

Neighbourhood Planning



Protocol for Preparing Neighbourhood Plans

February 2012

Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

1. Introduction

- 1.1 The Government's Localism Act introduces new rights and powers for communities and individuals to enable them to get more involved in planning for their areas. Neighbourhood planning will allow communities to come together through a local parish council and say where they think new houses, businesses and shops should go – and what they should look like. Specifically the Act sets out proposals around community led plans (Neighbourhood Development Plans) to guide new development and in some cases granting planning permission for certain types of development. In addition the Act proposes a sub category of Neighbourhood Development Orders called Community Right to Build Orders. These will provide for community led site development.
- 1.2 Neighbourhood development plans could be very simple, or go into considerable detail where people want. Local communities would also be able to grant full or outline planning permission in areas where they most want to see new homes and businesses, making it easier and quicker for development to go ahead (Neighbourhood Development Orders). The Government is clear that the purpose of Neighbourhood Plans is about building neighbourhoods and not stopping growth.
- 1.3 Neighbourhood planning is optional but if supported by the Local Planning Authority (LPA) a Neighbourhood Plan and Orders will have weight becoming part of the plan making framework for the area and a main consideration within the planning system. The Localism Act was published in December 2010 and recently received Royal Assent.
- 1.4 Cherwell District Council and other local authorities have been starting to gear themselves up to work with Parishes and community groups on such plans. Cherwell District Council is working with Wroxton Parish Council on a Neighbourhood Plan which was awarded funding by DCLG in June 2011. Also Cherwell District Council and Banbury Methodist Church together secured First Wave Neighbourhood Planning Frontrunner Status to bring pockets of land and empty properties into use for community led housing. Specifically the two organisations will work with the community to use a Local Development Order as a tool to develop a site for a small self build housing scheme.

2. Neighbourhood Planning

- 2.1 Whilst a Neighbourhood Plan provides the opportunity for local communities to directly shape the development of the area in which they live there are a number of important considerations that also need to be taken into account when considering such an approach.
- 2.2 A Neighbourhood Plan will need to:
 - Be led by a Parish Council and only relate to one neighbourhood area;
 - Specify the period for which it will have effect;
 - Be supported by the District Council;

- Be compliant with national policies and advice in guidance from the Secretary of State including Statutes, Planning Policy Statements and Guidance, Circulars and the National Planning Policy Framework (including the proposed 'presumption in favour of sustainable development') once this is approved as well as the Regional Plan until this is revoked;
- Be compliant with strategic policies in the development plan for the area including the adopted Local Plan, Core Strategy or other Development Plan Documents (DPD) for the District;
- Avoid making provision for development that is excluded development¹;
- Be compliant with EU obligations and human rights requirements;
- Be compliant with neighbouring neighbourhood plans;
- Be accompanied by a proportionate Strategic Environmental Assessment and Sustainability Appraisal;
- Be aware that it cannot be used to change service matters such as the pattern or refuse collection or verge grass cutting;
- Enable development, not prevent it. For example, the Neighbourhood Plan will have to incorporate the strategic housing targets for the area as a minimum, but may propose additional development;
- Be considered and accepted at an independent examination;
- Be supported at a local referendum.

3. Status of Neighbourhood Plans

3.1 Neighbourhood development plans will have the status of being part of the development plan. Consequently they must be taken very seriously because of their significance in respect of the determination of planning applications in the neighbourhood area to which they relate as the law states that a planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

4. The Relationship between a Neighbourhood Plan and Core Strategy

4.1 The Local Plan or Local Development Framework (LDF) for Cherwell will set out the statutory planning policies and proposals for the District. The Pre-Submission Draft of the Core Strategy is anticipated to be published in April 2012.

4.2 Neighbourhood Plans must be in general conformity with these strategic policies. Having an up-to-date core strategy in place is judged to be essential for successful local and neighbourhood planning as it sets the context for development in the area. If for example a Local Plan that identifies different levels of growth to an adopted Neighbourhood Plan is adopted subsequent to that Neighbourhood Plan then the Local Plan will take precedence over that Neighbourhood Plan. This means that whilst it is possible for a Parish to prepare a Neighbourhood Plan prior to the adoption of a Local Development Plan by the District Council, e.g. Core Strategy or Local Plan, this could result in the Neighbourhood Plan being overridden if it does not allocate at least the minimum amount of development detailed in the higher level Plan. However, Neighbourhood plans can be prepared regardless of the stage of preparation of the council's plan. An up-to-date local council plan is not a pre-requisite for neighbourhood planning. Where neighbourhood planning is undertaken before an up-

¹ county matters, waste development, projects that fall within Annex 1 of the EU Directive regarding the requirement of environmental assessment, nationally significant infrastructure projects, and other development prescribed by regulations.

to-date council plan is in place, collaboration between the community and the council will be critical. The District Council will take an active role in advising and supporting the Plan preparation process by sharing evidence and information and ensuring the neighbourhood plan fits with the strategic policies of its existing adopted development plans and national policy. It will be for the local council and examiner to determine the weight to be attached to policies in an existing local plan when considering neighbourhood plans. Any neighbourhood development plan that completes the neighbourhood planning process successfully will become part of the statutory development plan for the local area. This is regardless of what documents currently make up the development plan. It is important to remember that for a neighbourhood development plan or order to be successful it needs to be in general conformity with the existing development plan for the local area

- 4.3 Without a Core Strategy or Local Plan in place setting housing targets for a village how should a Parish determine its requirement for housing? Housing targets for Cherwell District were set within the South East Regional Plan. This Plan is to be revoked under the Localism Act and housing numbers will be derived from local information.
- 4.5 Where Neighbourhood Plans are prepared it is expected that this work will inform and dovetail with the Council's own work on the Core Strategy and associated documents.

5. How to prepare a Neighbourhood Plan

- 5.1 The detailed procedure for preparing Neighbourhood Plans is set out in Draft Regulations that have been published by the Government for consultation. These are expected to come into operation in April 2012. The actual power for a Council to 'make a Neighbourhood Plan' will only be available at that point. The draft regulations are deliberately 'light touch', and set out the minimum considered necessary by the government to enable a local authority or examiner to assess neighbourhood planning proposals. The Localism Act also sets out a number of requirements for the Neighbourhood Planning process. Further detailed advice and information on the procedure and content of Neighbourhood plans is set out in Appendix 1 to this Report.
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Who can prepare a Neighbourhood Plan?

- 5.3 A Neighbourhood Plan must be initiated and prepared by a 'qualifying body'. Where there is a Parish or Town Council for the whole or any part of the area to be covered by a Neighbourhood Plan then they will be the 'qualifying body'. For Cherwell this means that all Neighbourhood Plans will be led by parish or town councils. Cherwell District Council cannot dictate who and where Neighbourhood Plans are produced.

What is the area covered by a Neighbourhood Plan?

- 5.4 The Neighbourhood Plan area must be one that includes the whole or any part of the area of the parish. It is also possible to work with neighbouring parishes to produce a Neighbourhood Plan for a cluster of villages covering two or more parish areas. If the Neighbourhood Plan includes any part of the area of another parish council, the lead

parish council is only authorised to prepare a Plan if the other parish council(s) have given their consent.

