



# Neighbourhood Development Plan Guidance

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# CONTENTS

Introduction	Pg 2
Stage 1: Getting Started	Pg 5
Stage 2: Plan Preparation	Pg 9
Stage 3: Independent Examination	Pg 20
Stage 4: Referendum	Pg 21
Stage 5: Bringing the plan into force	Pg 22
Stage 6: Implementing & Monitoring the Plan	Pg 23
Support Available	Pg 24

## 1.0 Introduction

This guidance is written for town and parish councils and neighbourhood forums who want to produce their own Neighbourhood Development Plan (NDP), based on the March 2012 Neighbourhood Planning regulations<sup>1</sup>.

### 1.1 What is Neighbourhood Planning?

The Government's Localism Act aims to reform the planning system to give local people new opportunities to shape the development of the communities in which they live. The Act proposes three new community-led initiatives; Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders. These are all outlined briefly below but the rest of this guidance focuses on Neighbourhood Development Plans.

#### 1.1.1 Neighbourhood Development Plans

These are planning documents which are specific to local level planning, aiming to help shape future development. They are very different to other local level planning documents such as Community Led Plans (formerly known as Parish Plans) and Village Design Statements. A NDP will set out policies on land use and once in force, it will become a formal part of the Local Development Plan for your area. This is the first time local communities have been able to write a planning document which has the same weight in determining planning applications as the district planning policy documents.

#### 1.1.2 Neighbourhood Development Orders

The Act also proposes that planning permission can be granted for certain types of development within a specified area through a Neighbourhood Development Order (NDO). A NDO can form part of a Neighbourhood Development Plan or it can be a standalone NDO and it can cover the whole neighbourhood area or just part of it. This could be either a particular development or a particular class of development (for example employment units). NDOs are required to have a referendum where 50% or more of the votes must be in favour. Once a NDO is adopted it allows for particular development to be granted without the need for applying for planning permission.

#### 1.1.3 Community Right to Build Order

A Community Right to Build Order (CRtB) is a special kind of Neighbourhood Development Order. This allows for a particular piece of land to be developed in a specific way without the need for planning permission. A CRtB order can be produced by a town or parish council or a community organisations, e.g. a town or village society. CRtB organisations must have at least 10 people living in the neighbourhood area from different homes). Like a NDP, there must be more than 50% of voters in support of the proposal held in a referendum for the CRtB order to be brought into force. The CRtB order can not be used

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The Neighbourhood Planning (General) Regulations 2012 <http://www.legislation.gov.uk/uksi/2012/637/made>

to expand the size of communities by more than 10 per cent over a 10 year period. This might be appropriate where a certain type of development is wanted by the community in a particular location, for example a new village hall. The advantage of this is it allows the community to express exactly how they would like a particular piece of land to be developed, rather than leaving it up to a planning application submitted by a developer.

For all of these neighbourhood planning tools, in order for them to be brought into force, they will need to conform with planning policies and guidance at the district, national and European level. They will also need to demonstrate support from the local community. A referendum is required where 50% or more of the votes must be in favour of the order to bring it into force.

## **1.2 What are the benefits of developing a Neighbourhood Development Plan?**

- Developing a NDP can help communities to play a greater role in shaping future development of their area.
- It can bring together residents, businesses, local groups, landowners and developers to share ideas and build consensus about what needs to be accomplished in the area.
- It can also help locally specific planning issues to be addressed, giving greater detail compared to those within district wide development plans.
- It can also help to create lasting partnerships both within and outside the community, for example with service providers, public and private organisations.

## **1.3 What are the drawbacks of developing a Neighbourhood Development Plan?**

- NDPs must be based on evidence (not just community views), which depending on the content of the NDP may be expensive to produce.
- Once brought into force NDPs form a material consideration, as such evidence is required to support the plan, which compared to previous community planning documents is more onerous.
- NDPs are resource intensive as they rely on volunteers from the community.

## **1.4 Who should be involved?**

For areas which are parished like Aylesbury Vale, town and parish councils should initiate and lead the process, but should still involve the community. If the area does not have a parish or town council, a Neighbourhood Forum must be designated in order for a NDP to be developed for an area. The following is a list of stakeholders that the town/parish council should seek to involve in the process:

- Residents
- Community organisations
- Elected representatives
- Businesses
- Landowners
- Developers
- Active players in the voluntary sector
- Government organisations e.g. Environment Agency, Natural England, English Heritage

The involvement throughout the process, of a broad range of local stakeholders will help to strengthen community support for the plan. This is very important at the referendum stage and is likely to make implementation easier.

## 1.5 How do you develop a Neighbourhood Development Plan?

There is no set process for producing a NDP, although there is now some best practice guidance which has been identified from the first NDPs being developed known as the 'Front runner' groups. The table below shows the five key stages and tasks for developing a NDP. Tasks underlined are a legal requirement and therefore must be undertaken.

