

# **Neighbourhood Planning in Test Valley**

## **Frequently Asked Questions**

**October 2013**

## **1. What is a Neighbourhood Development Plan and who can write one?**

A Neighbourhood Development Plan (NDP) (sometimes abbreviated to Neighbourhood Plan) is a new optional tier of planning introduced by the Localism Act 2011. Parish Councils and Town Councils can produce a Neighbourhood Plan collaboratively with local communities. Neighbourhood Plans are designed to give communities greater empowerment to be involved within the planning system and to set out their aspirations for future growth within their area. The NDP can set out planning policies for the development and use of land for a given neighbourhood area (usually a town or a parish area) and can deal with a range of social, economic and environmental issues. It is entirely up to local communities how detailed the NDP is to be. When adopted, the NDP will become part of the Development Plan for the Borough and will be used to assist in the determination of all planning applications within that neighbourhood area.

## **2. Can my community have a Neighbourhood Plan?**

Neighbourhood Planning is available everywhere. Every community will have the right to produce a Neighbourhood Plan. Neighbourhood Plans can only be prepared by 'qualifying bodies' which are Parish Councils and Town Councils. For the Plan to be truly representative of the local community, it is recommended that Plans are prepared with a wide range of community involvement including local voluntary groups, public services and businesses.

## **3. Is a Neighbourhood Plan the right plan for our community?**

As a starting point, communities would need to decide what they would like to achieve for their community in order to identify the most appropriate type of 'plan'. For instance, should local residents wish to protect the distinctive characteristics of the area they live in, Village or Town Design Statements (VDS) could be prepared which can provide guidelines to developers on what they can and cannot do a village / town. The purpose of VDS is to help control development that will complement the character of the immediate setting. VDS have the status of a Supplementary Planning Document and are a material consideration when determining planning applications.

Communities can also choose to prepare a Parish Plan (also known as a Community Plan) which can identify common priorities through consultation and involvement, and set out ways of achieving ambitions for the local community either by using local resources or through agencies including the Borough Council, Hampshire County Council, Community Action Hampshire and Test Valley Community Services. Unlike Village Design Statements, the Council does not adopt Parish Plans as Supplementary Planning Documents. However, any elements applicable to planning where justified and relevant will be taken into account in formulating new planning policy and in decisions on planning applications.

More information on these alternative plans can be found on the Council's website. Council Officers can also help advise which type of 'plan' is most appropriate to deliver the aspiration of a local community.

#### **4. Is Neighbourhood Planning compulsory?**

Neighbourhood Planning is optional, however it is recommended that communities think carefully about what it is they want to achieve for their area and whether there are alternative 'plans' or 'tools' (i.e. Village Design Statement) that could be more appropriate and cost effective to implement the aspiration of the community.

#### **5. What are the implications if a community doesn't prepare a Neighbourhood Plan?**

Neighbourhood Plans are not compulsory. Planning applications will be determined in accordance with the Borough Local Plan unless material considerations indicate otherwise.

#### **6. We have a Village Design Statement / Parish Plan, is it necessary for us to produce a Neighbourhood Plan?**

It is only necessary to produce a Neighbourhood Plan if the community would like to formally set out planning policies for the development and use of land in their area.

#### **7. What is a Neighbourhood Forum?**

A Neighbourhood Forum is formed where there is an area not covered by a Parish or Town Council. However, Test Valley is fully parished therefore a Neighbourhood Forum cannot be established within the Borough.

#### **8. What is a Neighbourhood Development Order?**

A local community can choose to prepare a Neighbourhood Development Order (NDO) instead of a Neighbourhood Plan or prepare both. An NDO allows certain kinds of development to take place as 'permitted development', within the neighbourhood area, without the need to apply for planning permission. For an Order to be implemented, it is a requirement to gain more than 50% 'yes' vote in a local referendum.

## **9. What is a Community Right to Build Order?**

This is facilitated by a 'community' organisation where the community can decide to bring forward specific development proposals that will be of benefit to them. This may include affordable housing and local community facilities.

## **10. Can Neighbourhood Plans be used to stop development?**

The Government is committed to providing opportunities for local communities to get involved in the planning system and to help shape the future of the places where they live and work. Neighbourhood Plans can influence where new development is to be located and the design, layout and materials used. However, the Government is clear that the purpose of the Neighbourhood Plan is to guide development within the local context and not to be used as a tool to restrict development. Neighbourhood Plans cannot prevent development where this has been identified in the emerging Revised Local Plan.

## **11. Can Neighbourhood Plans allocate land for development?**

Neighbourhood Plans can allocate land if necessary; however proposed allocations will need to be informed by evidence base studies.

## **12. Is the Council still progressing with its Revised Local Plan or just Neighbourhood Plans?**

The Council is making preparations with its Revised Local Plan Development Plan Document. The Local Development Scheme (available on the Council's website) sets out the timetable for the preparation of Local Development Documents. Neighbourhood Plans can be prepared in tandem with the preparation of the Revised Local Plan.

