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1 Background

- 1.1** Welcome to the East Herts Neighbourhood Planning Guidance – if you are reading this then you are one of thousands of people across the country that are showing an interest in the Neighbourhood Planning process.
- 1.2** In order to assist your ambitions, or just help you understand the process in more detail, East Herts Council has produced an updated guidance note that introduces and summarises what you can expect should you choose to embark or participate in the Neighbourhood Plan journey with your community.
- 1.3** There have been over 500 Neighbourhood Plan referendums in the UK since 2011, and some 1,800 designated areas. Neighbourhood planning activity in East Herts has been steadily increasing as well. At the time of writing, East Herts has formally adopted five Neighbourhood Plans and agreed 15 designated Neighbourhood Plan areas.

How to use this Guide:

- 1.4** This guidance note has been split into three distinct sections:

Introduction to Neighbourhood Planning

This section explains the types of neighbourhood planning, what the benefits of producing a Neighbourhood Plan are and who should be involved.

The Neighbourhood Plan Process

This section explains the different stages of creating a neighbourhood plan document from the initial designation stage through to public consultation, Strategic Environmental Assessment (SEA), examination, referendum and final adoption.

District Plan and NPPF Impacts on Neighbourhood Planning

This section explains some of the key questions and topics that could apply to future Neighbourhood Plans within East Herts now that the District Plan has been adopted as well as the introduction of the updated NPPF.

- 1.5** Throughout the document we have highlighted useful external links or resources instead of including them in an Appendix at the back. This way you can use relevant external guidance and information alongside this guide. These links are included in blue boxes as demonstrated below:

For more information and updates please see the East Herts Neighbourhood Planning webpages: www.eastherts.gov.uk/neighbourhoodplanning

2 Introduction

What is Neighbourhood Planning?

- 2.1 Neighbourhood planning gives communities the opportunity and a set of tools to develop a shared vision and to shape the development and growth of their local area. Neighbourhood planning can address a wide range of social, economic and environmental issues or it can choose to focus on a number of smaller issues. The scope and content of neighbourhood planning is entirely up to those who are producing the plan.
- 2.2 Unlike previous parish or town plans that communities may have prepared, a neighbourhood plan forms part of the statutory development plan and will sit alongside the East Herts District Plan when determining planning applications.
- 2.3 Neighbourhood planning is a relatively new part of the planning system; it was introduced by the Government through the Localism Act 2011. Since then it has been strengthened through subsequent legislation in 2012⁽¹⁾ and most recently through the Neighbourhood Planning Act 2017.
- 2.4 Communities can use neighbourhood planning in two main ways:

Neighbourhood Development Plans:

Neighbourhood Development Plans (Neighbourhood Plans) set out a vision for a local area and include planning policies for the use and development of land. The advice set out in this Guidance Note relates mainly to the production of neighbourhood plans.

Neighbourhood Development Orders:

Neighbourhood Development Orders can grant planning permission for specified developments in a neighbourhood area. Once established there would be no need for anyone to apply to the Council for planning permission if it is the type of development covered by the order. This should make it easier and quicker for such development to go ahead in the future.

A **Community Right to Build Order** is a particular type of Neighbourhood Development Order which provides an enabling right supporting local people to undertake development so that communities are collectively owning, developing

1 Neighbourhood Planning (General) Regulations 2012 (as amended)
<http://www.legislation.gov.uk/ukSI/2012/637/contents/made>

and/or managing their own land and developments. As an alternative to the traditional application for planning permission, it gives communities the power to decide for themselves what happens in their neighbourhood.

- 2.5 Each of these routes enables a community to set out guidance and policies to influence development within their communities. Issues such as residential or employment development, urban design, transport, local economy, community facilities, within the community can be covered.
- 2.6 It is expected however that in most cases neighbourhood plans will be produced. This Guidance Note provides up-to-date support and assistance to those communities interested in creating a neighbourhood plan.

What are the benefits of developing a Neighbourhood Plan?

- 2.7 Neighbourhood plans are community-led and can help communities to play a greater role in shaping the future of their area.
- 2.8 They can bring together residents, businesses, local groups, landowners and developers to share ideas and build consensus about what needs to be done in the area.
- 2.9 It can also help create lasting partnerships within and outside the community; for example with public service providers or local businesses.
- 2.10 Neighbourhood plans also offer communities an opportunity to include their own local planning priorities within the wider planning system. This means that the neighbourhood plan would sit alongside the policies in the District Plan to guide development. For example, local planning authorities and planning inspectors must make their decisions when considering planning applications or appeals in accordance with the Development Plan, unless material considerations indicate otherwise. Emerging neighbourhood plans can also be a material consideration in some planning decisions.

Who should be involved?

