

Neighbourhood Plans Roles and Responsibilities

A community's right to prepare a neighbourhood plan was introduced by the Localism Act 2011. The associated regulations (the Neighbourhood Planning (General) Regulations 2012) require Newcastle-under-Lyme Borough Council to undertake certain tasks. In addition the council is required to provide such advice and assistance as, in all the circumstances, they consider appropriate. To date two Neighbourhood Plan Areas have been designated involving four Parish Councils.

The Table below sets out a) the borough council's statutory/legal requirements obligations (bold text); b) tasks considered necessary to facilitate the borough council meeting its statutory obligations; c) the level of discretionary advice and assistance it proposes to offer to qualifying bodies (*italic text*), hereafter referred to the lead body, d) guidance on the role and responsibilities of lead bodies.

The information below has been compiled in relation to the Neighbourhood Planning (General) Regulations 2012 (as amended 2015) (see first column), The Neighbourhood Planning (Referendums) (Amendment) Regulations 2013, the Localism Act 2011, the Environmental Assessment of Plans and Programmes Regulations 2004, and the Conservation of Habitats and Species Regulations 2010.

Stage:	Lead Body Responsibilities and Council Expectations:	Proposed NULBC Role & Responsibilities –	Comments
Designation Regulation 6/7	<p>Consult the local planning authority and Ward Member(s) before making an application for designation.</p> <p>Work with other members of the community who are interested in, or affected by, the neighbourhood planning proposals to allow them to play an active role in preparing a neighbourhood plan.</p> <p>The terms of reference for a steering group or other body should be published and the minutes of</p>	<ul style="list-style-type: none"> • Subject to resources respond positively to requests from eligible lead bodies i.e. parish and town councils or neighbourhood forums, who are interested in preparing a neighbourhood plan including advising on what a neighbourhood plan can or cannot do. • Upon request advise the lead body on the proposed Neighbourhood Plan Area (NPA) boundary or proposed neighbourhood forum. • Subject to staff capacity and at least two weeks' notice the council may be able to provide maps of the 	<p>The council's Executive has delegated decisions on Neighbourhood Plan Area applications to the Portfolio Holder for Planning and Housing.</p>

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	<p>meetings made available to the public.</p> <p>Once the Neighbourhood Plan Area has been identified submit:</p> <ul style="list-style-type: none"> • A map of the proposed area • A statement explaining a) why the area is appropriate for designation b) that the body making the application is a qualifying body <p>Optional</p> <ul style="list-style-type: none"> • A description of the type of consultation that has been carried out to date • The objectives driving the decision to prepare a Neighbourhood Plan • Widely publicise proposed designation across NPA and inform people living and working in the NPA of the outcome. 	<p>proposed neighbourhood plan area.</p> <ul style="list-style-type: none"> • Provide written acknowledgement of receipt of NPA applications and confirm consultation period and notify ward members. • Publicise applications to designate a Neighbourhood Plan area on the council website. • Organise the public consultation on the Neighbourhood Plan Area via the website and displaying notices within the NPA. • The application will be advertised for a minimum of four weeks. • Respond to day to day enquiries relating to neighbourhood area applications via telephone and email. • Compile public consultation comments. • Prepare report to Portfolio Holder with a recommendation on the designation. • Decision made within the prescribed period. Currently 8 weeks following the start of the publicity period for Parish/Town Council area applications or 13 weeks in respect of neighbourhood forums. • Publish designations of 	

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		<p>Neighbourhood Plan areas, and decisions to refuse the application to designate, on the council’s website together with consultation comments.</p> <ul style="list-style-type: none"> • Notify the lead authority of the decision. 	
<p>Preparation of draft Neighbourhood Plan by the community</p> <p>Regulation 14</p>	<p>Prepare a project plan for the preparation of the Neighbourhood Plan. This would include</p> <ul style="list-style-type: none"> • An indicative timescale for the completion of the neighbourhood plan.* • The provision of regular updates on progress to the planning policy team via email. <p>*Project plan would cover the following:-</p> <ul style="list-style-type: none"> • Gathering baseline information and evidence • Identification of issues • Develop a vision and objectives • Generation of Options • Drafting proposals • Determining whether the proposals are likely to have a significant effect <i>i.e. whether the</i> 	<p>The council will be able to provide some assistance and advice but cannot control the Neighbourhood Plan preparation. At this stage the council will provide mainly technical support i.e. checking compliance.</p> <p>At the request of the lead body the council will participate in an initial meeting to provide an overview on the procedure and issues. This advice will cover:-</p> <ul style="list-style-type: none"> • The scope of a neighbourhood plan i.e. what it can or cannot do • Relationship with the emerging local plan and adopted development plan • The programme of work including timescales and key stages • The strategic policies that the neighbourhood plan needs to conform to. • Introducing LDF evidence base • Other appropriate data the council 	<p>It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan</p> <p>The lead body is strongly encouraged to consider the environmental implications of its proposals at an early stage. It is the responsibility of the lead body to determine through</p>