**Table 1: Summary of NDP Process**

Stages of Assessment	Key Tasks	Estimated* time
<b>Stage 1: Getting started</b>	<ul style="list-style-type: none"> <li>• Check that a NDP is the best planning document for the community</li> <li>• Advertise to the community the intention to do a NDP</li> <li>• Recruit a NDP planning team</li> <li>• Set up a project plan</li> <li>• Develop a Communications Strategy</li> <li>• <u>Apply to AVDC to designate Neighbourhood Area</u></li> </ul>	2 – 3 months
<b>Stage 2: Plan Preparation</b>	<ul style="list-style-type: none"> <li>• Identify Neighbourhood Area characteristics (environmental, social and economic)</li> <li>• Community consult to identify issues and future development aspirations</li> <li>• Drafting a vision, objectives and policies</li> <li>• Consult community on options for the vision, objectives and policies</li> <li>• Show how NDP promotes sustainable development (Check to see if a Sustainability Appraisal is needed)</li> <li>• Check for conformity with strategic policies in the Development Plan (Vale of Aylesbury Plan)</li> <li>• Develop an implementation plan</li> <li>• <u>Consultation on draft NDP (6 weeks minimum)</u></li> <li>• Make changes to NDP from consultation responses</li> <li>• <u>Write Consultation Statement</u></li> <li>• <u>Write Basic Conditions Statement</u></li> <li>• <u>Submit NDP to AVDC</u></li> <li>• <u>AVDC consult on NDP (6 week minimum)</u></li> </ul>	5 – 6 months
<b>Stage 3: Examination</b>	<ul style="list-style-type: none"> <li>• <u>AVDC submit neighbourhood development plan to be examined</u></li> <li>• <u>Examination held</u></li> <li>• <u>Examiner's report published</u></li> </ul>	2 – 3 months
<b>Stage 4: Local Referendum</b>	<ul style="list-style-type: none"> <li>• <u>AVDC considers changes required</u></li> <li>• <u>AVDC co-ordinates and holds local referendum</u></li> </ul>	1 – 2 months
<b>Stage 5: Bringing the plan into force</b>	<ul style="list-style-type: none"> <li>• <u>If referendum indicates a majority community support (50% or more of the votes) the NDP is brought into force by AVDC</u></li> </ul>	1 month
<b>Stage 6: Implementation &amp; Monitoring</b>	<ul style="list-style-type: none"> <li>• Progress check to see how the NDP is meeting the communities objectives and whether a review/update is required</li> </ul>	On going

\* The time to complete a NDP will largely depend on the detail in the NDP and the resources you have available.

## Stage 1: Getting Started

### 2.1 Checking that a NDP is the best document for the community

Before commencing the main activity of developing the NDP, it is important to spend time in determining whether a NDP is the most suitable planning document for the community. Please read our guidance note<sup>2</sup> on 'What planning document is right for your community?'.

In addition some of the Districts town and parish councils have recently undertaken community engagement for the Vale of Aylesbury Plan which should also be used in considering whether a NDP is the most appropriate community planning document. If the consultation did not identify future development aspirations e.g. residential, employment or services and facilities, then it is likely a NDP would not be supported by the community.

It is also important to weigh up the cost, time and resources available for producing a NDP, with what benefits a NDP would bring to the community. In general terms, the more future development that is planned for, the more benefits a NDP will bring.

The cost of developing the NDP up until it is submitted to AVDC is the responsibility of the town/parish council or neighbourhood forum, however the cost of the examination and referendum is paid by AVDC. The level of funding required will depend on the level of detail in the plan, the size of the parish and how densely populated the parish is.

### 2.2 Getting the community on board

Once a NDP has been established as the most appropriate community planning document, it is important to advertise to the community the intention to do a NDP. If the community are not supportive of the idea right from the start, then it will be extremely difficult to produce a document that reflects their priorities and aspirations, and that ultimately attracts their support at a referendum.

This could be achieved by holding a public meeting or a 'neighbourhood planning launch event' at an public open day to identify broad issues that residents would like it to consider, and to recruit community volunteers to form a project neighbourhood planning group. The town/parish council could also write to local groups/organisations to notify them of their intentions and gauge the level of interest these groups may have in taking part. The key to keeping the community on board is plenty of publicity and communication at the beginning of and throughout the process.

### 2.3 Establishing a Neighbourhood Planning Team

The town/parish council will need to set up a team to co-ordinate the project. Although this will need to feature representation from town/parish councillors, it is also important that wider

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<sup>2</sup> What planning document is right for your community guidance note <http://www.aylesburyvalecd.gov.uk/local-development-plans/planning-policy/vale-of-aylesbury-plan-/neighbourhood-planning/>

representation is sought from the community, as the goal of the process is to create a NDP that reflects the vision of the entire community. The more representative the team is, the better the plan is likely to be.

Representation on the Neighbourhood Planning team could be sought from:

- Residents
- Representatives of community organisations e.g. resident associations or environmental groups
- Business owners
- Landowners

It will be important for the town/parish council to consider the full range of skills, knowledge and experience that it requires. However, it is important to remember that too large a group may not be as effective. You may decide to have topic groups, e.g. for environment, housing, economic and community issues, which have members sitting on a steering group as a way of coordinating information and making decisions.

How the team is selected will also influence the support the NDP receives. A selection process that is fair, open and inclusive will ensure a greater degree of community support and potentially create a better chance of receiving support at the referendum.

Once the team is in place, it will be important to appoint a chairman, secretary and treasurer. It will also be important to establish what the formal links are between the team and the main body of the town/parish council. This is to ensure the town/parish council supports the Plan as it is they who will authorise the Plan once complete before it is submitted to AVDC. To help focus the work of the team members, it may be helpful to produce some simple terms of reference for the Neighbourhood Planning team. Once the team has been established, please send contact details to AVDC for future correspondence.