- 5.5 Upon deciding to prepare a Neighbourhood Plan, a Parish Council has to make an application to Cherwell District Council, who has to determine the application and consider if the Neighbourhood Area is appropriate. For example it must consider if the area to be covered by the Plan is appropriate (including the publication of a plan defining the area). The application must also specify the period for which it is to have effect. At this stage consultation must also be carried out on the application to assist the District Council determining whether or not to accept the application. On receipt of an application the Local Planning Authority (the LPA) must publish and seek comments on the proposals for a minimum of 6 weeks. The publicity should focus on the immediate area affected by the proposal. The LPA must publish on its website details of its decision on an application for a neighbourhood area.

Validation by the District Council

- 5.6 Once the District Council have made their decision on Neighbourhood Area application, the Draft Regulations set out the formal process that a parish council (the 'qualifying body') preparing a Neighbourhood Plan must follow before submitting the plan to the LPA. This includes consultation measures and the basic information that must be supplied with a plan. This is necessary in order to enable the LPA to properly assess the proposals.
- 5.7 Once the Neighbourhood Plan has been drafted by the Parish Council it is checked by the District Council to ensure that it has been prepared correctly and is suitable to go forward to formal consultation and then Independent Examination. Neighbourhood Plans must comply with a number of EU and Human Rights Directives and this 'legal compliant' check also includes checks on whether the minimum consultation requirements have been undertaken and that necessary documentation including sustainability appraisals have been prepared. The District Council does not consider the merits of the Plan at this stage.
- 5.8 Once the LPA has come to a decision on the proposal, then the Plan must be published and made available on its website for consultation for a minimum of 6 weeks. A copy of the neighbourhood plan must also be made available for inspection at the LPA's principal offices.
- 5.9 Following this consultation the Neighbourhood Plan will then undergo Independent Examination.

Independent Examination

- 5.7 Cherwell District Council is responsible for facilitating and funding the independent examination into the Neighbourhood Plan. The District Council will decide, in collaboration with the Parish, who should be appointed to undertake an independent examination of the Neighbourhood Plan. The main function of the examination will be to check that the Neighbourhood Plan conforms with:
- The strategic content of the Local Plan and neighbouring Neighbourhood Plans
 - The National Planning Policy Framework and/or other national policies and advice (including a demonstration that the proposals in the Plan are evidence

- based, deliverable and viable)
- European Directives on subjects such as International Nature Conservation designations, Sustainability, Human Rights and Equalities
- National and international designations (eg listed buildings and Conservation Areas)

5.8 The result of the examination will be a report that will have one of the following recommendations for consideration by Cherwell District Council:

- That the draft Neighbourhood Plan should proceed to a referendum
- That it should proceed to a referendum, subject to certain amendments
- That the proposed Neighbourhood Plan should be refused

Referendum

5.9 The District Council is also responsible for facilitating and funding the local referendum on the Neighbourhood Plan. The referendum will normally be open to any individual registered to vote in the parish, but the referendum may be extended to a wider area if appropriate.

5.10 A referendum is required to gauge community support for the Neighbourhood Plan. The Plan requires the support of a majority of those who vote in the referendum.

Adoption of the Neighbourhood Plan

5.11 If referendum indicates community support, the Neighbourhood Plan will normally then be adopted by the District Council. In exceptional circumstances, for example if the Council considers that the Plan may breach or be incompatible with EU obligation or any of the Convention rights that may have changed during the preparation process then it will not be obligated to adopt the Plan.

5.12 Once the Neighbourhood Plan has been adopted by the District Council it becomes a part of the statutory development plan against which relevant planning applications will be determined. A Neighbourhood Plan would therefore sit alongside the Core Strategy.

5.13 Legal challenge may only be made by judicial review, with a time limit of six weeks from the date of the publication of the decision to adopt the plan, or publication of the decision relating to the District Council's consideration of the examiner's recommendations, or from the date of declaration of the result of the referendum.

6. Neighbourhood Development Orders

6.1 Neighbourhood Development Orders (NDOs) will grant planning permission for specific types of development in a particular area. This could be either a particular development, or a particular class of development (for example retail or housing). A number of types of development will be excluded from NDOs. (See paragraph 2.2). NDOs can be linked to the Neighbourhood Plan for the area. For example, the Plan could identify the need for new housing and a broad location. The NDO could then apply a planning permission to a particular site where the housing will be built. In Cherwell NDOs have to be made by parish or town councils.

6.2 NDOs will grant planning permission, therefore removing the need for a standard planning application to the LPA. The procedure that will lead to the LPA making an NDO is in many respects identical to that for making a Neighbourhood Plan, including independent examination, consultation with and participation by the public and the holding of a referendum and the obligation to make the order if more than half the people voting are in favour.

7. Community Right to Build Orders

7.1 Community right to build orders are a special type of neighbourhood development order (NDO). Unlike NDOs and Neighbourhood Plans however, any local community organisation, not just a parish or town council will be able to create community right to build orders. To be eligible to develop a community right to build order in a particular neighbourhood area, at least one half of a community organisation's members must live in that neighbourhood area. The organisation must also exist to further the economic, environmental and social well-being of the area in question, and any profits made as a result of community right to build orders must be distributed among the organisation's members. A Community right to build order must also be site specific.

7.2 Development brought about by community right to build orders will allow a local community group to bring forward a small development for one or more purposes, including new homes, businesses and community facilities, but it must be small scale in comparison to the size of settlement.

7.3 Community right to build orders will be adopted in the similar way as NDOs, where subject to the Order meeting certain minimum standards a local referendum will ultimately decide whether the proposed development should go ahead.

8. Preparing the Plan

8.1 Appendix 5 contains a number of FAQs that set out guidance on the possible content of a Neighbourhood Plan as well as its relationship to other local and strategic planning guidance.

8.2 A community should consider carefully the reasons why it wants to prepare a Neighbourhood Plan. There may be other existing tools that could meet its objectives, including:

- Parish Plans and Masterplans
- Design Statements
- Design Review
- Local development order and design guide
- Community led action plans
- Community forum
- Residents survey
- Village handbook and village plan
- Concept statements.

8.3 Different issues will need different planning responses. The aim is to use the most appropriate form of plan to achieve the required outcomes.

The Role of the Parish Council

- 8.4 In Cherwell it is parish and town councils who will initiate and lead the process of formulating a Neighbourhood Plan. It is important that the plan is not prepared in isolation from the rest of the community. There is a need to consider how to engage all the residents, community groups, local ward members, local authorities, statutory agencies (Highways, Environment Agency etc), and local organisations, landowners, development interests, social networks and enterprises who might have an interest as well as groups often described as hard-to-reach but which might have specific social needs that should be reflected in a plan. It is likely that a steering group of the Parish Council will lead the process. A Parish Council may wish to set up a Neighbourhood Planning Steering Group to lead on the preparation of the Plan. This group could be given delegated authority to prepare the Plan and to make appointments to the Group to bring in required expertise. Members of a group could include members of Parish and District Council, local landowners/ developers, other stakeholders (e.g.: highways, environmental groups) as well as members of the community. It is important however, that the Plan is 'owned' and needs to be approved by the Parish Council as the qualifying body.
- 8.5 The involvement, throughout the process, of a broad range of local stakeholders will help to strengthen community support for the plan (which will be very important at the referendum stage towards the end of the process) and make its implementation easier.