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	<p><i>Environmental Assessment of Plans and Programmes Regulations 2004 are likely to apply.</i></p> <ul style="list-style-type: none"> • Considering if a viability assessment is required. The sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. • Undertaking community consultation. <p>Draft the Neighbourhood Plan in consultation with:</p> <ul style="list-style-type: none"> • Those living and working in the neighbourhood area and those with an interest in or affected by the proposals (e.g. service providers) • Talking to land owners and the development industry. • Involve the Ward Member(s) <p>Ensure all alternative policy options have been considered</p>	<p>holds.</p> <ul style="list-style-type: none"> • Signpost to other sources of data. • Requirements of other legislation such as the Habitats Regulations and Environmental Assessments • The need for a sustainability appraisal. • Consultation with the "Consultation Bodies" <p>After the initial meeting the council will provide constructive comments on completed drafts of the emerging neighbourhood plan, including providing an informal opinion on the need for any environmental assessments and discuss the contents of any supporting documents, including evidence & the statement of basic conditions.</p> <p>The council will not offer support/assistance in the following areas:-</p> <ul style="list-style-type: none"> • Writing documents. • Developing options but will help to check that there are no major conflicts with the strategy and policies in the Local Plan. • Help in drafting policies but will advise on whether the Draft Neighbourhood Plan conflicts with strategic policies in the 	<p>separate screening exercises whether a Strategic Environmental Assessment and/or Habitats Regulations Assessment are required.</p>

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	<p>Undertake Strategic Environmental Assessment and/or Habitat Regulation Assessment, if required.</p> <p>Draft the Proposals Map.</p> <p>Draft basic conditions statement</p> <p>Undertake six week consultation on draft plan. The draft Strategic Environmental Assessment Statement and/or draft Habitat Regulation Assessment should be consulted on at the same time.</p> <p>Prior to submission discuss the contents of any supporting documents, including the statement of basic conditions with the borough council.</p>	<p>development plan.</p> <ul style="list-style-type: none"> • Primary research, or survey work including the analysis of comments but subject to capacity may be able to advise on the consultation process. • Attend every meeting/consultation event organised. • Direct financial support. <p>Prior to submission the council will provide advice and support in relation to</p> <ul style="list-style-type: none"> • The Statements the Neighbourhood Plan needs to be submitted with • Suitability of the plan in meeting the basic conditions • Suitability of any Environmental Assessment or Habitats Regulation Assessment undertaken 	<p><u>Consultation period for the draft plan</u></p> <p>All representations on the proposals should have been submitted to the borough council by the close of the publicity period</p> <p>The council's objective will be to seek to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.</p>
<p>Publication</p> <p>(Submission of the final neighbourhood development plan prior to the</p>	<p>Before submitting the plan to the local planning authority (LPA) the lead body should:</p> <ul style="list-style-type: none"> • publicise the draft plan and invites representations • consult the consultation bodies as appropriate 	<p>At submission the council will check:-</p> <ul style="list-style-type: none"> • Conformity with other legislative requirements • If the Plan conforms to the strategic elements of the development plan, as well as national policy (review 	<p><u>Consultation period for the submission version</u></p> <p>Those wishing to make their views known to the independent examiner, or who wish to submit evidence for</p>

