

Neighbourhood Planning Flowchart 2023

Stage 1: Designation of the neighbourhood area

A written application must be made by a parish or town council, or a neighbourhood forum, to the Local Planning Authority (LPA) for the proposed neighbourhood area to be designated. This can be via email or letter.

The application must include: A statement explaining why the proposed area is appropriate and why the body applying is capable of being a 'Qualifying Body', and a map showing the extent of the area proposed.

The application will then be publicised by the LPA to give local people an opportunity to make representations. If the area being designated follows an already established Parish/Town boundary, there are no publicity requirements, the decision will be issued and the neighbourhood area will be designated.



Other things to consider:

Neighbourhood forums must be designated in non-parished areas, for example in urban areas or town centres. More advice is available on this from the LPA as it is a different process to an already established Parish/Town Council.

Stage 2: Plan Preparation

Part 1: The structure of your NP Group

It's really important that neighbourhood plan groups establish their structure and reporting techniques as early on in the process as possible. For example, specific terms of reference or a separate constitution. This is to ensure that the group is progressing well, and is keeping the Parish/Town Council informed appropriately and regularly, as ultimately they will have sign-off on the plan.

The neighbourhood plan group can be made up of people from many areas of the community: Parish/Town Councillors, residents, business owners, local community facility users/workers, willing volunteers etc. Decide at the outset the aims, objectives, topic areas and priorities for the plan. This should then steer the groups focus going forward and give you an insight into the type of people with the relevant skills and/or experience to help deliver the plan.



- How often will your Parish Council want to hear of your progress? Maybe a standing item on the Parish Council agenda would be useful
- Consider the topics you would like to cover – do you have the skillset in your team to achieve this?

Stage 2: Plan Preparation

Part 2: Evidence Gathering

Proportionate and robust evidence must underpin every element of the neighbourhood plan in order to meet the Basic Conditions, and to be realistic and effective. Evidence gathering will continue throughout preparation, so be prepared to store and read a lot of data and documents! Other factors such as the status of current and emerging local plan policies and the accompanying evidence base will influence the depth and breadth of the evidence needed for the neighbourhood plan. If the Local Plan has already covered a topic and it is up to date, it's most likely it won't need to be covered again, unless the neighbourhood plan is focussing on much more specific locally based issues.

Think early on who when and where you will notify of your progress throughout the preparation of the plan – transparency and openness are two key elements to a successful plan – take the public along with you.



- Have you covered the three strands of sustainability? Social, Economic, Environmental
- Have you also considered what infrastructure requirements your area has? i.e. transport, schools, health services, community facilities etc.

Other things to consider:

- During production of your plan, be aware of the environmental factors which may be effected by your proposals.
- Be mindful that the full SEA process can take months to complete, so build this into any project plan
- Don't forget the HRA too!

- Any comments received at this stage must be recorded, considered and responded to appropriately, as they will ultimately need form part of your Consultation Statement
- Consultation is absolutely critical to your plans success, so the more inclusive and fair your consultation at this stage the better

Have you made your plan and supporting documents website accessible? This is now a requirement of all public body websites. The submission of the neighbourhood plan will not be accepted if the plan does not pass the accessibility checks. The LPA can advise on this further if required.

To meet one of the Basic Conditions, the plan must be accompanied by a Strategic Environmental Assessment (SEA) or a sufficient screening report. A full SEA Environmental Report is required if the neighbourhood plan is likely to have a significant effect on the environment, historic and/or natural. To determine whether a full report is required, the plan must undergo a 'screening' exercise. The outcome of this will be consulted on with three statutory bodies: Natural England, Historic England, and the Environment Agency, to determine if they agree with the decision to undertake a full SEA or not.

It is recommended that the SEA Screening is completed as early as possible, but only when there is a complete draft of the plan. In any case, it must be undertaken prior to the pre-submission consultation (Stage 4). The LPA have lots of resources to share regarding SEA.



Regulation 14 of the Neighbourhood Planning Regulations require the draft plan to be the subject of a pre-submission consultation before it is submitted to the LPA for examination. The consultation should last at least 6 weeks and bring the plan to the attention of people who live, work or run business in the area, and any key stakeholders.

The Qualifying Body is responsible for running this consultation, and for determining who should be consulted, although there are certain statutory bodies that must be consulted (the LPA can advise on this). Many groups will choose to contact every address in their neighbourhood area to bring it to their attention, and/or produce leaflets, advertise on social media and in the local press. The publicity must include details of the proposed neighbourhood plan, where and when it may be viewed, how to make comments on the plan and by what date. In addition, the plan must be sent to the LPA and County Council (if applicable).



Regulation 15 of the Neighbourhood Planning Regulations involves the submission of the plan to the LPA. This is essentially the Qualifying Body handing the plan over to the LPA for them to proceed to submission consultation and examination.

The submission must include the following: a map of the neighbourhood area, a Consultation Statement, a Basic Conditions Statement, and the Submission Version of the plan. The LPA may have other requirements for submission, such as the minutes of the Parish Council meeting where the plan was signed off, and certain website accessibility requirements, so it's always best to check with the LPA what they require before submitting.

On receiving the submission, the LPA is responsible for checking that the submitted plan has followed the legal process and that all requirements are met. Once those checks have been completed, the plan can proceed to the next stage.



