information
<p>Carry out pre-submission publicity; publicising the draft plan, inviting representations and consulting the consultation bodies as appropriate</p>	<p>Assist and advises e.g. providing advice(if needed) on who needs to be consulted, especially in order to help the draft proposals meet the basic conditions (such as compatibility with EU obligations)</p>	<p>Before submission to the LPA the TC/PC/QB should:</p> <ul style="list-style-type: none"> • Be publicised in a way that is likely to bring to the attention* of people who live work or carry on business in the area details of : • the proposals, when and where they can be inspected, how to make representations, and the deadline for making representations – not less than 6 weeks from first publicised • consult consultees in line with the regulations • Send a copy of the NDP to the LPA. <p><i>*You may wish to consider:</i></p> <ul style="list-style-type: none"> • <i>Consulting any neighbouring local, town or parish councils, significant landowners, local businesses and local community organisations, such as chambers of commerce, civic societies and local trusts.</i> • <i>Producing a simple leaflet or display boards that set out the main aims and main focus of the policies in the plan.</i> • <i>Drop-in sessions to enable people to ask questions or discuss the plan on a one-to-one basis.</i>

Town Council / Parish Council / Qualifying Body (TC/PC/QB) will	Council will	Further Information
		<ul style="list-style-type: none"> • <i>The draft plan proposal should be uploaded to the neighbourhood plan website.</i> • <i>Printed copies could be made available e.g. at convenient locations, such as libraries, community centres, council offices and other key public buildings.</i>
<p>Check NDP legal compliance (as these provisions will need to be met on submission).</p> <p>Prior to the submission of a plan to a local planning authority, it makes sense for the TC/PC/QB to discuss with the local planning authority any concerns they have about whether the draft version of the plan meets the basic conditions.</p>		<p>Check NDP compliance with:</p> <ul style="list-style-type: none"> • The definition of a NDP • That the qualifying body needs to propose the NDP • The NDP must specify the period for which it is to have effect • The NDP cannot include provision about development that is 'excluded development' • The NDP cannot relate to more than one neighbourhood area or repeat an existing planning permission
<p>Send a copy of the draft plan to the local planning authority</p>	<p>Provide feedback on draft reports and background documents within an agreed timeframe prior to submission.</p> <p>Provide feedback on if draft version of the plan meets basic conditions.</p> <p>Check the plan prior to formal submission (development management and policy teams)</p>	<p>Consultation comments should be considered conscientiously by the neighbourhood planning body. A decision will need to be made over whether or not to amend the neighbourhood plan. These decisions and the reasoning behind them should be recorded, as this information will need to be incorporated into the Consultation Statement (see later section). A brief report should be produced, summarising comments received and describing if and how the plan has been modified in response to the issues raised.</p>

Town Council / Parish Council / Qualifying Body (TC/PC/QB) will	Council will	Further Information
		If there are conflicting statements or information within the plan the conflict must be resolved in favour of the policy in the plan.
Check that if European obligations apply, relevant publicity and consultation requirements are complied with.		
Consider consultation responses and amend plan if appropriate.		
Prepare the consultation statement and other proposal documents.		Throughout the process of developing a neighbourhood plan a qualifying body should consider how it will demonstrate that its neighbourhood plan will meet the basic conditions that must be met if the plan or order is to be successful at independent examination.

5. Step 4: Submission of a neighbourhood plan to the local planning authority

Town Council / Parish Council / Qualifying Body (TC/PC/QB) will	Council will
<p>Submit the draft plan to the LPA to include:</p> <ul style="list-style-type: none"> • a map or statement identifying the area to which the plan relates, • the consultation statement - which contains details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed NDP • a statement explaining how the NDP meets the ‘basic conditions’ i.e. requirements of para 8 schedule 4B to the 1990 Act (see note 2 below) • One of the following a) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects OR b) an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 • Where appropriate, the information to enable appropriate environmental assessments if required e.g. that will enable the LPA to make an assessment under the Conservation of Habitats and Species Regulations 2010 where the plan proposal is likely to have significant effects on a European site or European offshore marine site or the Environmental Assessment of Plans and Programmes Regulations 2004. 	<p>Assess the proposed neighbourhood plan and checks that submitted proposal complies with all relevant legislation.</p> <p>If the local planning authority finds that the plan or order meets the legal requirements it:</p> <ul style="list-style-type: none"> • Lets the TC/PC/QB know that the proposal complies with the criteria for a neighbourhood plan • Publicises the proposal for minimum 6 weeks and invites representations. This is a separate and crucial responsibility of the LPA and any responses received will receive proper consideration at the examination stage, and by the LPA before the “making” of the plan. • Notifies consultation bodies referred to in the consultation statement • Appoints an independent examiner (with the agreement of the qualifying body). The LPA is responsible for paying the costs of the examination.