- 2.11 In East Herts, it is anticipated that the majority of neighbourhood plans will be initiated by town or parish councils but developed along with the rest of the community. In areas without a town or parish council, a Neighbourhood Forum would need to be set up. Sometimes the term Neighbourhood Plan Group is used to describe the lead body for the production of a neighbourhood plan.
- 2.12 The involvement, throughout the process, of a broad range of local stakeholders will help strengthen community support for the Plan which is essential at the referendum stage and make its implementation easier.

2.13 The following is a list of stakeholders that the Town or Parish Council may wish to consider involving in the process:

- Residents
- Elected representatives
- Community groups
- Businesses
- Landowners
- Developers

2.14 It will also be necessary to involve a range of statutory consultees including Officers from East Herts Council, and other public sector service providers such as Hertfordshire County Council as the highway authority, education authority etc. This might be to provide advice, guidance or information, or to comment on draft documents. The full list of consultees can be found in the Neighbourhood Planning (General) Regulations 2012, Paragraph 1 of Schedule 1.

How do you develop a Neighbourhood Plan?

2.15 Section 3 of this Guidance Note is dedicated to explaining the neighbourhood plan process and goes into detail about each stage. However, Table 1 below provides a summary of the steps and milestones that a successful neighbourhood plan would go through from start to finish.

Table1: Summary of milestones in producing a neighbourhood plan

Getting Started
Developing a Vision and Objectives
Developing a Plan
6-week public consultation
Submit Plan to East Herts
Further 6-week public consultation
Independent Examination
Referendum
Adoption

2 . Introduction

Responsibilities:

2.16 Table 2 below sets out the responsibilities of the District Council and the Community in neighbourhood planning. These will be explained in greater detail in section three of this guidance document.

Table 2: The responsibilities of the District Council and the Neighbourhood Plan Group

Neighbourhood Plan Group responsibilities	East Herts District Councils responsibilities
The town/parish council should apply to East Herts Council for designation of a neighbourhood area and seek grant funding advice if required.	Agree the area designation following consultation with stakeholders.
Define the priorities and aspirations of the community in the neighbourhood plan.	Provide advice, and support during the plan making process.
Engage with the District Council throughout the whole neighbourhood planning process for advice and support.	Confirm that the neighbourhood plan is being written in accordance with the NPPF, Development Plan documents and other relevant legislation.
Ensure that the community is engaged thoroughly when preparing the neighbourhood plan and undertake appropriate assessments of the neighbourhood plan.	Publicise the draft neighbourhood plan on the East Herts planning website and ensure that all consultation bodies have been notified (in accordance with 'The Neighbourhood Planning (General) regulations 2012')
Liaise with the District Council regarding submission requirements.	Organise and fund the independent examination and referendum.
	Adopt, if supported by the referendum, the Neighbourhood Plan as a Development Plan document and ensure that the neighbourhood plan is utilised as a material planning consideration when determining planning applications.

The Basic Conditions:

- 2.17** Before producing a neighbourhood plan, the neighbourhood plan group should acquaint themselves with the ‘basic conditions’ a plan is required to meet in order to be successful at an examination. We highlight what the ‘basic conditions’ are in paragraph 3.79, however it is worth familiarising yourselves before you read through the remaining sections of this guidance document in order to guide decision-making throughout the process.

The ‘basic conditions’ as set out in the Planning Practice Guidance:
<https://www.gov.uk/guidance/neighbourhood-planning-2#basic-conditions-for-neighbourhood-plan-to-referendum>

3 . The Neighbourhood Planning Process



3 The Neighbourhood Planning Process

3.1 In this section we have separated the neighbourhood plan process into 7 stages, below is a summary of the key stages in the neighbourhood plan process.

Table 3: The stages of the neighbourhood plan-making process.

<p>Stage 1</p>	<p>Getting Started</p>	<ul style="list-style-type: none"> - Get the community on board - Establish a steering group - Define the 'neighbourhood area' and apply for area designation to East Herts Council - Produce a programme for developing the plan - Develop a communications strategy
<p>Stage 2</p>	<p>Developing a Vision and Objectives</p>	<ul style="list-style-type: none"> - Gather together relevant information - Identify the area's strengths and weaknesses - Draft the vision and objectives - Check for conformity with the strategic policies in the Development Plan - Check draft vision and objectives with the community
<p>Stage 3 & 4</p>	<p>Developing the Plan</p>	<ul style="list-style-type: none"> - Develop policies - Develop an implementation plan - Finalise draft of the Neighbourhood Plan - Check for conformity with the strategic policies in the Development Plan - Publicise the plan through a 6 week consultation prior to submission to East Herts Council (Reg. 14) - Make any necessary amendments from any received feedback