## 2.4 Producing a project plan

Before embarking on the main activity of developing the NDP, it will be necessary for the team to produce a programme of key stages that are required throughout the process.

The project plan should consider:

- Aims and objectives – what you want to achieve
- A breakdown of milestones, tasks and activities
- A timetable of milestones, tasks and activities
- Allocation of roles, responsibilities and task
- Identification and allocation of resources
- Budget planning and allocation
- Risk assessment – where might things go wrong? E.g. time delays

A project plan will help the team to focus and monitor its activity and to think about what funding might be required for developing the Plan.

## 2.5 Developing a Communications Plan

In any community led planning exercise, communication and publicity with the wider community is vital, from an early stage and throughout the process. People are more likely to participate if they are kept informed as identified in section 2.2.

In the case of developing a NDP where the support of the community at the referendum stage is crucial to its success, the need to keep information flowing takes on an even greater significance. The team may find it useful to create an informal and brief ‘communication plan’, setting out how and when it will communicate with the community and other stakeholders.

When developing a communications plan identify all the different community groups and then specify consultation methods for each group. It is important to identify target audiences and adapt the consultation to suit their different needs.

Consultation methods may include:

- Putting up posters/banners
- Delivering flyers through letterboxes
- Talking with neighbours, community groups, businesses etc.
- Use of I.T. – parish websites, email groups and social media e.g. Facebook, Twitter
- Putting regular notices in parish newsletters or magazines
- Contacting local media (e.g. press, radio, television) for major announcements
- Interactive workshops and ‘drop-in’ sessions
- Advertising at parish fetes
- Advertising at parish public meetings

Please see our Consultation Toolkit for more ideas<sup>3</sup>.

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<sup>3</sup> AVDC Consultation Toolkit <http://www.aylesburyvaldc.gov.uk/planning-building/planning-policy/what-is-the-vale-of-aylesbury-plan-/toolkit-consulting-community/>



## 2.6 Designating a Neighbourhood Area

To advertise the intension of doing a NDP, the area covering the NDP must be designated as a neighbourhood area . In the majority of cases this will be the parish boundary, however, a neighbourhood area can cover only part of a parish or a combination of parishes, if necessary.

Consent must be sought from each of the affected town/parishes if the proposed neighbourhood area covers more than one parish. This will also have implications for representation on the NDP team and the scale of community engagement that the process will require.

Once the boundary of the neighbourhood area has been decided, an application must be submitted to AVDC to designate a neighbourhood area. The application should include:

1. A map which identifies the area to which the application relates. The map needs to be at a suitable scale where the boundary of the neighbourhood area can clearly be identified.
2. A statement explaining why this area is considered appropriate to be designated as a neighbourhood area. For a town or parish council the following wording is suggested “The area which is the subject of this application is considered appropriate for designation as a Neighbourhood Area because it consists of the whole of the area of the council in accordance with section 61G(3)(a) of the Town and Country Planning Act 1990”. If the neighbourhood area does not follow the parish boundary, justification for the boundary of the neighbourhood area should be based on planning reasons. The neighbourhood area should not bisect streets, houses or employment units.
3. A statement that the organisation or body making the application is a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990. For a town or parish council the following wording is suggested “\*Insert Parish Name\*, as applicant for the designation of this Neighbourhood Area, is a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990”.

The application should be signed and dated by a member of the neighbourhood planning team and town/parish council, with accompanying contact details. Alongside the application, details of the structure of the neighbourhood planning team and a outline of what the NDP intends to cover should also be provided.

All applications should be submitted to AVDC where the application will be advertised for a minimum of six weeks via the website. There will also be an press release and a article in the parish weekly bulletin. This is to ensure all local people and businesses are made aware that a NDP is intended to be developed. The applicant is also required to advertise the neighbourhood area application on a local news board and website where they exist.

AVDC will then consider the consultation responses in making a decision on whether to designate the neighbourhood area. The decision on whether to designate the neighbourhood area will then be advertised on AVDC website and a letter will be sent to the neighbourhood planning group.

## Stage 2: Plan Preparation

### 3.1 Identify the Neighbourhood Area characteristics

It will be necessary for the Neighbourhood Planning team to get a clear picture of the community's characteristics in terms of the social, economic and environment context and to understand whether there are any current or emerging proposals that will affect the area. Much of this work has already been carried out by AVDC who have produced a series of 'Fact Pack' documents for parishes who are investigating future development.

#### 3.1.1 Fact Packs

Town and parish Fact Packs can be used to 'profile' a community, providing statistical data on population size, household size, incomes, and environmental constraints etc. The level of detail in a Fact Pack, is dependent on the size of the parish. If you are interested in what information the Fact Packs provide, please see our webpage for an example. A district wide Fact Pack can also be found here<sup>4</sup>. If you do not already have a copy of the relevant Fact Pack, please contact AVDC.