6. Step 5: Independent Examination

TC/PC/QB will	Council will	Further Information
	Submit the plan for examination.	The examination will be conducted by an independent examiner.
Support the examination contributing representation as needed in dialogue with the LPA.	Make the arrangements for the examination.	<p>As a general rule examination is by written representations. However, oral representations must be heard, in public, if the examiner considers they are needed to ensure adequate examination of an issue or for a person to have a fair chance to put a case. If there are oral representations then the following people can speak:</p> <ul style="list-style-type: none"> • The parish council or neighbourhood forum • The LPA <p>Where the hearing is held to give a person a fair chance to put their case, the examiner decides on the conduct of the hearing including:</p> <ul style="list-style-type: none"> • Whether the speaker may be questioned and the matters that they can be questioned upon • The amount of time given to a person to speak and for questioning. The examiner should undertake the questioning unless s/he considers that questioning by another person is necessary to ensure adequate examination of an issue or for a person to have a fair chance to put a case.
	Arrange the publication of the examiner's report as soon as possible after it is available.	The independent examiner issues a report on the examination.
	Consider the examiner's report and reach its own view. If satisfied then it publicises its decision (a decision statement) and moves to a referendum. If not satisfied, that the plan meets the basic conditions then the Council must refuse the plan proposal and publicise its decision.	The LPA must consider each of the examiners recommendations and the reasons for them and decide what action to take in response to each. It must also come to a formal view about whether the draft plan meets the basic conditions. If the authority are satisfied that the draft plan meets the basic conditions (Note 2 & 2b), is compatible with the Convention rights, and complies with the definition of an NDP and the provisions that can be made by a NDP or can do so as modified a referendum must be held.

7. Steps 6 and 7: Referendum and Making the neighbourhood plan (bringing it into force)

TC/PC/QB will	Council will	Further Information
	Make available dates of existing council elections	
Encourage the community to take part in the referendum.	Publish an information statement and notice of referendum	<p>The Area Assemblies can help encourage the community to take part in the referendum – via publicity through local networks, community groups/organisations.</p> <p>The NDP needs to receive support from more than 50% of the votes in the referendum.</p>
	Fund and organise the public referendum as appropriate (including polling and the declaration of results).	In most cases within 56 days of the publication of the decision to hold a referendum a referendum would be held.
	Publicise the referendum decision.	NB Revocation of a NDP and legal challenge to NDP can occasionally occur.
	Subject to results local planning authority considers plan / order in relation to EU obligations and Convention rights. If the plan / Order is compatible with EU obligations and does not breach Convention rights the local planning authority “makes” the plan. The NDP will form part of the development plan for the purpose of the consideration of planning applications within the Neighbourhood Area.	
Adoption	The NDP is then made by the LPA and published on the Council web site as soon as practical after it is made and within 8 weeks of the referendum	
Consider future NDP review, update and monitoring	Consider monitoring as appropriate (results should be published in the Councils monitoring report).	

8. Glossary

Area Assembly - This is a partnership made up of ward councillors, area assembly officers, service partners and community representatives. There are seven area assemblies that cover the Rotherham Borough. Area assemblies encourage communities to get involved and influence local decisions thus aligning community priorities and tackling local issues via a partnership approach.

Consultation summary – This is a document explaining how the plans were consulted on, who was targeted for engagement and why the main issues raised during the consultation summarises and how the issues have been considered and addressed.

European Convention on Human Rights –The European Convention on Human Rights was drafted by the nations of the Council of Europe (including the UK) in the aftermath of World War II. The Council of Europe was founded to defend human rights, parliamentary democracy and the rule of law, and to ensure that the atrocities and cruelties committed during the war would never be repeated.

Human Rights - Human rights are rights and freedoms that belong to all individuals regardless of their nationality and citizenship. They are fundamentally important in maintaining a fair and civilised society.

Neighbourhood Forum - A designated neighbourhood forum is an organisation or group empowered to lead the neighbourhood planning process in a neighbourhood area where there is no town or parish council.

Neighbourhood Plan– A planning document created by a parish or town council or a neighbourhood forum, which sets out vision for the neighbourhood area, and contains policies for the development and use of land in the area. Neighbourhood plans must be subjected to an independent examination to confirm that they meet legal requirements, and then to a local referendum. If approved by a majority vote of the local community, the neighbourhood plan will then form part of the statutory development plan.

Qualifying Body - Where a community wants to take up the opportunities offered by neighbourhood planning, the legislation enables three types of organisation, known as qualifying bodies, to lead it:

- a parish or town council
- a neighbourhood forum
- a community organisation

Screening” assessment - Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is commonly referred to as a “screening” assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004

Sustainability appraisal - An assessment of the environmental, social and economic impacts of a Local Plan from the outset of the preparation process to check that the plan accords with the principles of sustainable development.

9. Abbreviations

EU – The European Union

LPA – Local Planning Authority (This is Planning and Building Control Team in Rotherham)

NDP – Neighbourhood Development Plan

PC - Parish Council

TC/PC/QB - Town Council or Parish Council or Qualifying Body as relevant

10. References

Ministry of Justice (2006) Making Sense of Human Rights, (accessed on line 2 November 2016) available at:

<https://www.justice.gov.uk/downloads/human-rights/human-rights-making-sense-human-rights.pdf>)

What is a designated neighbourhood forum? Planning Practice Guidance Paragraph: 016 Reference ID: 41-016-20140306, (accessed online 2 November 2016) available at: <http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/who-leads-neighbourhood-planning-in-an-area/>

Who leads neighbourhood planning in an area? (Online) Planning Practice Guidance Paragraph: 014 Reference ID: 41-014-20140306, (accessed on line 2 November 2016) available at: accessed on line at

<http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/who-leads-neighbourhood-planning-in-an-area/>

Neighbourhood Planning Legal Compliance checklist, (accessed on line 2 November 2016) available at:

<http://www.pas.gov.uk/documents/332612/1099329/Legal+compliance+guide+NDP+March+2015.pdf/63e5106e-690e-4486-aed8-248a665c532b>