

Neighbourhood plan procedures and requirements.

Planning practice guidelines 6/3/14

GENERAL RULES

3-040 How does the five-year housing supply relate to neighbourhood planning?

Paragraph: 040 Reference ID: 3-040-20140306

Local planning authorities need to be able to demonstrate a five-year supply of deliverable sites in order to comply with national policies. The National Planning Policy Framework asks local planning authorities to use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing, identifies key sites that are critical to the delivery of the housing strategy and identifies and updates annually a supply of specific deliverable sites sufficient to provide a five-year supply.

[Neighbourhood plans](#) set out policies that relate to the development and use of land and can be used to allocate sites for development but the plans must be in general conformity with the strategic policies of the Local Plan. Where a neighbourhood plan comes forward before an up to date Local Plan is in place, the local planning authority should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress and to share evidence used to prepare their plan. [Neighbourhood plans](#) should deliver against the objectively assessed evidence of needs.

DOES THIS AFFECT NP POLICIES? NO, LP controls it

33-006 Are concerns about land contamination relevant to neighbourhood planning?

Paragraph: 006 Reference ID: 33-006-20140306

Concerns about land contamination could be relevant to neighbourhood planning and it is important to consider the possibility of land being affected by contamination when drawing up a [Neighbourhood Plan](#) or considering a Neighbourhood Development Order. The local planning and environmental health departments should be able to advise on whether land contamination could be a concern.

DOES THIS AFFECT NP POLICIES? No sites known with contamination except for the Sewage Works off Harbury Lane. This is not currently in Neighbourhood area but if parish boundary is extended then it could be. Needs a general advisory clause to cover unknown eventualities on all sites.

12-008 How often should a Local Plan be reviewed?

Paragraph: 008 Reference ID: 12-008-20140306

To be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within five years of the date of adoption.

The [National Planning Policy Framework](#) makes clear that relevant policies for the supply of housing should not be considered up-to-date if the authority cannot demonstrate a [five-year supply](#) of deliverable [housing sites](#). Local planning authorities should also consider whether plan making activity by other authorities has an impact on planning and the Local Plan in their area. For example, a revised Strategic Housing Market Assessment will affect all authorities in that housing market area, and potentially beyond, irrespective of the status or stage of development of particular Local Plans.

There are requirements for a local planning authority to support [neighbourhood planning](#). Further detail is provided in the [Neighbourhood Planning guidance](#).

A local planning authority must set out the timetable for producing or reviewing its Local Plan in its [Local Development Scheme](#).

DOES THIS AFFECT NP POLICIES? Local plans need a five year review it says but does not say so for NPs. If LP review affects PC strategically then NP would have to bend but only strategically. NP could decide how and where. NP should state reviews only to align with LP. For the stability of the resident population reviews should be kept to the relevant minimum.

12-013 What is the relationship between the Local Plan and Neighbourhood Plans?

Paragraph: 013 Reference ID: 12-013-20140306

[Neighbourhood plans](#), when brought into force, become part of the statutory development plan for the area that they cover.

They can be developed before, after or in parallel with a Local Plan, but the law requires that they must be in general conformity with the strategic policies in the adopted Local Plan for the area (and any other strategic policies that form part of the statutory development plan where relevant, such as the London Plan). Neighbourhood plans are not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

There are requirements for a local planning authority to [support neighbourhood planning](#). Further detail is provided in the [Neighbourhood Planning guidance](#).

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body. This could include sharing evidence and seeking to resolve any issues to ensure the draft Neighbourhood plan has the greatest chance of success at independent examination.

Where a neighbourhood plan has been made, the local planning authority should take it into account when preparing the Local Plan strategy and policies, and avoid duplicating the policies that are in the neighbourhood plan.

DOES THIS AFFECT NP POLICIES? NPs are tested against LP but not emerging LP's. Therefore, we could limit damage to south of Harbury Lane – within our neighbourhood area, depending on where the boundary is, if it changes at all – by not taking the land south of Grove farm into housing, but keeping it rural, ditto sewage works and Lower Heathcote until its need is known.

Neighbourhood Planning ID41

41-001 What is neighbourhood planning?

Paragraph: 001 Reference ID: 41-001-20140306

Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

DOES THIS AFFECT NP POLICIES? General. Words used in various parts of explanatory documents.

41-002 What can communities use neighbourhood planning for?