## **13. What is the relationship between Neighbourhood Plans and the Borough Local Plan?**

The Borough Local Plan 2006 sets out the statutory planning policies for Test Valley. Neighbourhood Plans, once adopted, form part of the Development Plan at a local level. The Localism Act 2011 includes a basic condition that Neighbourhood Plans have to be in general conformity with the strategic policies set out within the Local Plan.

#### **14. What weight (importance) will be given to Neighbourhood Plans?**

Once adopted, Neighbourhood Plans hold legal status. Planning decisions will be taken in accordance with Neighbourhood Plans and other Development Plan Document, unless material considerations indicate otherwise.

#### **15. Can we do a Neighbourhood Plan even through the Revised Local Plan is not yet adopted?**

It is not a legal requirement that the Council has the Revised Local Plan adopted before commencing the preparation of a Neighbourhood Plan.

#### **16. What is the role of National Policy in Neighbourhood Planning?**

All Neighbourhood Plans and Neighbourhood Development Orders will need to be prepared in accordance with National Planning Policy which is the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS).

#### **17. What is the process for starting a Neighbourhood Plan?**

The Neighbourhood Planning Regulations<sup>1</sup> sets out the legal procedure to be followed when preparing a Neighbourhood Plan. The process will include a number of stages including community engagement, public consultation, examination in public and a local referendum before it can be adopted.

The Statement of Community Involvement in Planning Matters (September 2013) provides further detail regarding the Neighbourhood Development Plan preparation process. Appendix 1 of this FAQ document provides a diagrammatic summary of the main stages.

If you or your local community has an interest in preparing a Neighbourhood Plan, it is strongly recommended that you contact the Planning Policy Team at an early stage of the process.

#### **18. How much work will be required to produce a Neighbourhood Plan?**

The level of work will largely depend on how much detail the NDP is to cover. It is for the local community to ascertain the scope of the NDP.

#### **19. How long will it take to prepare an NDP and get it adopted?**

It will be up to individual areas to decide on the pace at which they wish to progress their plans. Based on those Neighbourhood Plans prepared across the country to

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<sup>1</sup> The Neighbourhood Planning (General) Regulations 2012 [S. I 2012 No.637]

date, it is anticipated that Neighbourhood Plans will take approximately two years from preparation to adoption but this is dependent upon the level of detail the NDP is to contain.

## **20. How much will it cost to prepare an NDP? Are we eligible for funding?**

The cost of preparing a NDP or NDO will vary depending on its contents, the size of the geographical area the Plan will cover and who is preparing it. Given that the Neighbourhood Plan will have the status of a 'Development Plan', it is necessary that the NDP is supported by evidence base studies. The Council has a portfolio of evidence base studies which may meet the requirements of Neighbourhood Plans. However, some evidence may be required which the Council doesn't have. The Council will be able to advise on how to commission appropriate technical studies but the Parish Council will be responsible for bearing the costs (professional fees).

Initial estimates range between £15,000 - £50,000. It will be up to the community to pay for the preparation of the Plan; however the Localism Act 2011 suggests that the business community could contribute to the costs. The Council will be responsible for funding the costs of the examination and referendum.

The Government has launched a 2-year Supporting Communities and Neighbourhoods in Planning Programme (April 2013) to support communities who wish to prepare a NDP or NDO. Further details on how to apply can be found by clicking on the following link:

<https://www.gov.uk/government/publications/supporting-communities-in-neighbourhood-planning-2013-to-2015>

## **21. How long does a Neighbourhood Plan last?**

The timeframe of the Neighbourhood Plan will normally last for five years at which point it should be reviewed.

## **22. What support can Test Valley Borough Council provide?**

The Localism Act places a legal duty on Local Planning Authorities to support neighbourhood planning at key stages of the process and ensuring that the Neighbourhood Planning Regulations are complied with. The Council is expected to provide support on the following elements:

- Confirming the geographical area of the Neighbourhood Plan
- Undertake formal consultation on the draft Neighbourhood Plan prior to independent examination
- Arranging the independent examination
- Holding the referendum
- Pay the costs of the examination and referendum

- Formally adopt Neighbourhood Plans where all legal requirements have been met.

The Statement of Community Involvement in Planning Matters (September 2013) sets out in further detail the statutory role the Council has with the preparation of Neighbourhood Plans.

### **23. Do we need to perform a Sustainability Appraisal or a Strategic Environmental Assessment?**

#### *Sustainability Appraisal*

This is a tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic consideration).

Neighbourhood Development Plans are not legally **required** to have a sustainability appraisal undertaken on them but it is strongly advised that their 'impacts' need to be considered as part of good planning as recommended by Planning Advisory Service<sup>2</sup>. The draft National Planning Practice Guidance<sup>3</sup> (NPPG) states that a qualifying body must demonstrate how its Plan or Order will contribute to achieving sustainable development.