#### 3.1.2 Identifying assets

It may be useful to do a stock take of all of the area's physical assets and take note of their condition. This might include community centres/village halls, playing fields, sports facilities, footpaths, health facilities etc. This detail can also be identified in the fact pack for the larger villages within the district. You may also wish to make use of techniques such as 'Placecheck' (<http://www.placecheck.info/>) or 'Enquiry By Design' (<http://www.princes-foundation.org/content/enquiry-design> )

#### 3.1.3 Reviewing existing plans and strategies

It will also be important to gather together information from any existing plans, strategies or studies that have a bearing on the community. These could include:

- Previous community-led plans developed in the area (e.g. Parish Plans and Village Design Statements).
- Local authority planning documents (2004 Local Plan<sup>5</sup>, Vale of Aylesbury Plan, Conservation Area Plans, Monitoring Reports<sup>6</sup> and other emerging planning policy documents).
- Buckinghamshire County Council's Local Transport Plan<sup>7</sup>
- The Sustainable Community Strategy for Aylesbury Vale District.<sup>8</sup>

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<sup>4</sup> AVDC Fact Pack Example and District Wide Fact Pack <http://www.aylesburyvaledc.gov.uk/local-development-plans/planning-policy/vale-of-aylesbury-plan/fact-packs/>

<sup>5</sup> Local Plan <http://www.aylesburyvaledc.gov.uk/planning-building/planning-policy/avd-local-plan/>

<sup>6</sup> <http://www.aylesburyvaledc.gov.uk/local-development-plans/planning-policy/monitoring-info/>

<sup>7</sup> Local Transport Plan <http://www.transportforbucks.net/Strategy/LTP3.aspx>

- Other strategies relating to housing, health, education the economy etc produced by different public service providers. Please contact AVDC to identify which strategies will be relevant to your Plan.

### 3.1.4 Discussions with stakeholders

It will also be important for the Neighbourhood Planning team 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 a strategy.

The team may wish to have discussions with:

- Local community organisations within the parish
- Local businesses within the parish
- Parish landowners and/or their representatives
- Officers at Aylesbury Vale District Council and Buckinghamshire County Council
- Officers from other public agencies and service providers, as appropriate (e.g. Natural England, Environment Agency, English Heritage, Primary Care Trust, Chiltern Area of Outstanding Natural Beauty Conservation Board etc.)

## 3.2 Community Consultation

From looking at the Fact Pack, identifying assets and talking to other organisations this should give an indication of the strengths and weaknesses of the neighbourhood area. However it is also important to consult the community (residents and businesses) to identify issues and future development aspirations. For a number of parishes, development aspirations have recently been identified in a 'community view' consultation for the Vale of Aylesbury Plan which can be used for informing a NDP.

To help with this a consultation toolkit<sup>9</sup> has been produced. This provides details on:

- Surveys
- Community events (workshops / exhibitions etc.)
- Focus groups or discussions at meetings of parish community groups
- Working with schools and youth groups
- Techniques tailored for different sectors of the community (e.g. online surveys using Survey Monkey)

Some consultation questions for the Neighbourhood Planning team to consider 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?
- What do we need to make the community a better place to live?
- What opportunities exist in the area?

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<sup>8</sup> Sustainable Community Strategy for Aylesbury Vale District Council  
<http://www.aylesburyvaledc.gov.uk/community-living/community-planning-partnerships/aylesbury-vale-community-plan/>

<sup>9</sup> Consultation Toolkit <http://www.aylesburyvaledc.gov.uk/planning-building/planning-policy/what-is-the-vale-of-aylesbury-plan-toolkit-consulting-community/>

- What are the barriers (physical, financial, environmental)?

### 3.3 Drafting a vision, objectives and policies

#### 3.3.1 Drafting the Vision

The vision should be an overarching statement, or series of statements, describing what the community will be like to live and work in, within 15-20 years time. There is no set time period for a NDP, but as the NDP will ultimately form part of the Development Plan for the district (assuming it passes the examination and referendum), it would make sense for the vision of the plan to cover the same time period as that of the Vale of Aylesbury Plan between 2011 to 2031.

The vision should be based on the information gathered through the processes previously discussed and therefore should be locally specific to the parish. It should also be in general conformity with the district planning strategy and policy and it is important that the vision is realistic and achievable.

A typical NDP vision statement might include topics such as:

- What the area will look like, including any new development
- What facilities there will be (e.g. parks, GP surgeries, shops, schools) and what their qualities will be
- What the social and economic outlook for the area will be
- What style and types of development that the area considers would and would not be appropriate

#### 3.3.2 Drafting Objectives

A series of objectives should be developed to show how the vision will be supported. For each element of the vision, there may be one or a number of objectives, depending on the different priorities of the community. The objectives should be 'SMART' (Specific, Measurable, Achievable, Realistic, Timely).

##### **For example:**

Part of the vision may state that there will be 'accessible, high quality areas of green space that allow for recreation and social interaction amongst all age groups'.

An objective, leading from this, may be 'to seek the provision of an informal, outdoor recreation space, within easy walking distance from the centre of the settlement.'

The neighbourhood planning team may find that some of the information and responses it receives from the community cannot be addressed through a NDP (e.g. issues regarding litter and social activities etc.) Whilst these may not be subjects for the NDP to address, they will still be important issues for the community, and the kinds of issues that could be addressed via a different route for example in a Community Led Plan. The town/parish council may wish to formulate a separate action plan, with the community, to deal with these wider social issues.