The Role of Cherwell District Council

- 8.6 The Council has six principal roles in the process of neighbourhood planning:-
- To confirm formal designation of an area as a neighbourhood for the purposes of Neighbourhood Plan making;
 - To co-operate with a parish council and to provide technical advice and support for the preparation of the Plan;
 - To validate and check a plan prior to their submission for independent examination;
 - To meet the cost of an independent examination into the draft Plan;
 - To organise and meet the cost of a referendum to ensure there is public support for the Plan;
 - To 'make' the Plan that has been prepared correctly and that has public support.
- 8.7 Cherwell District Council and Banbury Methodist Church together secured First Wave Neighbourhood Planning Frontrunner Status in support of work that is happening in the locality to bring pockets of land and empty properties into use for community led housing. Specifically the two organisations will work with the community to use a Local Development Order as a tool to develop a site for a small self build housing scheme. This project is part of the wider Build! ® programme which is happening across Cherwell to enable local people to build their own homes.
- 8.8 In response to the invitation from the Government to pilot Neighbourhood Plans the Council also submitted a 'vanguard' bid in partnership with Wroxton Parish Council. Whilst the bid for being a 'Vanguard' (now renamed 'Front Runner') was unsuccessful the Plan was named as part of the 'Third Wave' of the scheme and received £20,000 funding. Lessons learned from the process with Wroxton will be fed back to other parish councils wishing to undertake a Neighbourhood Plan.

- 8.8 Those parishes who do wish to prepare their own Plans will require support and technical advice from the Council. It will therefore be necessary to ensure that local groups work closely with the Council so that the timing of the preparation of plans dovetails with the Council's own programme of plan making work for the rest of the District and to ensure that Council staff can support local neighbourhood planning initiatives while not prejudicing preparation of the Council's own plan making and planning policy work.
- 8.9 It will also be important early on in discussions with those parish councils wishing to prepare plans, to establish the expectations of that plan (ie: that it must relate to the development and use of land and that it is not a means of resisting development), that it will need to be in conformity with the Council's Local Development Framework/Local Plan and that it is prepared in accordance with the requirements of the legislation and national planning policy). The neighbourhood planning process not only provides local communities with the opportunity to plan for the future of their areas, including the allocation of land but it also confers responsibility to take tough decisions about future development to meet the requirements of sustainable growth.
- 8.10 The cost of preparing Neighbourhood Plans will be met partly by the local authority and partly by the promoters of the Neighbourhood Plans (parish councils and possibly developers/landowners). In the initial years, there will be some financial support from Central Government. Plans are likely to vary in costs depending on the complexity and size of the proposal. Based on the cost components below the average costs are estimated at £17,000 to £63,000 per plan². The Government expects that three quarters of Plans will be costed at the lower end of the estimates at an average of £17,000. It is likely that this will be reflected in Cherwell. The costs to the District Council of examination costs are estimated to be between £5,000 - £8,000 and the costs of running a local referendum is £1.50/head (£7,000/ward) inc. volunteers³
- 8.11 Other costs to the parish council could include recruiting planning and other consultants, strategic environmental assessment, public consultation events, the preparation of an up to date evidence base as well as the actual drafting and printing of plans.
- 8.12 There will also be an ongoing cost involved with reviewing the plan, anticipated every 10 years. These costs will vary considerably but are estimated here at approximately 70 per cent of the original plan costs and will be incurred by the local authority and proponents of the plan.
- 8.13 The Government⁴ considers that there will be both qualitative and quantitative benefits to preparing neighbourhood plans with neighbourhood development and community right to build orders. It considers that community ownership of plans will lead to behavioural change in such a way as to make local communities more predisposed to accept development. As a result, it is anticipated that greater community engagement, coupled with financial incentives, could lead to an increase in development. It is

² Localism Bill: Neighbourhood plans and community right to build: Impact Assessment (January 2011)

³ Fees and charges for counting officers in the regional and local referendums. ODPM 2004

⁴ Localism Bill: Neighbourhood plans and community right to build: Impact Assessment (January 2011)

expected that the greater involvement of the community could lead to an overall increase in development compared with the *status quo*, and an increase in development that is in-line with local needs. For developers, greater and early engagement is likely to lead to any objections being raised earlier and thus providing greater certainty over what needs to be done to make the project acceptable to the community, easing the granting of planning permission.

- 8.14 Quantifiable cost benefits for a potential developer relate to the cost savings from no longer requiring formal planning permissions. Under neighbourhood development orders, planning permissions are removed from the system. There are therefore subsequent administrative savings in respect of no longer submitting planning applications and fee savings for planning applications and possible subsequent appeal costs. The Government also indicates that there will be savings to local planning authorities in no longer having to process planning applications and in appeal work (although this is partly offset by the planning application fee).
- 8.15 Further potential benefits relating to additional housing units that are supplied as a result of neighbourhood planning, are the New Homes Bonus (NHB) and Community Infrastructure Levy (CIL). Under the NHB scheme, for each additional occupied home, the Council will receive six years of unringfenced grant. The Government is not prescriptive over the use of any monies received. NHB could be used to directly support services and infrastructure within local communities where development occurs, to fund services and infrastructure in the wider Council area or to finance general council expenditure and thereby maintain service levels and/or keep the level of council tax to a minimum.
- 8.16 The Community Infrastructure Levy is a new planning charge that came into effect in 2010. Under CIL, developers will negotiate and pay councils a flat rate fee according to the type, scale and nature of the development, to support public improvements in their local area. This is different to Section 106 payments, where developers negotiate with councils on an individual basis about the amount they will invest to support local improvements. Charging authorities will be required to allocate a *meaningful proportion* of their levy revenues raised in each neighbourhood back to that neighbourhood, to spend on the infrastructure that local people consider is most needed. The actual amount of this is not defined.
- 8.17 Local authorities will be expected to fund the public examination of a NDP/NDO and the cost of a referendum which is required to be held to ensure the plan/order has community support. Nevertheless it is recognised that some work on Neighbourhood Plans will be complimentary to the Council's work on the Local Plan and in particular the SNSCP (refer to paragraph 4.4) and may reduce costs that would otherwise be incurred from that process.
- 8.18 Cherwell contains over 90 settlements (hamlets, villages and towns) together with 78 *town and parish councils*. It is difficult to gauge the precise level of interest of communities in the Neighbourhood Plan process. Depending on the demands made of the Council there could be a resource issue in terms of amount of financial and other support the District Council is able to provide. The Council cannot refuse an application from a Parish Council to prepare a Neighbourhood Plan where the correct procedures have been followed. Where a Neighbourhood Plan is successful in receiving Government funding the Council will set aside £10,000 from the grant to cover the estimated costs of the examination and referendum and other work as set

out in paragraphs 8.10 and 8.19. Priority will be given to these Plans. Where no grant funding is secured the Council will need to carefully balance its own available resources and determine the speed at which assistance can be given to a Plan's preparation with the perceived urgency of delivering a Neighbourhood Plan for a particular parish or cluster of parishes. It may for example be more cost effective for parishes to work together on a single plan.

8.19 In addition to its legal requirements and subject to available resource the District Council will endeavour to support communities in the Neighbourhood Plan process through:

- Generic Neighbourhood Planning advice and guidance (eg the process, how to get started, what others are doing locally);
- Advising and supporting on whether particular matters can be legitimately included in the plan;
- Advising and assisting with some of the technical, planning-related aspects of producing the plan (eg drafting policies, undertaking a sustainability appraisal, negotiations with developers);
- Signposting to sources of evidence and assisting in the analysis of evidence received from village surveys;
- Signposting to relevant contacts within the Council or within other stakeholder organisations (eg Oxfordshire County Council, Oxfordshire Police, the Environment Agency, English Heritage etc.)
- Help with facilitation or advice on consultation, including giving advice on proposed surveys or questionnaires;
- Practical support such as providing a venue for meeting and providing copies of maps.