3 . The Neighbourhood Planning Process



		- Submit to East Herts Council (Reg. 15) who then undertake a six week consultation (Reg. 16)	
Stage 5	Independent Examination	- Appointment of Independent examiner - Examiner's report published - East Herts Council decides on whether the Plan goes to referendum bearing in mind the Examiner's report.	
Stage 6	Referendum	- East Herts Council co-ordinates a local referendum	
Stage 7	Adoption	- If the referendum indicates community support, then the neighbourhood plan will be adopted by East Herts Council	

Stage 1: Getting Started

Locality have produced a 'Neighbourhood Plan Road Map' and we recommend that all Neighbourhood Plan groups use this alongside the East Herts Guidance Note:

https://neighbourhoodplanning.org/wp-content/uploads/NP_Roadmap_online_full.pdf

- 3.2** A neighbourhood plan should be community led, with the Town or Parish Council in the driving seat. The plan depends on strong local leadership and participation to be successful.
- 3.3** Before work on developing the plan can commence, it will be necessary to do some initial preparation.

Getting the community on board

- 3.4** It is important that the community are involved in the neighbourhood planning process from the very beginning. If the community is not supportive, it will be difficult to create a plan which includes their priorities and aspirations and that ultimately gets their support at a referendum (see Stage 7).

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3.5 The wider community must therefore be informed of the Town or Parish Council's intentions and be given the chance to get involved from the beginning.

- This could be achieved by **holding a public meeting** to explain the intentions of developing a neighbourhood plan and to recruit community volunteers to join a steering group (see below).
- The town or parish council could also **write to local groups and businesses** to notify them of their intentions and to identify the level of interest these groups may have in taking part in the neighbourhood plan (or maybe sponsoring it). Or create a page on social media to promote the neighbourhood plan.

3.6 The key to keeping the community on board is good publicity and communications at the beginning and throughout the process. It is important that the relationship between the group and the Town or Parish Council is transparent to the public.

Establishing a Steering Group

3.7 In East Herts, town and parish councils are recognised as qualifying bodies and are able to produce a neighbourhood plan.

3.8 Where a Town or Parish Council decides to start work on a neighbourhood plan, they will need to set up a steering group to work with them or alongside them. Where there is a steering group, it will be the responsibility of the Town or Parish Council to submit all information to the District Council at examination.

3.9 It is important that the steering group has representation from the Town or Parish Council and the wider community. Representation could be sought from:

- Residents
- Community groups
- Businesses
- Landowners

3.10 The Town or Parish Council should consider the full range of skills, knowledge and experience it requires to ensure that the team is effective. If the group is too large, it is less likely to be as effective. Neighbourhood plan steering groups often bring together a variety of skills and expertise including a degree of local knowledge.

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- 3.11** How the group is selected is also likely to influence the support that the neighbourhood planning process receives from the community. A selection process that is fair, open and inclusive will ensure a great level of community support. Groups are also encouraged to include as broad a cross-section of the community as possible, including different ages and backgrounds.
- 3.12** If the Town or Parish Council is holding a public meeting to explain the intentions of developing a neighbourhood plan then this could be an ideal opportunity to recruit members to the steering group.

Defining the Neighbourhood Area

- 3.13** The neighbourhood area is the area to which the proposed neighbourhood plan will relate. The expectation in East Herts is that neighbourhood areas will follow parish boundaries. However, a neighbourhood area can cover more than one parish if appropriate.
- 3.14** If the proposed neighbourhood area covers more than one parish, then consent must be sought from each of the affected Town or Parish Councils. This will also have implications for representation on the steering group and the scale of community engagement that the process will require.
- 3.15** A proposal for designating a neighbourhood area must be submitted by the relevant Town or Parish Council to East Herts Council for approval in the early stages of developing the Neighbourhood Plan. When applying for approval, as outlined in the Neighbourhood Planning (England) Regulations 2012, it must include:
- a map outlining the defined area which the Plan refers to;
 - a statement explaining why the area is considered appropriate; and
 - a statement that the organisation or body making the area application is a relevant body for the purpose of section 61G of the 1990 Act.
- 3.16** East Herts Council is responsible for advertising the neighbourhood designation area through a 6 week public consultation. Any comments received will be taken into account when deciding whether to approve or decline the neighbourhood area.
- 3.17** It is the Council's role to keep an overview of all the different requests to undertake a neighbourhood plan in the district. The Council will check that the suggested boundaries for different neighbourhoods make sense and fit together. The Council may say 'no' if, for example, two proposed neighbourhood areas overlap

Produce a programme for developing the plan

- 3.18** Before starting to work on the main activity of developing the neighbourhood plan, it is recommended that the group produces an initial programme of what it thinks will need to be done throughout the process.