### 3.4.3 Drafting Policies

The intention of NDPs should be to set out policies on the development and use of land in a neighbourhood area. These must be credible, justifiable and achievable. In this respect, a NDP is similar to a document like the Local Plan for the district, but it is written for and applied at the parish level. It is expected that a NDP would provide more detailed, parish specific policies, whereas the district policy will remain more high level in detail. It is important that the policies are clearly supported by evidence from public consultation and other technical evidence.

The different policies that are developed within a NDP may take one of the following forms:

- Policies may be more generic and apply to any future development within the neighbourhood area (e.g. local design policies, policies relating to transport and access etc.)
- Policies may allocate specific sites for particular types and scales of development (e.g. residential, employment, mixed development etc.)
- Policies may specify particular requirements relating to each or any allocation (e.g. access, landscaping, location of green space, assessments needed etc.)
- Policies may specify sites within the neighbourhood area to be protected or enhanced as environmental assets or areas of landscape character

The draft policies that are included within the NDPs should be based on the information gathered during previous stages of evidence gathering and community and stakeholder engagement, or they might be based on the evidence that is being developed for the Vale of Aylesbury Plan. This will depend on what the issue is. Policies should ultimately seek to achieve the vision and objectives that have already been developed for the neighbourhood area.

For each objective that has been agreed, the neighbourhood planning team should consider what policies could be put in place to try and achieve them.

#### **For example:**

Continuing with the previous example, the objective is ‘to seek the provision of an informal, outdoor recreation space, within easy walking distance from the centre of the settlement.’

A policy leading from this may be, ‘An area of approximately 0.5ha off Church Street is allocated for recreational open space.’

Policies need to be achievable, and thought will need to be given to how the above example can be delivered – this will be brought out in the implementation plan (see section 3.10), but could be through the Parish Council purchasing or leasing the land from the landowner, or perhaps in conjunction with development elsewhere in the parish (via a commuted sum etc). Each policy should be accompanied by supporting text to justify why the policy is needed.

Good policies will be:

- Consistent with national planning policy and the strategic objectives in the Local Plan but do not replicate
- Clear and precise
- Written to contain targets and indicators (where sensible) to assist monitoring and review
- Framed in positive terms where possible
- Capable of having an effect within the plan period
- Clear about how they are to be implemented within the plan period (site-related policies should have been drawn up in negotiation with the relevant landowners or site promoters)
- Clearly indicate circumstances that influence grant or refusal of planning permission if the policy is to be implemented through that means
- Distinguish clearly between the policy itself and the supporting reasoned justification.
- Supported by robust evidence, not just local opinion
- Avoid technical planning terms and jargon unless necessary

### 3.4.4 Policy Themes

Policies which are generic and apply to the whole or part of the neighbourhood area can add detail or introduce new complimentary policies to those already set out in the national planning policy framework (NPPF) or the Vale of Aylesbury Plan. Possible themes they can cover include

- Employment – policies can look to attract better paid jobs and employers, local skills and the local labour market would need to be taken into account
- Town centres and retail – policies could build on existing strengths and direct new development
- Housing – can include policies on urban design, distribution, density and affordable housing
- Urban designs – can include policies on characteristics of the settlement, design and use of key spaces and ease of pedestrian movements
- Historic environments – can include policies to be looked at when planning applications are submitted for listed buildings and conservation areas, statutory duties involving these will need to be taken into account
- Transport – policies should seek to promote sustainable transport. Can include policies on pedestrian or cycle routes, bus links and car parks
- Natural environment – could include policies to identify important local green spaces or look to enhance the natural environment through new wildlife habitats, new tree planting or community food growing schemes

### 3.4.5 Site Proposals Maps

For site allocations and site-related policies, the NDP will need to include a map(s) showing proposed site locations and boundaries. An Ordnance Survey base map is required.

The neighbourhood planning team may find it useful to produce these maps as it starts to draft the policies. Showing proposed locations on maps will help in any communication with the wider community and can assist in getting their views on particular sites.

Town/parish councils may already have Ordnance Survey licenses and software, and so may already be able to produce and manipulate maps of the area. For the purposes of a NDP, a license and some free software can be obtained free of charge by completing online the public sector mapping agreement<sup>10</sup>.

### 3.5 The Evidence Base

All policies within the NDP must be supported by an evidence base. An evidence base is a portfolio of information/documents that support the development in the NDP. Failure to produce or use a good up-to-date evidence base could result in the NDP not meeting the 'basic conditions' (see section 3.14). The evidence base should contain two elements:

- **Participation:** views of the local community and others who have an interest in the future of an area – through community consultation
- **Research/fact finding:** evidence that the choices made by the plan are supported by the background facts

Here is an example of the evidence documents produced by AVDC which may be relevant for supporting NDPs:

- Strategic Flood Risk Assessment
- Strategic Housing Land Availability Assessment and Housing Needs Assessment
- Conservation Area Appraisal(s)
- Strategic Housing Market Assessment (SHMA)
- Existing Monitoring Data (AMR)
- Open Space and Play Pitch Assessment
- Local Transport Study
- Affordable Housing Needs Assessment
- Landscape Character Assessment
- Gypsy and Traveller Needs Assessment

It may be necessary to produce your own evidence base if there are issues which are not covered in enough detail by one of the district wide planning evidence base. For example a more specific Site Assessments report as it may be the SHLAA doesn't cover all options for sites in the neighbourhood area.