8.20 The table overleaf is from a document 'Making the most of Community Led Planning (CLP): a best practice guide for local authorities,' produced by Action with Communities in Rural England and Action for Market Towns in July 2011.⁵ The table provides summary details of the complementary roles that independent local facilitators and local authorities currently play in Community Led Planning. Community Led Planning has developed since the 1970s as a way of working with parish and town councils to provide informal plans and guidance, notably Parish Plans and Village Design Statements.

⁵ This document sets out best practice for local authorities, and is built on existing experience. Community Led Planning (CLP) already provides the basis for communities to come together to decide their own future, and contribute their own efforts to make it happen. The process generates participation and results in actions that are based on a sound understanding of local needs and aspirations. The guide offers an insight into how community action can be kick-started to take advantage of the new rights that are becoming available to them through the Localism Act.

Suggested roles and responsibilities at each stage of a Community Led Plan

Stage & relationship to Process	Activities required by communities	Local facilitator support (eg. Local organisations, Consultants)	Local authority support
Launch the Plan Stage 1	<ul style="list-style-type: none"> ➤ Attract community interest in the plan ➤ Establish a leadership structure ➤ Plan the work ahead 	<ul style="list-style-type: none"> ➤ Provide information about CLP and the support available ➤ Introduce toolkits and resources which provide a step-by-step guide to producing a plan ➤ Signpost to other successful CLPs ➤ Facilitate launch events ➤ Support new leadership structures, helping them plan the next steps and access funding 	<ul style="list-style-type: none"> ➤ Provide information about CLP and the support available ➤ Attend plan launch events ➤ Offer a named contact who can respond to enquiries and signpost to colleagues where needed
Evidence local needs and aspirations	<ul style="list-style-type: none"> ➤ Research existing facts and information about the local area ➤ Consult everyone locally 	<ul style="list-style-type: none"> ➤ Encourage the use of existing facts and information ➤ Explain the application of different consultation techniques ➤ Suggest ways of making sure that consultation is inclusive ➤ Assist with the analysis of consultation data 	<ul style="list-style-type: none"> ➤ Make existing facts and information available to communities to help them research their local area ➤ Add value to the work of local facilitators, providing resources and support to aid community consultation ➤ Encourage the involvement of councillors in consultation activities
Agree and prioritise actions	<ul style="list-style-type: none"> ➤ Make sense of evidence gathered ➤ Draft actions to improve the community ➤ Agree and prioritise actions ➤ Produce a final document explaining the plan, research undertaken and the actions that will be pursued 	<ul style="list-style-type: none"> ➤ Help with data analysis ➤ Signpost to other communities addressing similar issues ➤ Facilitate events set up to agree and prioritise actions ➤ Make sure actions are developed in consultation with key partners ➤ Provide examples of other plan documents 	<ul style="list-style-type: none"> ➤ Help with data analysis ➤ Advise on the development of actions where appropriate ➤ Respond to draft plans ➤ Clarify the support available for the delivery of actions
Deliver and monitor actions	<ul style="list-style-type: none"> ➤ Work with others where needed to implement and monitor the actions specified in the plan ➤ Review the plan where it needs updating 	<ul style="list-style-type: none"> ➤ Provide ongoing support and advice for the delivery of actions ➤ Mediate between the community and other partners where issues with delivery arise ➤ Support community groups that have chosen to work together to deliver actions ➤ Monitor progress made towards delivery of actions ➤ Remind communities to review their plan and provide guidance about how to do this 	<ul style="list-style-type: none"> ➤ Keep a record of CLP actions ➤ Make use of CLP data for strategic purposes ➤ Provide ongoing officer support for the delivery of actions ➤ Outline expectations for communities to review plans

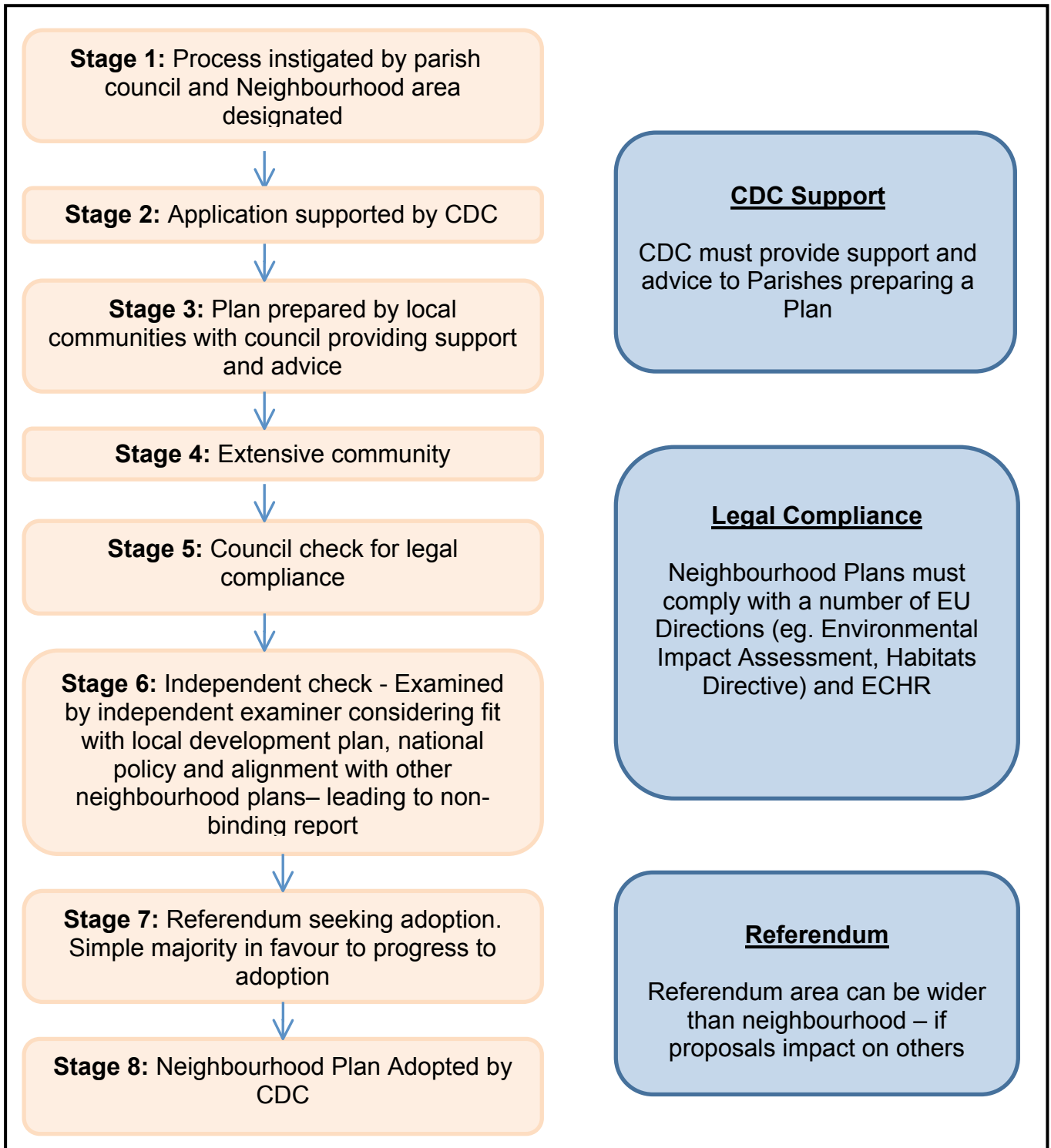
From: Making the most of Community Led Planning: a best practice guide for local authorities ACRE & AMT 2011

Appendices

Appendix 1: Preparing a Neighbourhood Plan

Figure 1 below summarises the steps that a 'neighbourhood planning team' (the steering group for the plan) could go through to develop a Neighbourhood Plan for their community. The final three stages will be statutory, and should therefore be seen as obligatory in this process.