Paragraph: 002 Reference ID: 41-002-20140306

Local communities can choose to:

- set planning policies through a neighbourhood plan that is used in determining planning applications. [For further details in this guidance click here.](#)
- grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order. [For further details in this guidance click here.](#)

Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Communities may decide that they could achieve the outcomes they want to see through other planning routes, such as incorporating their proposals for the neighbourhood into the [Local Plan](#), or through other planning mechanisms such as [Local Development Orders](#) and [supplementary planning documents](#) or through pre-application consultation on development proposals. Communities and local planning authorities should discuss the different choices communities have to achieving their ambitions for their neighbourhood.

DOES THIS AFFECT NP POLICIES?

This explanation makes a NP essential in WDC.

41-003 What are the benefits to a community of developing a neighbourhood plan or Order?

Paragraph: 003 Reference ID: 41-003-20140306

Neighbourhood planning enables communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. This is because unlike the parish, village or town plans that communities may have prepared, a neighbourhood plan forms part of the development plan and sits alongside the [Local Plan](#) prepared by the local planning authority. Decisions on planning applications will be made using both the Local Plan and the neighbourhood plan, and any other material considerations.

Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next ten, fifteen, twenty years in ways that meet identified local need and make sense for local people. They can put in place planning policies that will help deliver that vision or grant planning permission for the development they want to see.

To help deliver their vision communities that take a proactive approach by drawing up a neighbourhood plan or Order and secure the consent of local people in a referendum, will benefit from 25 percent of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area.

Communities without a parish or town council will still benefit from this incentive. If there is no Parish or Town Council the charging authority will retain the Levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. Charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods using their regular communication tools e.g. website, newsletters, etc. The use of neighbourhood funds should therefore match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.

DOES THIS AFFECT NP POLICIES?

Would be useful if we had CIL to get 25% of.

What is a neighbourhood plan and what is its relationship to a Local Plan?

41-004 What should a Neighbourhood Plan address?

Paragraph: 004 Reference ID: 41-004-20140306

A neighbourhood plan should support the strategic development needs set out in the [Local Plan](#) and plan positively to support local development (as outlined in [paragraph 16 of the National Planning Policy Framework](#)).

A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.

RELATED POLICY

National Planning Policy Framework

- [Paragraph 16](#)

DOES THIS AFFECT NP POLICIES? Note last paragraph and identification of actions or policies to deliver things other than use of land. but these must be clearly identifiable in the plan.

41-005 Must a community ensure its neighbourhood plan is deliverable?

Paragraph: 005 Reference ID: 41-005-20140306

If the policies and proposals are to be implemented as the community intended, a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that 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.

DOES THIS AFFECT NP POLICIES? Agreed

41-006 Does a neighbourhood plan have the same legal status as the Local Plan?

Paragraph: 006 Reference ID: 41-006-20140306

A neighbourhood plan attains the same legal status as the [Local Plan](#) once it has been agreed at a referendum and is made (brought into legal force) by the local planning authority. At this point it becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).

DOES THIS AFFECT NP POLICIES?

Policies have to be clear and unambiguous if they are to deliver what was intended.

41-007 What weight can be attached to an emerging neighbourhood plan when determining planning applications?

Paragraph: 007 Reference ID: 41-007-20140306

Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. An emerging neighbourhood plan may be a material consideration. [Paragraph 216 of the National Planning Policy Framework](#) sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. **Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan.** The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals. And all representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority's [publicity period](#). It is for the decision maker in each case to determine what is a material consideration and what weight to give to it.

RELATED POLICY

National Planning Policy Framework

- [Paragraph 216](#)

DOES THIS AFFECT NP POLICIES?

Important statement emboldened. Appeal gave emerging NP some weight.

41-008 In what circumstances might it be justifiable to refuse planning permission before a neighbourhood plan is made (brought into force) on the grounds of prematurity?

Paragraph: 008 Reference ID: 41-008-20140306

Guidance on the relevance of prematurity to a decision on a planning application can be found [here](#).

DOES THIS AFFECT NP POLICIES? See 21b-014 - could do if a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

41-009 Can a Neighbourhood Plan come forward before an up-to-date Local Plan is in place?

Paragraph: 009 Reference ID: 41-009-20140306

Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan.

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan
- the emerging Local Plan
- the adopted development plan

with appropriate regard to national policy and guidance.

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.

DOES THIS AFFECT NP POLICIES?

Important clause for us in relation to land south of Harbury Lane.

41-012 What is a Community Right to Build Order and what can it do?