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<p>examination)</p> <p>Regulation 15/16</p>	<ul style="list-style-type: none"> • send a copy of the draft plan to the LPA • where ‘European Obligations’ apply, complies with relevant publicity and consultation requirements • consider consultation responses and amends plan if appropriate <p>With the final neighbourhood development plan they will also need to submit:-</p> <ul style="list-style-type: none"> • A map or statement showing the extent of the area covered by the neighbourhood plan • A consultation statement detailing the consultation undertaken and summarising the comments received • Final copies of any Environmental Statements or Assessments undertaken • A statement of basic conditions. 	<p>site allocations and policies).</p> <ul style="list-style-type: none"> • Check the suitability of the consultation statement • Publicise the Plan and supporting documents via notices in the neighbourhood area and via the council’s website, with details for how to make representations • Consultation bodies referred to in the submitted consultation statement will be notified of the publication of the Neighbourhood Plan by email or letter. • Representations on the Neighbourhood Plan will be able to be made during a period of at least six weeks. <p>Submit report to Cabinet seeking confirmation of conformity.</p>	<p>the examiner to consider, will do this by submitting written representations to the local planning authority during the statutory publicity period on the submitted draft neighbourhood plan</p> <p>An emerging neighbourhood plan may be a material consideration in determining planning applications</p>

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<p>Independent Examination & Referendum</p> <p>Regulation 17/18</p>		<p>Once the council considers that the Neighbourhood Plan has been prepared correctly it will arrange for an independent examination, this will involve:-</p> <ul style="list-style-type: none"> • Identification and appointment of an Examiner in agreement with the lead authority • Organising all correspondence relating to the Examination (including public notices, emails and letter printing) • Publicise and submit the submission plan and other relevant documentation including comments received to the Examiner. • Discuss arrangements for the examination with the Examiner • Arrange and pay for a public hearing venue, should one be required by the Examiner • Consider the Examiner’s Report and decide whether the recommendations should be followed (Cabinet decision). • The Examiner’s Report and the council’s decision document (outlining any 	<p>The council is responsible for paying for the costs of the examination so it is in the council’s interests to ensure that the proposed plan meets the requirements.</p>

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		<p>modifications to be made to correct factual errors or ensure the plan meets the basic conditions) will be made available to view on the council’s website.</p> <ul style="list-style-type: none"> • The council will send the decision statement to the Neighbourhood Plan lead body and any consultees that have made representations or requested to be kept informed of the plan’s progress. • The report and the council’s decision statement will also be publicised within the neighbourhood area. • If the neighbourhood plan passes the examination the council will arrange referendum date and pay for a local referendum. • The council will organise two referendums in a business area (one for residents, the other for businesses). • The borough council will publish a notice of the referendum on their website. 	<p>Electoral services will be responsible for preparing ballot papers for the referendum, identifying all residential and business addresses within the neighbourhood area, sending out the ballot papers to each of those addresses and collating and counting the votes cast and received.</p> <p>The extent of the electorate who will be eligible to vote in the referendum will be determined by the type of Neighbourhood Plan to be prepared</p> <p>It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area. This is a decision of the Examiner.</p> <p>The Government is proposing the introduction of prescribed time periods for councils to hold a referendum regarding passing a neighbourhood plan.</p> <p>The Examiner’s report is non-binding and it is the borough council’s decision to accept any proposed</p>

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			modifications.
<p>‘Making’ of the Neighbourhood Plan and adoption</p> <p>Regulation 19/20</p>	<p>Provide the final Plan in an electronic format to the Planning Policy Team</p> <p>Provide any support documentation in an electronic format to the Planning Policy Team.</p> <p>Provide results of any primary resource data that would be helpful to the borough council.</p>	<ul style="list-style-type: none"> • If the referendum supports the Neighbourhood Plan then the borough council will adopt the ‘made’ plan as part of the overall development plan (Council decision). • Copies of the decision to adopt will be sent to the lead authority and anyone who asked to be notified. • The ‘made’ plan will be published via the council’s website and made available in the council’s contact centres. 	<p>The Government is proposing to introduce a time limit within which the plan must be “made” by the council once it has passed the referendum.</p> <p>Business areas will require two separate referenda, for residents and businesses, held in parallel. Where the two outcomes conflict the decision about whether to adopt the Neighbourhood Plan will rest with the council.</p> <p>The neighbourhood plan will form part of the approved development plan for the area, to be taken into account in decision making. Officers will need to keep ‘made’ Neighbourhood Plans under review and determine when they are likely to become out of date and need to be reviewed.</p>