The evidence base and consultation responses do not need to be detailed in the plan itself. It could end up being quite a lot of information. The most appropriate way of showing these might be in a background document. The background document could be used to list the evidence base, summarise the consultations and to explain how the evidence has led to the vision, objectives and policies being developed.

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<sup>10</sup> Public sector mapping agreement <http://www.ordnancesurvey.co.uk/oswebsite/public-sector/mapping-agreement/index.html>

### 3.5.1 Site Assessments

If your NDP is going to allocate sites, a site assessment must form part of the evidence base. AVDC already have a site assessment methodology from undertaking site a Strategic Housing Land Availability Assessment (SHLAA). It is suggested this approach is used as a starting point and then tweaked to reflect local circumstances. Please contact AVDC for a copy of the SHLAA methodology.

In summary for assessing sites you will need to:

- Agree sources of sites to include in the assessment
- Decide on site size threshold
- Carry out desktop information review
- Carry out field survey of sites
- Estimate development potential of each site
- Assess whether/when sites could be developed

### 3.6 Checking for conformity with strategic policies

Throughout drafting the vision, objectives and policies for the NDP, it will be important to check that it is generally consistent with the current development plans for the district e.g. the Vale of Aylesbury Plan. A planning officer from AVDC can advise the neighbourhood planning team on whether the draft vision and objectives and policies are in general conformity.

### 3.7 Checking the draft vision, objectives and policies with the community

Before progressing, it is essential to check that the community supports the draft vision, objectives and policies for the area, as drafted by the Neighbourhood Planning team. This should be a continual process throughout developing the vision, objectives and policies. The amount of consultation will depend on the detail covered in the NDP. There are many ways in which this can be done, including:

- Making copies available for public distribution and asking for comments
- Meeting with community groups and asking for their feedback
- Organising informal discussion groups
- Holding public meetings or drop-in events
- Publishing information in the parish newsletter/magazine/website and providing an address to receive peoples' feedback.

### 3.8 Working with Interested parties

As well as consulting the community, it is likely that if you are discussing future development other interested groups may contact you, for example developers and landowners. This can be a useful process in gaining further information for site assessments.

It is fine to hold private meetings with developers/landowner, however you need to bear in mind the need to remain impartial to avoid accusations of bias at the examination stage. It is



therefore important that a fair and transparent process is undertaken.

We suggest that you might wish to consider the following to help you demonstrate impartiality:

- Ensure that contact with developers/landowners is undertaken in a neutral way (ie neither promoting or dismissing proposals)
- That you meet with two or more representatives of the planning team and a record of the meeting is taken

If you are a town and parish council you are a public body and therefore must comply with the Freedom of Information Act and the Environmental Information Regulations (EIR). Because of these legislations, information received during private meetings cannot be guaranteed to remain disclosed, therefore any developer/landowner should be made aware at the outset of the duty on your Council under EIR that they are aware that any information given by the developers may not remain confidential.

In order to be able to deal with this, the following confidentiality notice is recommended:  
"As a public body, \*insert council name\* has a duty under the Environmental Information Regulations 2004. If it is your expectation that the information you provide should be held in confidence because it is commercially sensitive; it constitutes personal data or, for some other reason should be kept private, please explain why. In particular, explain how disclosure would adversely affect or harm your interests or would otherwise be detrimental. If the council receives a request for the information you have provided, your views will be taken into account before deciding whether to disclose it."

### 3.9 Promoting Sustainable Development

All NDPs must show how they promote sustainable development. Essentially sustainable development is about enabling growth to cater for the needs of the current generations, but ensuring that growth doesn't mean worse lives for future generations. Depending on the detail of the NDP, will depend on what process you need to undertake for showing how the plan promotes sustainable development. All NDPs should be screened by a planning officer at AVDC to see whether an Sustainable Environmental Assessment/ Sustainability Appraisal (SEA/SA) is required. SEA/SA is a legal requirement of a European Directive. The larger the development proposals, the more likely an SEA/SA is required.

Where an SEA/SA is not required the NDP still needs to show how it promotes sustainable development. The easiest way to do this is through a Sustainability Appraisal where a series of sustainability objectives are tested against the NDP vision, objectives and policy options. For full details please see 'DIY SA' of Neighbourhood Plans document<sup>11</sup>.

Ways in which sustainable development can be promoted through a NDP include encouraging use of public transport or walking, reducing the need to travel through mixed use developments, a good mix of community facilities in walking distance, enhancing or conserving green area or historic buildings, prioritising brownfield sites and through good urban design creating well connected safe spaces.

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<sup>11</sup> DIY sustainability Appraisal <http://www.aylesburyvaledc.gov.uk/local-development-plans/planning-policy/vale-of-aylesbury-plan-/neighbourhood-planning/?LGNTF=71>

### 3.10 Developing an Implementation Plan

The neighbourhood planning team may also wish to draw up an implementation plan, showing what action is needed 'on the ground' in order to achieve the vision, objectives and policies of the NDP. This does not need to be part of the main NDP itself, but could form an appendix to the main document, which continues to evolve as actions progress and new ones emerge.

The implementation plan does not set out policies but contains actions that need to be undertaken and who might need to be involved in order to deliver the policies that are in the NDP. This is helpful as the NDP needs to demonstrate how it is deliverable.

**For example:**

Our policy from the previous example is, 'An area of approximately 0.5ha off Church Street is allocated for recreational open space.'