Figure 1: The Neighbourhood Plan Process within Cherwell District



Stage 1: Process Instigated by Parish Council

- Establish a neighbourhood planning team or steering group – include cross-representation of community:
 - residents,
 - representatives of community organisations
 - business owners
 - landowners
- Produce a project plan or programme for developing the Plan – including details of:
 - What activities will need to be carried out at each stage - meetings, publicity, surveys, events
 - What resources will be needed to carry out these activities - people, materials, funding
 - How much time should be set aside to accomplish each stage?
- Develop a communications strategy – good publicity and communication both at the start of the process and throughout are key to keeping the community involved & getting their support
- Make contact with Cherwell District Council to advise of proposals for starting work on a Neighbourhood Plan. The Council will have an important role in managing expectations and will need to be able to gauge the number of Neighbourhood Plans or development orders that might come forward in this area.

Stage 2: Neighbourhood area designated

The neighbourhood area is the area to which the proposed Neighbourhood Plan (or Neighbourhood Development Order) will relate. The expectation in Cherwell is that, in most cases, neighbourhood areas will follow parish boundaries. However, a neighbourhood area can cover only part of a parish or a combination of parishes, if appropriate.

If the proposed neighbourhood area covers more than one parish, then consent must be sought from each of the affected parish/town councils. This will also have implications for representation on the steering group and the scale of community engagement that the process will require.

Submit an application to Cherwell District Council to prepare a Neighbourhood Plan and undertake required consultation on the application.

Stage 3: Plan prepared by local communities with Council support and advice

(i) Community Profiling

- Gather together relevant information and evidence – from both official statistics (suggested list of websites at Appendix 4) and surveys of local people;
- Community profiling – gather statistical data to build up social portrait of neighbourhood & community characteristics e.g.:
 - population size
 - household size
 - incomes
 - family composition
 - place of work and commuting patterns
 - length of time lived in village

- what current or emerging proposals that will affect the area
- what do local residents value & worry about
- what physical assets does the neighbourhood have & what condition are they in - is there a village hall/community centre, playing fields, sports facilities, footpaths, local shops, health facilities;
- Gather information from any existing plans, strategies or studies relating to the neighbourhood (see Appendix 2 for detail);
- Initial discussions with stakeholders to understand whether there are any other aspirations that have not yet been developed into a plan or a strategy e.g.:
 - Local community organisations
 - Local businesses
 - Local landowners and/or their representatives
 - Officers at Cherwell District Council and Oxfordshire County Council
 - Officers from other public agencies and service providers, as appropriate (eg Natural England, Environment Agency, English Heritage, Oxfordshire County Council, Primary Care Trust etc.);
- There may be a need to tailor techniques for different sectors of the community (e.g. online survey for young people, visiting an elderly persons' home to meet with individuals to hear views on the neighbourhood.)
- Identify the area's strengths and weaknesses asking questions such as:
 - 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 resources (eg people, places, services, land) do we have?
 - What opportunities exist in the area?
 - What are the barriers (physical, financial, environmental)?
- Define the neighbourhood area

(ii) Developing Vision and Objectives

The Vision will 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. This time scale should reflect that in the Core Strategy/LDF which currently plans up to 2026. The objectives will set out what the community wants to achieve in order to help realise the vision. It is important that the vision is realistic and achievable and that it is based on the information gathered.

- Begin analysis of information received during information gathering stage including what implications these plans have for the neighbourhood;
- Draft the vision and objectives – these should be realistic and achievable and based on the information gathered;
- Check draft vision and objectives with community – endorsement could be sought in a variety of ways 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 local newsletter/magazine/website and providing an address to receive people's feedback;

(iii) Sustainability Appraisal process.

The Government has advised that part of the legal requirement for a planning document is the preparation of a Sustainability Appraisal (SA) which is required in order that they become part of the adopted development plan for an area. Neighbourhood Plan steering groups should be aware that the sustainability appraisal will need to be planned for early on in the process. UK guidance suggests that social and economic impacts of plans should also be assessed.

Sustainability Appraisal

What is sustainability?

Sustainability is defined as being “about treating the earth as if we intended to stay and making sure that future generations inherit the earth in a good state”.

What is Sustainability Appraisal?

Sustainability appraisal is a process of ensuring that decisions are taken which balance economic, social and environmental factors for positive benefit. Sustainability Appraisal (SA) looks at the possible economic, environmental and social impacts of an emerging plan in order to promote sustainable development. This results in a final plan which has the least negative impact possible in an area. Sustainability Appraisal (SA) is a compulsory requirement under the 2004 Planning and Compulsory Purchase Act and the 2001/42/EEC European Directive. You can be legally challenged for not carrying out an SA where one is required.

What is the Sustainability Appraisal Framework?

The Sustainability Appraisal Framework is made up of objectives, indicators and targets tailored to the key sustainability issues for this District. Planning policies are looked at under these targets and indicators in order to understand how they will contribute towards the sustainable development of the Area.

The steps of 'sustainability appraisal' (SA) are basically the same as good plan-making. It is important that the appraisal is started when work starts on the plan (ie developing draft policies and content), so that *emerging* ideas, content and policies can be assessed, in order to inform the final plan. If the sustainability appraisal is done too late, it will not be able to inform the final plan (increasing the risk of a legal challenge at a later stage).

Appropriate Assessment follows a similar principle and this is something that may be relevant to certain Neighbourhood Plans. This specifically considers the wider impacts of particular emerging policies and plans on European sites of ecological importance (Natura 2000 sites) within the area.

The Sustainability Appraisal and Appropriate Assessment need not be complicated, but should be carried out by someone independent of the Neighbourhood Plan process. They can either be

written by a local resident or a planning consultant with support from the District Council.

What are the main stages of Sustainability Appraisal?

There are 5 stages to the SA process:

Stage A

Setting the context, objectives, baseline and scope for the SA (Scoping Stage). This stage highlights how planning policies will be appraised, and is set out in what is called the Scoping Report.

The gathering of baseline information is similar to the information gathering stage of the Neighbourhood Plan process and involves identifying what is in your neighbourhood, what is important for local residents, and how these things might change in the future without your plan. The legislation suggests that the SA should describe the 'baseline environment' in your neighbourhood. The baseline can include:

- Air quality and noise
- Archaeology and cultural heritage
- Biodiversity, flora and fauna
- Crime and community safety
- Education and training
- Energy and climatic factors
- Health and well-being
- Labour market and economy
- Landscape and townscape
- Material assets
- Population
- Social deprivation
- Soil, geology and land use
- Waste
- Water

Stage B

Developing and refining plan options. This stage uses the framework set out in the Scoping Report to appraise planning policy options. The SA Commentary Report will highlight which option is most sustainable and also how it can be improved.