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3.19 In particular, it is worth thinking about:

What needs to be done at each stage – publicity, meetings, surveys, events?

What resources are needed to carry out these activities – people, funding, materials?

How much time will be needed to achieve each stage of the programme?

3.20 The programme will help the group to focus and monitor its activity and to think in particular about what funding may be required to develop the plan.

3.21 From recent experience across the country, the process of developing a neighbourhood plan takes at least 18 – 24 months.

Developing a communications strategy

3.22 In the case of developing a neighbourhood plan where the support of the community at the referendum stage is crucial to its adoption, the need to keep information flowing takes on even greater significance.

3.23 The steering group may find it helpful to create an informal ‘communications strategy’, setting out how and when it means to communicate with the wider community and other stakeholders.

3.24 Different ways of getting messages out to the community include:

- Putting up posters
- Delivering flyers/leaflets
- Talking to neighbours, groups and businesses through workshops
- Working with schools and colleges
- Using IT – town/parish websites, social media, emails
- Putting notices in town/parish newsletters or magazines
- Contacting the local media

Stage 2: Developing a Vision and Objectives

3.25 Developing a vision and objectives with the community will be an important stage in producing the neighbourhood plan. The vision will be an overarching statement describing what the community will be like in the future.

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- 3.26** The objectives will set out what the community wants to achieve in order to help realise the vision. Detailed policies and actions can then follow on from these objectives.

Collecting relevant information

- 3.27** In order to help produce the vision and objectives for the area, it will be necessary for the steering group to get a clear picture of the community's characteristics and understand whether there are any current or emerging proposals that will affect the area.
- 3.28** Community profiling will involve gathering statistical data, for example census data to help build up a social profile of the community.
- 3.29** It may also be useful to do a stock take of all the area's physical assets and take note of their condition. This might include community centres, village halls, playing fields, sports facilities, footpaths etc. and can be counted during an organised walk. This may help to develop a 'neighbourhood inventory' which can be used at a later stage.

Sustainability Appraisal, Strategic Environmental Assessment and Appropriate Assessment

- 3.30** There is no legal requirement to undertake a Sustainability Appraisal on neighbourhood plans. However the Plan must demonstrate how it is contributing to sustainable development, and should include consideration of the possible economic, social and environmental impacts of the emerging plan.
- 3.31** Neighbourhood plans may be required to undertake a Strategic Environmental Assessment (SEA) where plans or proposals are likely to have a significant environmental impact. The Plan may require an SEA where:
- The plan allocates sites for development
 - The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;
 - The neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the District Plan.
- 3.32** At the draft stage of the neighbourhood plan, its potential environmental impact should be assessed against the criteria set out in Schedule 1 in the Environmental Assessment of Plans and Programmes Regulations 2004. East Herts Council is required to consult the statutory consultation bodies to decide whether the proposals are likely to have significant environmental effects. If an SEA is not deemed to be required, a statement of reasons will be prepared by East Herts Council and can be included in the basic conditions statement for the Examiner.

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- 3.33** Information is available on Locality's website to help groups decide whether an SEA is required. This can be found at: <https://neighbourhoodplanning.org/toolkits-and-guidance/>
- 3.34** Where an SEA is deemed to be required, it is East Herts Council's responsibility to ensure that all relevant regulations have been met in order for the neighbourhood plan to progress.
- 3.35** Throughout the plan it will be useful to review any environmental impacts and to find ways to mitigate any negative impacts if there are any, from the proposed plans.
- 3.36** Appropriate Assessment follows a similar principle but will only be relevant to certain neighbourhood plans. Appropriate Assessment specifically considers the wider impacts of particular emerging policies and plans on European sites of ecological importance within the area.

Reviewing existing plans and strategies

- 3.37** It will also be important to gather information from any existing plans, strategies or studies that have a bearing on the community. These could include:
- The East Herts District Plan 2018 as well as the Minerals and Waste Local Plans
 - Other East Herts strategies and studies, including the East Herts Sustainable Community Strategy 'Everyone Matters'.
 - Previous community-led plans developed in the area, e.g. Town and Parish Plans.
 - Other strategies and studies, including those produced by Hertfordshire County Council.
- 3.38** It is important to try and understand what implications these plans, strategies and studies have for the community. It will be useful for the group to familiarise themselves with the policies within the District Plan so as to avoid any duplication when developing policies for the neighbourhood plan. This will ensure the policies are place specific and are tailored to the needs of the area.
- 3.39** The District Plan contains policies on neighbourhood planning, in particular: Policy 'DPS5 Neighbourhood Planning'. It would be helpful for the steering group to familiarise themselves with the requirements of this policy.