Actions within the implementation plan show how we will seek to achieve this. For example:

ACTION: Agree terms of lease/purchase with the landowner, to secure the land for recreational use.

ACTION: Consult the community on potential designs for the site.

ACTION: Secure funding for undertaking groundworks on the site.

Alternatively, certain actions may not relate to an existing NDP policy, but may set out further work that could be carried out in order to achieve the vision and objectives of the plan.

**For example:**

An action that doesn't relate to a policy in the plan could be, 'Explore opportunities for the designation of a conservation area within part of the village.'

The implementation plan should contain actions that are SMART (Specific, Measurable, Achievable, Realistic, Timely).

When developing actions, the neighbourhood planning team may wish to consider the following principles:

- Priority - is the action a high, medium or low priority?
- Responsibility - which person/ organisation is the lead for delivering the 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?

Certain actions may require input and assistance from a variety of stakeholders (e.g. AVDC, BCC, landowners, other service providers), as well as groups from within the community.

### **3.11 Pre-submission consultation on the draft Neighbourhood Development Plan**

Once the policies and implementation plan have been drafted, then the neighbourhood planning team can start to pull together the NDP to form a draft document. There is no rule on what a NDP should look like, as long as it contains clear policy statements with accompanying maps, where needed. Any associated implementation plan could be an appendix to the document, as could the consultation statement (see section 3.12).

Once a final draft has been developed, the document must undergo a minimum 6 week statutory pre-submission consultation period, before submitting the NDP to AVDC. Residents, businesses and other stakeholders should be consulted. At this point there are also a number of statutory consultees that must also legally be consulted. These are outlined in Schedule 1 of the neighbourhood planning regulations<sup>12</sup>. The Neighbourhood Planning team should also consult with parish or town councils lying adjacent to its own parish boundary, as proposals may have implications for the neighbouring parish(es).

Once the pre-submission consultation has been carried out with the community and wider stakeholders, an analysis of comments should be made and the Neighbourhood Planning team should consider whether any amendments need to be made to the NDP.

### **3.12 Consultation Statement**

When submitting a NDP to AVDC a consultation statement also needs to be produced to provide the following information:

- Details of the persons and bodies who were consulted about the proposed neighbourhood development plan
- explanation on how they were consulted
- summary of the main issues and concerns raised by the consultees
- description on how these issues and concerns have been addressed in the proposal

### **3.13 Basic Conditions Statement**

Once the consultation on the draft NDP has been completed, the parish/neighbourhood forum must write a statement stating how the plan meets the basic conditions of Schedule 4B to the 1990 Act (known as the “basic conditions statement”) which must:

- they must have regard to national policy
- they must be in general conformity with the strategic policies in the development plan

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<sup>12</sup> The Neighbourhood Planning (General) Regulations 2012  
<http://www.legislation.gov.uk/ukxi/2012/637/contents/made>

- for the local area
- they must be compatible with EU obligations
- they must be compatible with human rights requirements

The basis condition statement will be checked by AVDC and then tested by an independent examination. The nature of the basic conditions statement should be reflected by the nature of the NDP, therefore the more complex the NDP, the greater the detail will be required by the basic conditions statement.

### **3.14 Submit to Aylesbury Vale District Council**

Once the draft NDP has been consulted upon, it is advised you submit the plan to AVDC for an informal check, before formally submitting it for the publicity period. Any necessary amendments to the NDP as a result of the pre submission consultation should have been taken into account.

The informal and formal submission to AVDC should include:

- A map or statement identifying the Neighbourhood Area
- A consultation statement
- The basic conditions statement
- The proposed Neighbourhood Development Plan

AVDC are then required to carry out a further 6 week (minimum time period) publicity period on the proposed NDP. For this AVDC will notify anyone who has already commented on the plan that it has been received and invite anyone interested to comment. All responses will then be collected together and sent to an examiner. AVDC are not required to respond to the consultation responses.

## Stage 3: Independent Examination

### 4.1 Examination of the Plan

AVDC will decide, in collaboration with the neighbourhood planning team, on whom to appoint to undertake an independent examination of the NDP, which will be paid for by AVDC. The main function of the examination will be to look at the basic conditions statement and check that the NDP conforms with:

- The strategic content of wider development plans
- The National Planning Policy Framework and/or other national guidance
- European Directives
- National and international designations (e.g. listed buildings, green belts)
- Adjoining Neighbourhood Plans

The examiner will also make sure neighbourhood planning is not used to block key infrastructure or development proposals from proceeding. In general, the examiner will consider written representations during the examination period, rather than oral representations. However he/she may decide that an oral representation is necessary to ensure adequate examination of a particular issue or to give a person a fair chance to put forward their case. In this situation a public hearing must be held.

### 4.2 Examiner's report published

The result of the examination will be a written report, issued by the independent examiner, which will have one of the following recommendations:

- That the draft NDP should proceed to a referendum
- That it should proceed to a referendum, subject to certain amendments
- That the proposed NDP is found unsound

AVDC will publish the decision statement on the website and send a copy to the town/parish council and all people who have asked to be notified of the decision.