Stage C

Appraisal of the social, economic and environmental effects of the plan. This stage is similar to Stage B, it appraises the preferred planning policy and will state if the policy could be improved to be more sustainable. This is set out in a document called the Sustainability Appraisal Report.

Stage D

Consulting on the plan and the SA Report - At this stage we will ask people if they think the SA is correct, or if they think the policy could be made more sustainable.

Stage E

Monitoring the implementation of the plan - It is important for planning policies to be monitored, to make sure they are sustainable and to check there are no negative impacts.

Further guidance can be found in “DIY SA”: Sustainability Appraisal (Also Known As Strategic Environmental Assessment) Of Neighbourhood Plans Draft April 2010, Levett Therivel.

(iv) Developing the Plan

Following consultation on the draft vision and objectives, any necessary amendments can be made before moving on to developing the detailed content of the Neighbourhood Plan.

- Develop policies based on the vision and objectives
- Check whether options have been adequately tested as to cost and impact
- Develop an implementation plan
- Finalise the draft of the Neighbourhood Plan
- Check for conformity with strategic policies in the Local Plan – the resulting Neighbourhood Plan will need to reflect or ‘be in conformity with’ the strategic policy for the area.

The content of the final Neighbouring Plan will include policies, proposals maps and possibly an action or 'implementation' plan for the area. The intention of Neighbourhood Plans should be to set out policies on the development and use of land in a neighbourhood area. These must be credible, justifiable and achievable. Policies may:

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

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, 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 perhaps via a commuted sum.

The need to ensure policies are achievable particularly applies to those that relate to the future use of particular sites within the area. The neighbourhood planning team should ensure that site-related policies have been drawn up in negotiation with the relevant landowners or site promoters. These stakeholders should also have been approached and involved in early discussions with the team as part of the information gathering stage.

Site Proposals Maps

For site allocations and site-related policies, the Neighbourhood Plan will need to include a map(s) showing proposed site locations and boundaries.

Implementation Plan

The implementation plan does not set out policies but contains actions that need to be undertaken in order to deliver the policies that are in the Neighbourhood Plan. The implementation plan should contain actions that are SMART (Specific, Measurable, Achievable, Realistic, Timely). The following principles could be considered when writing the implementation plan:

- Priority - is the action a high, medium or low priority?
- Responsibility - which 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 (eg the Council, the County Council, landowners, other service providers), as well as groups from within the community.

Production of Neighbourhood Plan

There is no rule on what a Neighbourhood Plan should look like, however, it should contain clear policy statements alongside relevant accompanying maps.

Once the Neighbourhood Plan is drafted the steering group will also need to produce a simple report on the sustainability appraisal process (and Appropriate Assessment, if necessary) that it has gone through, explaining why the policies it has included in the plan are the most appropriate ones.

Stage 4: Extensive Community Engagement

- Check proposals with landowners or site-owners to ensure any proposals are deliverable and realistic
- Check draft Neighbourhood Plan with community and other stakeholders to ensure there is general support

At this stage, before submitting the plan to Cherwell District Council, the neighbourhood planning steering group should check that residents, businesses and other stakeholders are happy with the content of the plan. The report of the Sustainability Appraisal (and Appropriate Assessment, if necessary) should also be made available for comment.

The Neighbourhood Plan should also be sent to wider stakeholders including Cherwell District Council (although planners and other officers will have already been assisting the team in the development of the plan), Oxfordshire County Council, the Environment Agency, Water Utilities, Natural England, Oxfordshire Police etc, as well as the local community. These organisations can offer valuable advice and guidance on the content of the plan, as it relates to their particular disciplines. Officers at Cherwell District Council will be able to assist in the identification of wider stakeholder organisations that should be consulted on the draft plan. The neighbourhood planning team should also consult with parish or town councils lying adjacent to its own parish boundary.

Once consultation has been carried out with residents and local 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 draft plan before submitting it to Cherwell District Council, ready for the independent examination.

Stage 5: Council check for legal compliance

- Submit Neighbourhood Plan to Cherwell District Council so that the Council can check the plan and ensure that the process that has been followed is in accordance with the requirements of the Localism Act.

Stage 6: Independent Examination

- Appointment of examiner
- Examiner's report published

Cherwell District Council will decide, in collaboration with the neighbourhood planning team, who should be appointed to undertake an independent examination of the Neighbourhood Plan.

The main function of the examination will be to check that the Neighbourhood Plan conforms with:

- The strategic content of the Local Development Framework
- The National Planning Framework and/or other national guidance
- European Directives
- National and international designations (eg listed buildings and Conservation Areas)
- Neighbouring Neighbourhood Plans

In general, it is likely that the examination into the Neighbourhood Plan will be by written representations during the examination period, rather than oral representations. However the examiner may decide that an oral representation is preferable in certain situations. In this case a public hearing must be held.

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

- That the draft Neighbourhood Plan should proceed to a referendum
- That it should proceed to a referendum, subject to certain amendments
- That the proposed Neighbourhood Plan should be refused

If the examiner recommends that the draft plan should proceed to a referendum, he/she may also recommend that the area to be subject to a referendum is extended beyond that of the parish in question.

The report will be issued to both the parish/town council in question and Cherwell District Council. The latter will arrange for the publication of the report.

Cherwell District Council will then consider the examiner's report to decide whether or not the recommendations should be followed. The Council will publish its decision on this matter and will notify the parish/town council in question.

Stage 7: Referendum

- Cherwell District Council co-ordinates local referendum

Assuming that the examination report decides that the draft Neighbourhood Plan should proceed to a local referendum, then this is the next stage of the plan process.

The referendum will normally be open to any individual registered to vote in the parish, but the independent examiner (or Cherwell District Council) may take the decision that the referendum should be extended, if certain policies within the plan have particular implications for surrounding communities, for example.

A referendum is required to gauge community support for the Neighbourhood Plan. If the majority of those who vote on the adoption of the Neighbourhood Plan vote favourably, then the Plan will be 'made' by Cherwell District Council.

Stage 8: Neighbourhood Development Plan Adopted by Local Authority

- If referendum indicates community support, the Neighbourhood Plan is 'made' by the LPA

Once the relevant part of the Localism Act has been enacted then the Neighbourhood Plan will become part of Cherwell District Council's Local Development Framework. The plan will at this point become a material consideration in the determination of applications for planning permission. It is expected that Neighbourhood Plans and Cherwell District Council's planning documents will be complementary and will reference each other, where necessary.

Stage 9: Implementing & Monitoring the Plan

Once the Neighbourhood Plan has been adopted within Cherwell District Council's Local Development Framework it becomes a part of the statutory development plan against which relevant planning applications will be determined.

Applications can occur at any time, but the neighbourhood planning team (which may have now dissolved following production of the plan or morphed into a standing committee of the parish/town council) will wish to ensure that activity on the ground is progressed, in order to hasten any developments and meet the objectives of the Neighbourhood Plan.

The Parish Council (or standing committee thereof) will find it valuable to monitor the Neighbourhood Plan and associated implementation plan, to check progress in terms of meeting the community's objectives. If certain actions require the input of external partners (eg landowners, developers, Cherwell District Council, Oxfordshire County Council) then the parish council will want to ensure that named contacts in these organisations are able to help progress the work that is outlined, in the time required.