Stage 3: Strategic Environmental Assessment

Stage 4: Pre-Submission Consultation

Stage 5: Submission to the LPA

Stage 6: Submission Consultation

Regulation 16 of the Neighbourhood Plan Regulations state that the submission version of the plan must be publicised by the LPA for a minimum 6 week period. This is different to the previous Regulation 14 consultation, as this stage is undertaken by the Council, not the Qualifying Body. The Council will consult anyone the Qualifying Body consulted at Regulation 14 (detailed in the Consultation Statement) and anyone else they deem appropriate, for example interested parties on the Local Plan database.

Following the Regulation 16 consultation period, any representations made will be passed to the Independent Examiner (and to the Qualifying Body) and will be published on the LPA's website.



Other things to consider:

Following the Regulation 16 Submission Consultation, the Qualifying Body will not have an opportunity to make modifications to the plan, as the plan is sent straight to Examination. The Examiner may give further opportunity to comment on the representations if they find this necessary.

Stage 7: Examination

Part 1: Appointment of the examiner

The LPA will appoint an appropriately qualified and experienced person to carry out the independent examination of the plan. This process is usually done through the NPIERs service. The LPA will receive two or three CVs of planning professionals, and will assess them for their appropriateness for this particular examination. For example, some examiners may have specialisms in the natural environment, or have worked on lots of rural plans in the past, or are a barrister with planning expertise. The LPA will share their assessment with the Qualifying Body, and must get their agreement on their choice.

Once appointed, the LPA will send the plan, supporting documents and consultation responses to the Independent Examiner. The Examiner will then formally begin the examination and keep the LPA and Qualifying Body informed of progress and timescales.



The Examiner will ask for one or two key contacts at the Qualifying Body where they will send all correspondence, so ensure that the person you put forward will be available throughout, as timescales to respond are sometimes tight in order to keep things moving swiftly.

Stage 7: Examination

Part 2: Process & Modifications

If the Examiner has further questions or matters for clarification, the LPA and Qualifying Body (and any consultees) will be given time to consider and respond. All key correspondence throughout the examination is made public on the LPA's website so stakeholders can see the progress of the examination.

Normally the examination will be conducted by written representations, however if there are particularly complex matters, or issues around fairness/transparency, the Examiner can call an in-person public hearing, although this is avoided where possible.

The Examiner's remit is to examine the plan against the regulations and to ensure the plan is meeting the Basic Conditions. If the Examiner feels it is needed, they will suggest modifications that will need to be made before the plan can proceed to referendum. These will be set out in the Examiner's Report which is issued at the end of the examination.



- In addition to the Examiner, the LPA can also recommend modifications to the plan if they deem this is required.
- The Qualifying Body still have the opportunity to withdraw the plan, up until the point the decision to proceed is published (Regulation 18 Statement)

Stage 8: Referendum

The Regulation 18 Decision Statement, Examiner's Report and the modifications table will then be published. Following this, the LPA & Qualifying Body will work together to produce a Referendum version of the plan.

The process is then handed over to the Council's Elections team. People on the electoral register in the neighbourhood area will be entitled to vote in the referendum. The question asked will be: 'Do you want Hinckley & Bosworth Borough Council to use the neighbourhood plan for [insert name of neighbourhood area] to help it decide planning applications in the neighbourhood area?'

If more than 50% vote 'yes', then the neighbourhood plan becomes part of the statutory development plan for Hinckley & Bosworth.



Other things to consider:

The neighbourhood plan group may share factual information on the plan and encourage voting on the lead up to a referendum, but public money cannot be used to promote a yes vote. The Council's Election Team can provide more info about campaigns.

Stage 9: Making of the plan and monitoring

The Elections team will publish the result of the referendum and following this, as soon as reasonably practical, the LPA will formally 'make' the neighbourhood plan. This is done by publishing a Regulation 19 Statement.

LPA's and planning inspectors considering planning applications or appeals must make their decisions in accordance with the policies of the Local Plan and neighbourhood plans unless material considerations indicate otherwise.

The work doesn't stop there! The plan will require monitoring and review to ensure it stays up to date. The town/parish council or neighbourhood forum should put procedures in place to do this to ensure that the policies are being used as intended, and to ensure the plan stays in-date. How the policies are applied may also indicate that slight wording changes are required to be more effective. This should trigger the review process, see Stage 10.



Planning applications in the neighbourhood area should be one of the elements monitored. The Parish/Town Council or forum can submit either objections where the application doesn't comply with the neighbourhood plan policies, or support where it does comply.

Stage 10: Review

Changes in the planning system and national policy will also need to be monitored, as these may have implications for the policies in the neighbourhood plan. For example, if the NPPF has been updated or the Local Plan is reviewed which results in conflicts with policies in the neighbourhood plan, the policies in question would be rendered out-of-date. It may be necessary to consider undertaking a review of the plan to find a resolution.

A review of a neighbourhood plan can fall into three categories: a minor review, a major review that does not materially affect the nature of the plan, or a major review that does materially affect the nature of the plan. Depending on the level of review, the plan may need to undergo another examination and referendum. The LPA can advise on which level your review will fall into.



Remember that you only get the extra 'protection' under Paragraph 14 of the NPPF (where the LPA does not have a 5 year housing land supply) for 2 years after the plan is made, so this doesn't give you long to organise a review of the plan to ensure the plan remains up to date.