Discussions with stakeholders

- 3.40** It will also be important for the steering group to establish contacts and have initial discussions with a range of stakeholders, to understand whether there are any other aspirations for the area that have not yet been developed into a plan or strategy.

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3.41 The group may wish to have discussions with the following:

- Local community groups
- Local businesses
- Local landowners and/or their representatives
- Officers at East Herts Council
- Officers at Hertfordshire County Council
- Representatives from other organisations, e.g. Environment Agency, Historic England, Natural England and water supply companies.

Identify the area's strengths and weaknesses

3.42 The steering group may want to speak to residents, groups and businesses about what they believe the strengths and weaknesses of the community are.

3.43 This could be done using the following methods:

- Surveys (web-based or hard copy)
- Community events (workshops or exhibitions)
- Focus group or discussion at meeting of local groups
- Other methods tailored for different sectors of the community.

3.44 Possible questions that could be asked by the steering group include:

What are our strengths as a community?

What do we do well?

What can we improve or change in the community?

What are we missing in the community?

What do we need to do to make the community a better place to live?

What resources do we have? (people, services, land)

Draft the vision and objectives

3.45 As the neighbourhood plan will ultimately form part of the development plan (assuming it passes the examination and referendum), it would make sense for the vision to cover the same time period as that of the adopted District Plan, which runs up until 2033.

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3.46 The steering group could draft a series of vision statements, setting out what it will be like to live and work in the area in 2033, or there could be one vision statement. However it is important that the vision is realistic and achievable.

3.47 A typical neighbourhood plan vision statement might include topics such as:

- What the area will look like
- What facilities there will be (e.g. parks, shops, schools, sports)
- What the social and economic outlook for the area will be

3.48 The objectives will be more specific and will set out how the vision will be achieved. For each element of the vision, there may be one or a number of objectives, depending on the different priorities of the community.

3.49 If any matters arise that are not really relating to neighbourhood planning, e.g. concerns over litter, the town/parish council may wish to develop a separate action plan to deal with these wider issues.

Check for conformity with strategic policies in the Development Plan

3.50 Once the steering group has drafted a vision and objectives, it will be important to check that they don't stray too far from or offer a contrary position to the development plan for the area.

Check the draft vision and objectives with the community

3.51 It is essential to check that the community supports and has an input in at each stage of the neighbourhood plan. There are a number of ways in which this endorsement can be sought, including:

- Deliver copies to all households and ask for feedback
- Meet with community groups and ask for feedback (this would be beneficial to engage with hard-to-reach groups)
- Hold a public meeting or drop-in event
- Publish information in the parish newsletter/magazine and ask for feedback
- Use social media where appropriate to promote an online feedback form

3.52 Any necessary amendments can be made before moving on to developing the detailed content of the neighbourhood plan.

Stage 3: Developing the Plan

3.53 The next stage of the process would be to begin to draft the neighbourhood plan. The detailed content will include **policies**, a **policy map** and possibly an **implementation plan** for the area.

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Writing Policies

- 3.54** The intention of neighbourhood plans should be to set out policies on the development and use of land in a neighbourhood area. In this respect, a Neighbourhood Plan is similar to the District Plan, but it is **written and applied at the neighbourhood area level**.
- 3.55** The draft policies that are included within the neighbourhood plan should be based on the information gathered during previous stages of evidence gathering and community and stakeholder engagement. Policies should ultimately **seek to achieve the vision and objectives**.
- 3.56** Policies may take one or more of the following forms:
- Policies may **identify or allocate sites** for particular types and scales of development (e.g. residential, employment etc.)
 - Policies may **specify particular requirements** relating to each allocation (e.g. landscaping)
 - Policies may include land use policies to **protect existing facilities or promote new ones**
 - Policies may identify sites within the neighbourhood area to be **protected or enhanced**
 - Policies may be more generic and apply to any future development within the neighbourhood area (e.g. local design policies)
- 3.57** When developing the neighbourhood plan policies it will be vital to ensure they do not stray too far from or offer a contrary position to the strategic policies in the development plan. It will be useful to bear this in mind whilst developing them to make sure the policies will not need modification at a later stage.

Locality has produced a helpful guide on writing planning policies:

<https://neighbourhoodplanning.org/toolkits-and-guidance/write-planning-policies-neighbourhood-plan/>

Maps and Illustrations

- 3.58** Neighbourhood plans are encouraged to use images and maps to illustrate policies or supportive text, and to provide context. For example, a policy on design may be enhanced by images of examples of what the steering group consider to be of a good design.
- 3.59** For site allocations and site related policies, the neighbourhood plan will need to include a map showing proposed site locations and boundaries. Showing proposed locations on maps will help in any communication with the wider community and can assist in getting their views on particular sites.