Appendix 2. Existing Plans, strategies and studies relating to neighbourhood planning

Parish Plans

Cherwell District Council encourages and supports Parishes to develop Community Led Plans with assistance from Oxfordshire Rural Community Council (ORCC).

In Cherwell there are 12 completed Community-Led Plans (CLP) and 15 in various stages of progress. Parishes with completed CLP's include:

- Cropredy
- Bloxham
- Chesterton
- Kirtlington
- Milcombe
- Steeple Aston

Published CLP's can be viewed at www.clp-se.org.uk

The Local Plan and Joint Core Strategy

Cherwell District Council planning documents (Core Strategy, emerging Local Development Framework documents and representations on those documents made by the parish/town council or other local community groups). They can all be viewed at the following link:

www.cherwell.gov.uk/localdevelopmentframework

The Local Development Framework must be developed from a sound evidence base. This evidence may also be useful for those preparing Neighbourhood Plans. The table below shows evidence work undertaken so far. They can be found at:

<http://www.cherwell.gov.uk/index.cfm?articleid=3244>

This will be updated as and when new evidence is prepared.

Strategic housing market assessment	December 2007
Affordable housing viability study	March 2010
Analysis of the viability of Extra Care Housing units within Section 106 scheme in Cherwell DC	February 2011
Cherwell housing needs assessment	June 2008
Cherwell housing needs assessment	June 2009
Assessing the type and size of housing stock required in Cherwell	September 2009
Needs assessment for travelling showpeople - executive summary	November 2008
Gypsy and traveller accommodation needs assessment for the Thames Valley region	September 2006
Green space strategy & background document	July 2008

Playing pitch strategy & background document	July 2008
PPG17 assessment - indoor sports and recreation facilities assessment	August 2006
PPG17 assessment - open space, sport and recreational facilities needs assessment audit and strategy	July 2006
Banbury integrated transport and land use study	January 2010
Bicester integrated transport and land use strategy (draft)	February 2009
Cherwell rural areas integrated transport and land use study	August 2009
PPS6 town centres study	December 2006
Cherwell retail study update	November 2010
Employment land review	July 2006
Cherwell tourism development study	August 2008
Cherwell and West Oxon strategic flood risk assessment (level 1)	May 2009
Landscape sensitivity and capacity assessment	September 2010
Habitats regulations assessment (stage 1) of options for growth consultation on directions of growth	November 2009
Final habitats regulations assessment (stage 1 - screening) of draft core strategy	February 2011
Renewable energy and sustainable construction study	September 2009

Conservation Areas and Appraisals

Some of the streets and buildings within Cherwell are part of the historic character of the district. Where these places are of special architectural or historic interest or deserve to receive careful protection, they can be protected either through designation as conservation areas or having listed building status. Cherwell has 59 Conservation Areas, over 3000 Listed Buildings, 55 Scheduled Ancient Monuments and 5 Historic Parks and gardens and a Historic Battlefield.

A conservation area is defined as an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. These set out the character of the area we aim to preserve or enhance and indicate opportunity areas or elements that detract from the character of the conservation area.

To find out more visit

www.cherwell.gov.uk/conservation

Cherwell's Economic Development Strategy 2011-16

The central theme of this Strategy is the creation of 'economic resilience', whereby we focus upon the power we have locally to combine the resources of the private, social and public sector partners. It adds new insights and understanding that has resulted from discussions

with businesses and partners, and innovative research during a time of immense organisational, political and economic change.

At its heart, there is a will to continuously develop our local economy to ensure it remains internationally competitive by recognising and developing our unique set of resources contained within three broad themes: People, Business and Place. There is a collective will to join together, particularly through the Local Strategic Partnership (LSP), and informally to maximise opportunities locally for the benefit of the District's businesses, employees, residents and visitors.

To find out more visit

<http://www.cherwell.gov.uk/index.cfm?articleid=7128>

Cherwell Housing Strategy 2005 – 2011

This strategy sets out how to address some of the complex issues that affect housing availability, affordability and quality of life. Its contents cover the period from 2005-2011. It contains seven priority areas.

All housing Strategies including the Housing Strategy 2005- 2011 the Housing Strategy for older people and the Homelessness Strategy can be viewed at

<http://www.cherwell.gov.uk/index.cfm?articleid=1791>

A new Housing Strategy is currently being prepared.

Cherwell Rural Affordable Housing Improvement Plan

The Rural Affordable Housing Improvement Plan (2009) sets out how we and our partners will help deliver more affordable housing in rural areas.

The report covers issues such as:

- identifying sites as rural exception sites
- working with land owners
- strengthening communications with parish councils
- delivering more affordable housing for those people in need of a home in rural areas.

One of our priorities is delivering affordable housing. This is reinforced in rural areas by the need to achieve sustainable rural communities with a wider gap between incomes and house prices.

<http://www.cherwell.gov.uk/index.cfm?articleid=4465>

Cherwell Rural Strategy

The Rural Strategy was published on 01 April 2009. The objectives and aims in the main document cover the period 2009 - 2014. Each year a delivery plan sets out specific actions to achieve the objectives and aims.

The Rural Strategy and 2009-10 delivery plan can be viewed at

<http://www.cherwell.gov.uk/index.cfm?articleid=1684>

Cherwell Sustainable Community Strategy

“Our District, Our Future” February 2010 – produced by Cherwell Local Strategic Partnership

<http://www.cherwell.gov.uk/index.cfm?articleid=3563>

Oxfordshire Local Transport Plan (LTP)

The main transport policy document is the Oxfordshire local transport plan (LTP). This sets out a five year transport strategy which has been approved and funded by central government.

Cherwell have used this framework to develop transport policies, which are included within its local plan and will also form part of the local development framework, which is currently in being prepared

For more information regarding the Oxfordshire local transport plan (LTP) please visit Oxfordshire County Council's website.

<http://www.oxfordshire.gov.uk/cms/public-site/local-transport-plan>

Cherwell District Council Local View

The Council has LocalView, which is an online single point of access for all, providing local service, community and environment information. Anyone can use the interactive maps, text or links to third party websites to obtain a wide variety of locally relevant information.

For more information visit

<http://your.cherwell.gov.uk/LocalView/Sites/localview>

Appendix 4. Other Sources of Support

There is a wealth of other local, regional and national organisations and services that can provide assistance to communities undertaking Neighbourhood Plans. At a local level, Oxfordshire Rural Communities Charity are valuable sources of support and assistance, particularly in terms of engaging with the community.

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

- **The Prince's Foundation** - assistance with community engagement and finding local solutions to issues. www.princes-foundation.org
- **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
- **The Royal Town Planning Institute** - via the Planning Aid service, 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
- **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

In addition, it is likely that a great deal of benefit can come to neighbourhood planning teams by networking with similar groups elsewhere in the district that are developing Neighbourhood Plans. Cherwell District Council will assist in terms of enabling these networking opportunities to occur, where neighbourhood planning teams are happy to do so. Other Parishes are employing Planning Consultants to assist in the process who would also act as a facilitator in the Neighbourhood Plan process.

Appendix 5: Frequently answered questions

What is a Neighbourhood Plan?

A Neighbourhood Plan is a new type of plan which will focus on local areas rather than the District as a whole. Neighbourhood Plans will be produced by communities although the District and County Councils will provide technical advice and support. The plan making process must be led by the local parish or town council. Policies included in Neighbourhood Plans will need to be related to the use of land in the area, or to spatial matters (ie aspects that affect how a place works). If 'made' they will form part of the overall development plan for the District and will be used to assist in the determination of all planning applications in that area.

