



MALDON DISTRICT COUNCIL

**Neighbourhood planning  
update and briefing note  
to towns and parishes**

June 2015



MALDON DISTRICT  
COUNCIL

## Introduction

The neighbourhood planning process was introduced under the Localism Act 2011 and the Neighbourhood Planning Regulations 2012. Neighbourhood plans provide local communities with the opportunity to set local planning policies to guide and manage future developments in their areas.

Maldon District Council continues to support local parishes and towns to develop a neighbourhood plan for their area. This briefing note is to update parish and town councils on the current neighbourhood plans being developed in the District, as well as to provide more detailed guidance in producing new neighbourhood plans. The next section describes the process of undertaking a neighbourhood plan and the various stages which need to be undertaken if your parish or town council chooses to commence your own neighbourhood plan.

## Process for producing a neighbourhood plan

There are eight key stages in producing a neighbourhood plan:

### 1. Designating a neighbourhood area

The first formal step in neighbourhood planning is the submission of the proposed neighbourhood area to the local planning authority for designation (6 week consultation period). For town or parish councils, there is a strong presumption that the neighbourhood area will be the same as the town/ parish boundary. However, they may choose a smaller and more focused area, such as a town or village centre, or an area beyond the parish boundaries if that makes a sensible area to plan for. Adjacent parish/town councils may also agree to work in partnership to produce a joint neighbourhood plan.

### 2. Neighbourhood Plan Steering Group

Due to the amount of work involved in producing a neighbourhood plan, parish/town councils may wish to set up a steering group to undertake the day to day tasks such as organising events, editing drafts and producing the final plan to others, whilst the parish council concentrates on other wide ranging existing parish matters. A successful steering group should question, provide ideas and have a useful distance and perspective to assist working on the details of the neighbourhood plan.

There is no required size for a steering group but it is advisable for the group to include a wide range of people with different skills and experience including local councillors and other members of the community. The parish/ town council is ultimately responsible for the production of the neighbourhood plan and the steering group must report to the parish/town council on a regular basis and receive ongoing endorsement.

### 3. Gathering baseline information

Once the neighbourhood plan area has been designated, it is time to begin the initial research to undertake a neighbourhood plan. It is important to be aware that in development of the plan, any planning policies and proposals need to be based on a proper understanding of the place they relate to, if they are to be relevant, realistic, and deliverable, and to address local issues effectively. It is therefore important that neighbourhood plans are based on robust evidence.

The District Council has undertaken a number of evidence base documents which may be useful for the neighbourhood plan and can give advice into which documents would be relevant. A review of these documents and existing evidence should be undertaken at the beginning of the process as it may be necessary to develop new evidence (or update existing evidence) at neighbourhood level. This could include:

- **Economic:** business surveys, viability, vacancy/floorspace survey, available sites survey, land values, employment need survey, etc
- **Social/Community:** housing condition survey, housing needs survey, audit of community facilities, 'Building for Life' assessment of housing, etc
- **Environmental:** heritage audit, conservation area appraisals, review of local lists, urban design analysis, open space survey & analysis, etc
- **Infrastructure:** transport linkages, schools capacity, transport capacity analysis, traffic/pedestrian flow surveys, etc

After the evidence base is reviewed, parish/town councils can start to identify potential policy directions and issues for the neighbourhood plan to address. It is recommended at this stage for there to be an initial public consultation on issues the community would like to be incorporated into the plan. At this stage it may be useful to provide some of the issues identified, as well as suggesting some options which the community can comment on. This early engagement with the community will help to define an overall vision of the plan, identify local issues and to start to create a sense of wider ownership for the plan.

Early engagements with relevant stakeholders, particularly the District Council, are also important at this stage to ensure the plan meets the 'basic conditions'. 'Basic conditions' are a set of legal requirements which a neighbourhood plan must meet if the plan is to be successful at independent examination. In summary, basic conditions state that neighbourhood plans must:

- be appropriate having 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
- be compatible with human rights requirements
- have regard to preserving features of special architectural or historic interest
- be compatible with EU obligations

Maldon District Council works in partnership with the Rural Community Council of Essex (RCCE), who will also be able to provide advice and guidance regarding undertaking community and stakeholder consultation throughout the neighbourhood planning process. The RCCE can be contacted on 01376 574330 or via email on [enquiries@essexrcc.org.uk](mailto:enquiries@essexrcc.org.uk)

Once the initial consultation is completed, the information should be compiled and a report (often called a baseline report) should be completed which will show the consultation process and the issues raised which will help to formulate the issues and policy direction of the neighbourhood plan.

#### 4. Ensuring that consideration of environmental effects are part of the process

A crucial part of the neighbourhood plan process is the assessment of the plan against potential environmental effects. National policy makes it clear that a sustainability appraisal should be an integral part of the plan preparation process, including neighbourhood plans. Once the baseline report (as described in section 3) is completed, it should be submitted to the planning policy team of the District Council and request made that a screening assessment for likely significant effects to the environment be undertaken.

It is the District Council's responsibility to undertake a screening assessment in order to ascertain, at an early stage of plan-making, whether any of the policies or proposals in the emerging neighbourhood plan are likely to cause significant environmental effects. This exercise involves the District Council consulting the three statutory agencies (5 week consultation period) on the screening opinion and publicising its findings on whether or not a further environmental assessment is required. The planning policy team will advise the steering group of the outcome of this process.