As quoted from Planning Advisory Service, sustainability appraisal of the type that is legally required for Development Plan Documents is not required for Neighbourhood Development Plans. This is because they are not 'Local Plans', or Development Plan Documents as defined by the 2004 Act. Neighbourhood Development Plans have their own designation: they are Neighbourhood Development Plans produced by qualifying bodies under the Localism Act. Even when a Neighbourhood Development Plan is adopted and becomes **part** of the statutory Development Plan it does not change its designation into a Development Plan Document (this does not mean it has any less status in terms of decision making, though).

#### *Strategic Environmental Assessment*

This is a generic term used to describe environmental assessment as applied to policies, plans and programmes derived from the requirements of a European Directive (which is implemented through the Environmental Assessment of Plans and Programmes Regulations 2004).

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<sup>2</sup> Planning Advisory Service. (July 2013).  
[http://www.pas.gov.uk/neighbourhood-planning/-/journal\\_content/56/332612/4078383/ARTICLE](http://www.pas.gov.uk/neighbourhood-planning/-/journal_content/56/332612/4078383/ARTICLE)

<sup>3</sup> DCLG. Draft National Planning Practice Guidance:  
<http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/does-a-neighbourhood-plan-require-a-sustainability-appraisal/>

A Strategic Environmental Assessment (SEA) may be required under the Regulations when they are likely to have a significant effect on the environment. Establishing whether a Neighbourhood Plan requires an environmental assessment is an important legal requirement and should form an integral part of the Neighbourhood Planning preparation process. One of the basic conditions that will be tested by the independent examiner is whether the preparation of the Neighbourhood Plan is compatible with European obligations.

Quoting from the Neighbourhood Planning Guidance produced by Department for Communities and Local Government<sup>4</sup>:

“Not every Neighbourhood Plan will need an environmental assessment of the type produced for local plans and not every Neighbourhood Development Order will need an environmental impact assessment. This will entirely depend on whether what is proposed in the Neighbourhood Plan or Order is likely to have significant environmental effects.

All Neighbouring Forums and Parish Councils wanting to undertake neighbourhood planning should be in contact with their Local Authority at the start of the exercise when the scope of the work is being discussed. The Local Authority will be able to advise the Parish Council if they think the emerging Neighbourhood Plan will need to be subject to an assessment.

If an environmental assessment is found to be required, the gathering of evidence for it and its preparation can be integrated into the process of producing the Neighbourhood Plan and may not require the involvement of external consultants.”

To find out whether a Strategic Environmental Assessment of your Neighbourhood Plan will be required, it is recommended that you contact the Council and ask them to consider whether the policies and proposals you have developed warrant a formal assessment process. In planning terms, this is called a request for a ‘screening opinion’. The draft NPPG states that the Local Planning Authority should put in place to provide a screening opinion to the qualifying body on whether the proposed Neighbourhood Plan will require a SEA.

If an SEA is required, it will be the responsibility of the Parish Council to prepare it, working closely with the Council and other important bodies. The SEA will need to form part of the document that is consulted on.

Further information can be found at the following:

[Department for Communities and Local Government](#)

Draft National Planning Practice Guidance:

<http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/does-a-neighbourhood-plan-require-a-sustainability-appraisal/>

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<sup>4</sup> DCLG. Neighbourhood Planning – Frequently Asked Questions.  
<http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/planningandbuilding/pdf/2099152.pdf>

A Practical Guide to the Strategic Environmental Assessment Directive  
(September 2005):

<https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

### *Habitat Regulations Assessment*

This is based on legal requirement (through the Conservation of Habitats and Species Regulations 2010). It involves assessing the potential effects of land use plans on the conservation objectives of Natura 2000 sites, which are designated for their nature conservation importance. This includes Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). National guidance recommends that Ramsar sites are also considered as part of this process.

Not every Neighbourhood Plan will need a Habitat Regulations Assessment (HRA). This will depend on the area to be covered and whether its policies and proposals will impact on any Natura 2000 site.

It is recommended that you contact the Council or Natural England (statutory advisor on Nature Conservation) to ascertain whether a HRA is required for your Neighbourhood Plan.

If a HRA is required, this is likely to be carried out jointly between the Parish Council and the Council with strong input from Natural England.

## 24. Where can we get further information?

**Write:** Planning Policy and Transport Service  
Test Valley Borough Council  
Beech Hurst  
Weyhill Road  
Andover  
Hampshire  
SP10 3AJ

**Telephone:** 01264 368000

**E-mail:** [planningpolicy@testvalley.gov.uk](mailto:planningpolicy@testvalley.gov.uk)

Further information can be obtained from the following resources:

Department for Communities and Local Government:

<https://www.gov.uk/neighbourhood-planning>

Neighbourhood Planning Regulations

[http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf)

The Royal Town Planning Institute:

<http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>

Planning Advisory Service:

<http://www.pas.gov.uk/neighbourhoodplanning;jsessionid=A5758CA100C86E2BBE6648CBD8F490BF>

## Appendix 1: The Main Elements of the neighbourhood Development Plan Preparation Process

The procedure for producing Neighbourhood Development Plans are summarised in the following chart.