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- 3.60** Town and parish councils may already have Ordnance Survey licenses so will be able to produce maps of their area (assuming they have access to GIS). For those town and parish councils that don't currently have an Ordnance Survey license, then they can sign up to a Public Sector Mapping Agreement from Ordnance Survey (below).

Ordnance Survey website provides mapping to steering groups through the Public Sector Mapping Agreement:

<https://www.ordnancesurvey.co.uk/business-and-government/public-sector/index.html>

Develop an Implementation Plan

- 3.61** The steering group may wish to draw up an implementation plan, showing what actions are required 'on the ground' in order to achieve the vision and objectives of the neighbourhood plan. This does not need to be part of the main neighbourhood plan itself, but could form an appendix to the main document, which can continue to evolve as actions progress and new ones are agreed.
- 3.62** When developing the actions, the steering group may wish to consider the following principles:
- Priority: Is the action a high, medium or low priority?
 - Responsibility: Which organisation is the lead for delivering this action
 - Timescale: By what date should the action be carried out?
 - Partners: Does the action require support from partners?
 - Resources: Is funding or any other resource required?
- 3.63** Certain actions may require input and assistance from a variety of stakeholders e.g. East Herts Council, Hertfordshire County Council, landowners, service providers, as well as groups from within the community.
- 3.64** East Herts Council commits to supporting groups that are preparing neighbourhood plans throughout the process. In particular the Council will offer to assist neighbourhood plan groups by providing advice and guidance on technical queries as well as help in coordinating sources of information and community involvement.
- 3.65** The Council's full list of duties is set out in the most recent Statement of Community Involvement (SCI). This can be found here: <https://www.eastherts.gov.uk/sci>

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Finalise the draft of the Neighbourhood Plan

- 3.66** Once the policies and the implementation plan have been drafted, then the steering group can start to produce the neighbourhood plan.
- 3.67** There is no rule about what a neighbourhood plan should look like, as long as it contains clear policy statements with accompanying maps. There are examples available online which may be useful to view.
- 3.68** At this stage, the steering group will also need to screen policies against the Strategic Environment Assessment criteria (and Appropriate Assessment if necessary, please see paragraphs 3.30 - 3.36), explaining why the policies included in the plan are the most appropriate ones.

Check for conformity with strategic policies in the Development Plan

- 3.69** It is again advisable, at this stage, for the steering group to check their emerging policies and actions to ensure they are in conformity with the strategic policies in the Development Plan. Hopefully, if there has been continued liaison with the Planning Policy Team at East Herts Council, then there shouldn't be an issue with lack of conformity.

Stage 4: Public Consultation

- 3.70** Prior to submitting the final version of the neighbourhood plan to East Herts Council, the steering group are required to undertake a six week public consultation, referred to as the Regulation 14 consultation within the 2012 Regulations. If an SEA and/or Appropriate Assessment are required then this report should also be made available for comment.
- 3.71** As well as getting the views of residents and local groups, the steering group should consult any of the consultation bodies whose interests it considers may be affected by the draft plan or order proposal as outlined in Paragraph 1 of Schedule 1 in the The Neighbourhood Planning (General) Regulations 2012. The Parish or Town Council must publicise in a manner that will raise attention to the consultation outlining:
- the details of the proposals of the plan;
 - how to make representations; and
 - the date by which those representations must be received.
- 3.72** Once this consultation has been carried out, an analysis of comments should be made and the steering group should consider whether any amendments need to be made to the draft plan before it is submitted to East Herts Council. It may be useful to log all received comments together with any steering group responses to identify if any changes/amendments are necessary to the draft plan.

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Stage 5 - Independent Examination

3.73 Once the steering group has made any necessary amendments to the neighbourhood plan, it should formally submit the Plan to East Herts Council.

3.74 When submitting the Plan, the steering group must also prepare and submit to East Herts Council:

- a map or statement which identifies the area of the neighbourhood plan;
- a consultation statement; and
- a 'basic conditions' statement.

3.75 Details of the relevant information to be included in the above documents can be found in the Neighbourhood Plans Roadmap document produced by 'Locality' which was introduced at the start of this section.

Publicising Plan Proposals

3.76 If the District Council agrees that the neighbourhood plan meets the above mentioned requirements, it will publicise the final version of the plan through a 6 week public consultation (in accordance with Regulation 16 of The Neighbourhood Planning (General) Regulations 2012). All Consultation bodies listed in Paragraph 1 of Schedule 1 will be consulted.

3.77 All comments received during this consultation will be sent to the Examiner, once appointed.

Appointment of Examiner and Examination

3.78 East Herts Council will start the process of appointing an examiner once the public consultation has started. East Herts Council in collaboration with the steering group will decide on whom to appoint to undertake an independent examination of the neighbourhood plan.