#### 5. Writing the plan

Policies in the neighbourhood plan need to be planning related and should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. It is important that any policies are local in nature, do not conflict with the District Council's Local Plan and Infrastructure Delivery Plan, and are based on evidence and able to be funded and delivered. The plan also must set a timeframe (referred to as a plan period) normally 15 years, which is suggested to be the same plan period as the Local Plan.

If the parish/town council wishes to cover issues which are not planning related, such as speed restrictions, road widening and/or other more aspirational projects where no delivery mechanism can be identified at this stage, it may be useful to have them in a separate section in the plan.

There is considerable flexibility over how a plan can be structured and written. The following are suggestions for possible content of the plan:

- **Vision and Aims** - These can relate to a wide range of planning and regeneration matters – social, economic and environmental. The vision and aims of the plan can then be translated into detailed policies, guidance and proposals

- **Planning Policies** – Planning applications will be determined in accordance with the neighbourhood plan’s policies unless material considerations indicate otherwise. The policies in the plan could be supplemented if necessary by explanatory text or illustrations to help with their interpretation
- **Site Allocations and Community Proposals** – Although not a requirement, the neighbourhood plan may identify key sites for specific kinds of new development, such as housing, community facilities, retail, employment and mixed use

Once the neighbourhood plan steering group has formulated the content and the policies of the document, it is strongly advised that the draft plan is sent to the District Council’s planning policy team who can provide advice and guidance regarding the policies.

## 6. Pre-submission (regulation 14) consultation

It is a legal requirement that the proposed neighbourhood plan, as well as the screening opinion, is publicised for a public consultation (six weeks minimum), before it is submitted to the local planning authority for examination. The screening opinion (as discussed in Section 4), and an environment report (if required) should also be published for consultation at the same time. It may be useful to produce a concise summary of the plan for those who do not wish to read the full document.

After the consultation a brief report must be produced, summarising comments received, issues raised by those comments and describing if and how the plan has been modified in response to the issues raised. This is known as the ‘consultation statement’ which is a legal requirement for all neighbourhood plans.

## 7. Submission, examination and modifications

Following any amendments resulting from the pre-submission consultation stage, the proposed neighbourhood plan should be submitted to the planning policy team. The submission to the local planning authority must include the following:

- a map or statement, which identifies the area to which the plan relates
- a consultation statement
- the proposed neighbourhood plan
- a statement on how the plan fulfils the basic conditions

An independent examiner will be appointed by the District Council to undertake the examination, but the person can only be appointed with the agreement of the respective parish council. The independent examination will consider the submitted documents and any comments made during the consultation period on the submitted plan proposal. The independent examiner will examine whether the plan meets the ‘basic conditions’ and other relevant legal requirements (eg consultation).

The independent examiner may recommend that the plan proceed to the referendum stage (*ie* it meets all the legal requirements) or may suggest that modifications are needed to the plan before it can proceed to the referendum. Or they may recommend that it does not proceed to the referendum, if it does not meet the relevant legal requirements.

If modifications are needed, the local planning authority must make modifications to the plan if, with those modifications, the plan could comply with the 'basic conditions'. The parish/town council may withdraw the plan if it is unhappy with modifications being made.

## 8. Referendum and adoption

If the plan is found to be satisfactory (*ie* complies with the key legal requirements) with modifications if necessary, then the District Council must arrange for a local referendum to take place. It must give at least 28 working days notice of the referendum before the date of the referendum.

The parish council may campaign before the referendum, subject to rules over expenses. If more than 50% of those voting in the referendum vote 'yes', then the council will bring the plan into legal force. Once a neighbourhood plan is made (*ie* brought into legal force by the local authority), it will be used to determine planning applications and guide planning decisions in the neighbourhood area.

## The MDC Community Led Planning Protocol

The District Council has produced a Community Led Planning Protocol (available on the Council's website) which outlines the responsibilities of the District Council and the level of support the Council will offer to local parishes when they are preparing their neighbourhood plans.

The protocol has recently been updated to clarify that the District Council will carry out a screening opinion exercise for any neighbourhood plan in order to ascertain whether they are likely to trigger significant environmental effects. The exercise is legal requirement and involves consulting the statutory agencies and publicising its findings on whether or not further environmental assessment is required for the plan.

## Neighbourhood Plans in the Maldon District

There are currently six neighbourhood plans being developed in the District, with their progress shown in the table below:

Neighbourhood Plan	Progress	Date neighbourhood area is designated
Burnham-on-Crouch	Draft Plan out for an informal consultation in March 2015 prior to formal Regulation 14 consultation later in the year.	22 April 2013
Langford and Ulting	Draft plan submitted to Maldon District Council (MDC) for comments, and screening request from MDC sought. Draft plan out for consultation until 17 April.	24 April 2013
Latchingdon	Preparing draft	25 April 2014
Mayland	Preparing draft	30 June 2014
Althorne	Preparing draft	3 December 2014
Tollesbury	Preparing draft	27 February 2014

The Burnham-on-Crouch plan and the Langford and Ulting plan are making good progress with draft plans submitted to the Council for comment, and with recent public consultations. The other four parishes have been designated as neighbourhood forum areas, and are making progress with their draft plans. If you would like further advice regarding the commencement of a neighbourhood plan please contact the Council's planning policy team on 01621854477 or [policy@maldon.gov.uk](mailto:policy@maldon.gov.uk).