Who can produce a Neighbourhood Plan within Cherwell?

Parish and town councils.

Is it compulsory to produce a Neighbourhood Plan?

No. Every parish or town will have the right to produce a Neighbourhood Plan but it is recognised that not all areas will want to. It will be up to each parish or town to decide if a Neighbourhood Plan would benefit their area and this will depend on local circumstances.

What might a Neighbourhood Plan look like?

Government has said that the neighbourhood should decide what a Neighbourhood Plan contains, but that they should be flexible enough to address different needs and expectations. They could have high level visions and objectives for the future of an area, they could identify small projects for change or they could take the form of a masterplan: a comprehensive land-use plan embracing spaces, movement, activities and the development of buildings.

The Neighbourhood Plan will become part of the formal planning process and set the tone for future change and development. It must be in conformity with national planning policies and the strategic policies in the Council's LDF Core Strategy. The intention is that a Neighbourhood Plan cannot promote less housing and economic development than envisaged in the Council's development plan because a Neighbourhood Plan must be in "general conformity" with the strategic elements of the development plan.

A Neighbourhood Plan must comply with a number of European Union Directives and be in line with both national policy (which will be set out in a new National Planning Policy Framework) and Cherwell's Local Plan. When the plan has been produced, an independent examiner will consider whether it is consistent with these requirements.

Following the independent examination, the whole community will have an opportunity to vote whether to adopt the plan in a local referendum (which will be organised by the District Council). If a majority of the community vote in favour of the plan, the Council will be required to 'make' the Plan as a statutory planning document.

In order to prepare a plan that is accepted by the community in a referendum, it will be vital to ensure that there is effective community engagement throughout the whole plan making process. The more the local community has been able to shape the Neighbourhood Plan, the more likely it will pass a referendum.

Can a Neighbourhood Plan stop development?

No. A Neighbourhood Plan can guide development to be more appropriate to local context and help decide where development should go. However the Government is very clear that it will not be possible to use Neighbourhood Plans to stop development. Indeed it is the Government's expectation that Neighbourhood Plans will at least provide for development to meet local needs and provide the opportunity to identify an increased level of development within their area if appropriate.

Who will pay for the neighbourhood planning process?

It will be up to the parish or town council to pay for the preparation of a Neighbourhood Plan. The Localism Act suggests that the business community could contribute towards the costs. The District Council will pay for the independent examination and referendum.

What is the timeframe?

It will be up to individual areas to decide on the pace at which they wish to progress their plans. However it is anticipated that on average the process is likely to take between one and two years.

How much work will be required to produce a Neighbourhood Plan?

The level of work required will largely depend on how much detail the plan goes into. This will be decided at the local level although there are minimum statutory requirements such as a Habitats Regulations Assessment and Sustainability Appraisal that will need to be completed. The District Council will have a duty to provide technical and practical support to the plan making process. This is a new process that has not been tried before and will therefore be a learning process for all of those involved.

Is the Council still progressing a Core Strategy or just Neighbourhood Plans?

The District Council is still progressing a Core Strategy and is currently working towards the Submission consultation. A Neighbourhood Plan is expected to be prepared in broad conformity with the LPA's development plan and national planning policy. Support for parish and town councils wishing to produce Neighbourhood Plans will be offered alongside this existing work.

What weight (importance) will be given to a Neighbourhood Plan?

Where Neighbourhood Plans exist these will form part of the development plan and decisions will need to be taken in accordance with them.

The weight (importance) that is attached to a particular policy can only be decided when considering a specific proposal. At a general level Neighbourhood Plans and the Local Plan should complement each other.

Once the District Council adopts a Neighbourhood Plan it will become a statutory planning document. This means that it must be considered in the determination of any planning application in the specified area and decisions should be taken in accordance with it.

Some parish and town councillors and residents have commercial interests as builders or developers. How will the system be maintained to ensure validity and fairness?

It will be the responsibility of individual parish and town councils to ensure that the plan making process in their area is open and transparent. Personal and business interests should be declared at the outset.

Who would be responsible for providing evidence for the independent examination stage?

The parish or town council as the plan maker would need to supply the evidence. The Government has stated that this is intended to be a more light-touch process than is currently in place. The District Council will need to confirm that the plan is compliant with European Union Directives, national policy and the development plan.

Can there be more than one Neighbourhood Plan for an area?

No.

What is the role of National Policy in neighbourhood planning? When will the new National Planning Policy Framework (NPPF) be published?

All Neighbourhood Plans and Orders will need to be appropriate having regard to national policy. In the future, national policy will be detailed in the National Planning Policy Framework that is likely to be adopted in April 2012.

Can Neighbourhood Plans be prepared before the adoption of a local plan or core strategy?

The Government wants local councils to get plans in place that reflect the development needs of their area, based on up-to-date evidence which can also provide a framework for future Neighbourhood Plans. However, Neighbourhood Plans will be able to come forward regardless of the stage of preparation of the Council's plan. An up-to-date local Council plan is not a pre-requisite for neighbourhood planning.

Where neighbourhood planning is undertaken before an up-to-date Council plan is in place, collaboration between the community and the Council will be critical.

The local Council should take an active role in advising and supporting the community group, sharing evidence and information and ensuring the Neighbourhood Plan fits with the strategic policies of its existing adopted development plans and national policy. It will be for the local Council and examiner to determine the weight to be attached to policies in an existing local plan when considering Neighbourhood Plans.

Can a Neighbourhood Plan be adopted as part of a development plan without a core strategy?

Any Neighbourhood Plan that completes the neighbourhood planning process successfully will become part of the statutory development plan for the local area. This is regardless of what documents currently make up the development plan. It is important to remember that for a Neighbourhood Plan or Order to be successful it needs to be in general conformity with the existing development plan for the local area.

What if neighbourhood development plans bring forward issues that require changes to the core strategy?

If the community does identify issues that would require changes to the core strategy, it is up to the local authority to decide how to take this forward.

However, there are sufficient opportunities for local communities to set policy for their area, for example, on detailed design or the precise location or mix of development. But Neighbourhood Plans and Orders must be in general conformity with the strategic policies in the development plan for the local area.

What is a strategic policy?

'A strategic policy' normally means a policy that is essential to the delivery of a strategy, and is a matter for each local council to determine. Whilst the strategic policies will be different in each local authority's area, the overall scale and distribution of housing and employment are likely to be 'strategic policies' in many local council areas.

Where there is an area allocated for a large housing development – how do we deal with a Neighbourhood Plan proposing to prevent the development taking place by identifying it as a valuable open space?

As mentioned above, Neighbourhood Plans and Orders must be in general conformity with the strategic policies in the development plan for the local area. It will be for the local authority and the independent examiner to decide whether the Neighbourhood Plan in question is still in general conformity with the strategic policies in the development plan if the land originally allocated for housing is used instead as valuable open space. If it is found not to be in general conformity, then the neighbourhood development plan in question would not be able to be taken forward without adjustments.

CHERWELL DISTRICT COUNCIL CONTACTS

The key contacts at Cherwell District Council for Neighbourhood Planning support are
Charlotte Morbey – on (01295) 227970 or email: charlotte.morbey@cherwell-dc.gov.uk
Adrian Colwell – on 0300 003 0110 or email: Adrian.Colwell@Cherwellandsouthnorthants.gov.uk