### 4.3 Modifications

If the examiner decided that the plan needs certain amendments before it can continue to referendum they will be recommended in the report. AVDC will then consider them to decide whether or not the recommendations should be followed. These amendments will be discussed with the neighbourhood planning team to reach agreement. If they are not happy with the amendments the plan can be withdrawn. AVDC will then publish the amendments and decision (using other publicity methods in addition to the website).

## Stage 4: Referendum

### 5.1 Carrying out a referendum

If the NDP is found sound, it will then need to be passed through a referendum to gauge community support for the NDP. AVDC will co-ordinate and pay for this. The referendum is for those individuals registered to vote on the electoral role plus non-domestic rate tax payers in the referendum area. The referendum area will usually cover the same area as the neighbourhood area, however the independent examiner may take the decision that the referendum area should be extended, for example if certain policies within the plan have particular implications for surrounding communities.

During the lead up to the referendum, if you are a town or parish council you must remain neutral for a period of 28 days before the referendum. You can still promote voting for the NDP, however you cannot encourage voters to vote in favour of the NDP (if you are a neighbourhood forum, then this does not apply). In promoting the NDP, no more than £2000 can be spent advertising during the 28 day period (applies to both town and parish councils and neighbourhood forums).

The question that will be asked is:

*Do you want Aylesbury Vale District Council to use the neighbourhood plan for \*name of neighbourhood area\* to help it decide planning applications in the neighbourhood area?*

For the NDP to be brought into force, there must be a majority vote for supporting the NDP (more than 50% of voters). If it is not supported, further work will need to be carried out, which is likely to result in further consultation, an examination and referendum. The Government have published separate Regulations in relation to holding a referendum<sup>13</sup>.

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<sup>13</sup> The Neighbourhood Planning (Referendums) Regulations 2012  
<http://www.legislation.gov.uk/uksi/2012/2031/introduction/made>

## **Stage 5: Bringing the Plan into force**

### **6.1 The passing of the Localism Act**

The Localism Act for Neighbourhood Planning came into effect on 6<sup>th</sup> April 2012, allowing NDPs to be brought into force. Once this has happened they will become planning policy documents for Aylesbury Vale. This means that they will become a material consideration in determining planning applications and will have equal weighting alongside the district wide planning policy documents.

It is expected that NDPs and Aylesbury Vale District Council's planning documents (such as those allocating future sites for development in the district, or setting out generic development control policies) will be complementary and will reference each other, where necessary.

## **Stage 6: Implementing & Monitoring the Plan**

### **7.1 Beyond the neighbourhood development plan being brought into force**

Once the NDP has been brought into force, it is likely that part of the neighbourhood planning team will dissolve, however it is important to keep a smaller team in order to take forward actions identified in the implementation plan.

It is also important to monitor the NDP, to check progress in terms of meeting the community's objectives and to identify if future reviews of the Plan are needed. If a review of the NDP is needed to refresh and bring the policies more up to date, then the plan will need to include further consultation, an examination and referendum.



## Support Available

### 8.1 AVDC support

AVDC is able to offer continuing support to communities developing Neighbourhood Plans. As an example, this support could be in the form of one of the following:

- Generic Neighbourhood Planning advice and guidance (e.g. the process, how to get started, what others are doing locally)
- Advice and assistance in terms of planning community and stakeholder engagement (e.g. what techniques to use and when, how to get the views and inform as many people in the community as possible)
- Advice and assistance with some of the technical, planning-related aspects of producing the plan (e.g. drafting policies, undertaking a sustainability appraisal, negotiations with developers etc.)
- Signposting to relevant contacts within the District Council or within other stakeholder organisations (e.g. Buckinghamshire County Council planners, Thames Valley Police, the Environment Agency, English Heritage etc.)
- Funding advice and potential financial support for developing the Neighbourhood Development Plan
- Support through the provision of materials (e.g. copies of maps, display boards for exhibitions and events etc.)

### 8.2 Department for Communities in Local Government support

At a national and regional level, the Government has awarded funding to organisations with expertise in planning, to assist communities in developing Neighbourhood Plans.

- **Planning Aid England** – the provision of free, independent, impartial, professional planning advice to people who do not have the means to pay professional fees. Provision of support and training to local communities to influence and contribute to planning strategy, policy and decision-making at all levels.  
[www.rtpi.org.uk/planningaid](http://www.rtpi.org.uk/planningaid)
- **Planning Advisory Service** - additional information on how to write a Neighbourhood Plan and other related topics.  
<http://www.pas.gov.uk/pas/core/page.do?pagelid=1089081>
- **Locality** – provision of support and networking to community groups through online resources and other networking tools, practical workshops and seminars, and tailored advice through a telephone advice line.  
[www.locality.org.uk](http://www.locality.org.uk)
- **The National Association of Local Councils in partnership with the Campaign to Protect Rural England** – provision of basic information about the planning system via a website, phone line and publications. Establishing a programme of local events to inform the public and parish councils about how to influence local plans.

[www.cpre.org.uk](http://www.cpre.org.uk)

- **The Princes Foundation** – assistance with community engagement and finding local solutions to issues.  
<http://www.princes-foundation.org/> \_

### 8.3 Local Level Support

At a local level, Community Impact Bucks (CIB) who are an independent charity have teamed up with planning consultants to provide expertise with writing NDPs. CIB can be contacted on 0845 3890389 or at [info@communityimpactbucks.org.uk](mailto:info@communityimpactbucks.org.uk).