3.79 The main function of the examination will be to check that the neighbourhood plan meets the 'basic conditions' set out in planning law. Neighbourhood plans must:

- have regard to national policy;
- contribute to the achievement of sustainable development
- be in general conformity with the strategic policies in the Development Plan for the local area; and
- be compatible with EU obligations.

3.80 East Herts Council will organise all material to be sent to the examiner. It is anticipated that the examiner will consider written representations during the examination period, rather than oral representations. If, in exceptional

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circumstances, the examiner does decide that an oral representation is preferable, then a public hearing must be held and organised by East Herts Council.

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Examiner's Report

3.81 The result of the examination will be a report that will have one of the following recommendations:

- The draft neighbourhood plan should proceed to a referendum;
- The draft neighbourhood plan should proceed to a referendum, subject to certain amendments;
- The draft neighbourhood plan should be refused.

3.82 Where the examination shows that the neighbourhood plan is not compliant with the strategic policies in the Development Plan, legal requirements or national policy, then East Herts Council will not be obliged to carry out a referendum or adopt the plan.

3.83 Following the examiner's report, it is East Herts Council's responsibility to decide whether the Plan should proceed to Referendum and East Herts Council is entitled to decide any of the following:

- to decline to consider a plan proposal;
- to refuse a plan proposal;
- what action to take in response to the examiner's recommendations;
- what modifications, if any, should be made to the plan;
- to extend the area to which the referendum is to apply.

3.84 Once a decision has been made, East Herts Council must publish:

- the decision and reasons for it;
- details of where and when the decision may be inspected; and
- the examiner's report.

3.85 If the District Council agrees the neighbourhood plan should go to Referendum, the District Council must publish the Plan and identify where it can be inspected and notify anyone who asked to be notified.

Stage 6: Referendum

3.86 If the District Council recommends that the draft neighbourhood plan should proceed to a local referendum, then East Herts Council will arrange and co-ordinate this.

3 . The Neighbourhood Planning Process



3.87 A referendum is required to gauge community support for the neighbourhood plan. Where the plan receives the support of more than 50% of voters at the referendum, then the plan will be adopted by East Herts Council and brought into effect.

3.88 People who are on the electoral register are entitled to vote at a neighbourhood plan referendum.

Stage 7: Implementing and Monitoring the Plan

3.89 It is recommended that the Town or Parish Council continues to monitor the Neighbourhood Plan and associated implementation plan, to check that progress is being made against the community's objectives.

3.90 The Town or Parish Council may want to refresh its neighbourhood plan if the need arises before the end of the plan period. It should be noted, however, that the process for a refresh will include further consultation, an examination and referendum.



4 District Plan and NPPF impacts on Neighbourhood Planning

- 4.1 Since its introduction in 2011, neighbourhood planning in East Herts has seen numerous policy changes both nationally but also locally. Despite this there has been plentiful uptake across the district from communities wishing to start the process, as well as the successful adoption of five neighbourhood plans.
- 4.2 Following the adoption of the East Herts District Plan in October 2018, this should provide the much needed policy stability for neighbourhood plan groups to push forward with a clear vision. This section aims to explain some of the key questions and topics that could apply to future neighbourhood plans within East Herts.

The East Herts District Plan

- 4.3 As noted in the first section, a neighbourhood plan will sit alongside the East Herts District Plan when it comes to decision-making. However, one of the basic conditions that a neighbourhood plan must meet is the need to be in general conformity with the strategic policies contained in the development plan.

The Planning Practice Guidance sets out a good guide and explanation to this basic condition:

<https://www.gov.uk/guidance/neighbourhood-planning-2#General-conformity-with-strategic-policies>

- 4.4 Any neighbourhood plan's relationship with the District Plan therefore is absolutely vital to its ultimate success at examination. Below are a few of the key areas, policies and requirements in the District Plan to watch out for whilst producing a neighbourhood plan.

General:

- 4.5 The District Plan has a policy supporting neighbourhood planning growth throughout the Plan period. This is Policy DPS5 found on page 36-37.

The East Herts District Plan can be found here:

<https://www.eastherts.gov.uk/districtplan>

- 4.6 The District Plan also allocates strategic sites for development within, or adjacent to many of the towns within East Herts and neighbouring authorities. If there is a strategic site within the parish then the Town or Parish Council

4 . District Plan and NPPF impacts on Neighbourhood Planning



should contact East Herts Planning Policy Team prior to submitting an Area Designation for assistance on how best to address the community's relationship with the site.

- 4.7** Chapters 14 – 24 of the District Plan set out the Development Management policies that guide future development on areas such as; housing, design, transport, landscape etc. Any aspiring neighbourhood plan should be careful not replicate policies that already exist.

Village Policy:

- 4.8** Chapter 10: Villages sets out one of the key requirements in the District Plan where neighbourhood plans are concerned. The requirement is that all 'Group 1 Villages' must accommodate a 10% increase in housing stock. The detail is set out in Policy VILL1 on page 140.
- 4.9** The villages that are considered Group 1 villages are in the table below alongside the figure that represents their 10% increase in housing stock target:

Braughing	35
Hertford Heath	84
Hunsdon	37
Much Hadham	54
Standon & Puckeridge	146
Stanstead Abbotts & St Margarets	94
Walkern	55
Watton-at-Stone	92

- 4.10** A 10% increase in housing stock means that these villages must identify land and sites to accommodate at least the level of housing growth as set out above. Villages are able to include all completions after April 1st 2017; therefore those sites that were completed after that date or that will be completed can count towards this figure. As noted in the policy, this figure is a minimum and a neighbourhood plan that does not plan for that figure or above is unlikely to meet the basic conditions.



Green Belt Villages:

- 4.11** The National Planning Policy Framework (NPPF) which came into force in July 2018 sets out a provision, in paragraph 136, for neighbourhood plans to amend Green Belt boundaries, something that neighbourhood plans were previously unable to do.

The National Planning Policy Framework 2018 can be found here:
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- 4.12** The VILL1 Policy (Part III) in the District Plan sets out how proposals that involve changes to Green Belt boundaries would have to be addressed through a review of the District Plan or through a Site Allocations Development Plan Document 'if necessary'. As provision has now been made in the NPPF update, reliance on a review of the Plan or a Site Allocation DPD is no longer necessary.
- 4.13** Therefore villages that are 'inset' from the green belt and may need to amend Green Belt boundaries can now do this through the neighbourhood plan process. This requires Neighbourhood Plan Groups to clearly set out where they intend to take areas out of the Green Belt; the exceptional circumstances requirement to amend boundaries is set out in the strategic policies of the District Plan.

National Planning Policy Framework 2018 (NPPF)

- 4.14** Although neighbourhood planning is mentioned at regular intervals in the updated NPPF there is one new policy introduced that hasn't been mentioned in the above that relates to 'the presumption in favour of sustainable development'.
- 4.15** The 'presumption' applies when a Local Planning Authority is unable to demonstrate a five year land supply (see paragraph 11 of the NPPF). However, paragraph 14 sets out a provision where an area that has a neighbourhood plan that meets the following criteria will avoid the 'presumption':
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

5 . What costs are involved?



5 What costs are involved?

- 5.1** Plans are likely to vary in costs, depending on the area covered by the plan and the complexity of what is being proposed but can range from £10,000 - £80,000. Costs will be reduced where local skills and expertise are ‘tapped’ into.
- 5.2** Funding from Central Government to support neighbourhood planning has been contracted to an organisation called Locality (mentioned previously within this document). Locality is providing £23 million of support to groups developing Neighbourhood Plans and Neighbourhood Development orders between 2018 – 2022. Locality has a grant scheme available, where all groups that are undertaking a Neighbourhood Plan or Neighbourhood Development Order have the opportunity to apply for a grant for up to £9,000.
- 5.3** Additional grants of up to £8,000 are also available to groups who meet certain eligibility criteria such as allocating sites for housing, including design codes etc. Also available to groups is the ability to apply for technical support further to the basic and additional grant. This is supplied as a work package and can provide expert advice in certain technical areas.

More information on types of funding and eligibility can be found at www.neighbourhoodplanning.org/about/grant-funding/

- 5.4** East Herts Council is responsible for covering costs associated with the examination and referendum and is able to claim grants to help cover the costs of referendums. All other costs will be the responsibility of the promoters of the neighbourhood plan.

Further Useful Resources:

- 5.5** ‘Locality’ also offers a wide range of support alongside everything mentioned previously, including:
- Direct Support packages including toolkits and guidance documents from gathering evidence to tips on effective community engagement. These documents have been designed for groups at the very beginning of the process, those close to pre-submission consultation, and for those preparing to submit their neighbourhood plans (<http://mycommunityrights.org.uk/neighbourhood-planning/>).
- 5.6** The following websites also provide a range of tools and case studies, including examples of innovative ways of raising funding, Shared Learning activities, and online bulletins:
- Planning Aid England’s Forum for neighbourhood planning

5 . What costs are involved?



- <https://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>
- Planning Guidance from MHCLG
<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>
- The Prince's Foundation for the Built Environment
<http://www.princes-foundation.org/our-work/supporting-communities-and-neighbourhoods-planning>
- CPRE in partnership with NALC
<http://www.planninghelp.org.uk>, www.cpre.org.uk, www.nalc.gov.uk