Paragraph: 012 Reference ID: 41-012-20140306

A Community Right to Build Order is a form of Neighbourhood Development Order that can be used to grant planning permission for small scale development for community benefit on a specific site or sites in a neighbourhood area.

A Community Right to Build Order can be used for example to approve the building of homes, shops, businesses, affordable housing for rent or sale, community facilities or playgrounds. Where the community organisation wishes to develop the land itself (subject to acquiring the land if appropriate), then the resulting assets can only be disposed of, improved or developed in a manner which the organisation considers benefits the local community or a section of it.

The legislation also provides a mechanism that enables housing developed using a Community Right to Build Order to be retained as housing that is affordable in perpetuity. This is achieved by disapplying certain statutory rights of tenants of long leases to buy their freehold and the statutory right given to qualifying tenants to acquire social housing (see [paragraphs 11 and 12 of Schedule 4C to the Town and Country Planning Act 1990 \(as amended\)](#) and [Part 7 of the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)).

DOES THIS AFFECT NP POLICIES?

This mechanism may be important as last paragraph.

41-013 Is there development that cannot be granted planning permission by a Neighbourhood Development Order or a Community Right to Build Order?

Paragraph: 013 Reference ID: 41-013-20140306

An Order must meet the [basic conditions](#) for neighbourhood planning and it cannot include development defined in [section 61K of the Town and Country Planning Act 1990 \(as amended\)](#). This includes;

- development normally dealt with by a county planning authority, for example minerals and waste related development
- development described in [Schedule 1 to the Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011 \(as amended\)](#) which automatically requires an Environmental Impact Assessment (and in the case of a Community Right to Build Order any Environmental Impact Assessment development)
- development of nationally significant infrastructure projects (which are defined in the [Planning Act 2008](#))

DOES THIS AFFECT NP POLICIES?

possibly

PROCESS

Who leads neighbourhood planning in an area?

41-014 Who leads neighbourhood planning in an area?

Paragraph: 014 Reference ID: 41-014-20140306

Where a community wants to take up the opportunities offered by neighbourhood planning, the legislation enables three types of organisation, known as qualifying bodies, to lead it:

- a parish or town council
- a neighbourhood forum
- a community organisation

DOES THIS AFFECT NP POLICIES? OK

41-015 What is the role of a parish or town council in neighbourhood planning?

Paragraph: 015 Reference ID: 41-015-20140306

In a designated neighbourhood area which contains all or part of the administrative area of a town or parish council, the town or parish council is responsible for neighbourhood planning.

Where a parish or town council chooses to produce a neighbourhood plan or Order it should 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 or Order.

The relationship between any group and the formal functions of the town or parish council should be transparent to the wider public. For example it should be clear whether a steering group or other body is a formal sub-committee of the parish or town council. The terms of reference for a steering group or other body should be published and the minutes of meetings made available to the public.

DOES THIS AFFECT NP POLICIES? We need to be careful of this last paragraph which could be interpreted too literally by vested interests. The Parish council is the lead. We do not have a formal sub-committee as a development Group. It is a loose form of community engagement in the process open to all and attended by those with sufficient interest to get involved. The results and directions of travel are made known to larger community events from time to time. So this needs to be made transparent in the consultation statement, particularly inviting attendance to regular meetings both in the parish Magazine and in individual circumstances and at PC meetings public speaking opportunities **Help required**

The role of the local planning authority in neighbourhood planning

41-021 What role should the local planning authority play in neighbourhood planning?

Paragraph: 021 Reference ID: 41-021-20140306

A local planning authority must:

- take decisions at key stages in the neighbourhood planning process
- provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order as required by [paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#).

DOES THIS AFFECT NP POLICIES? noted

41-022 How should a local planning authority carry out its neighbourhood planning functions?

Paragraph: 022 Reference ID: 41-022-20140306

A local planning authority should:

- be proactive in providing information to communities about neighbourhood planning
- fulfil its duties and take decisions as soon as possible, particularly regarding applications for area and forum designation
- set out a clear and transparent decision making timetable and share this with those wishing to prepare a neighbourhood plan or Order
- constructively engage with the community throughout the process.

DOES THIS AFFECT NP POLICIES? Partly happens

41-023 Who takes the decisions on neighbourhood planning in a local planning authority?

Paragraph: 023 Reference ID: 41-023-20140306

The Council's Executive takes the decisions on neighbourhood planning in a local planning authority (where the authority operates executive arrangements). The Executive may be able to delegate others in the authority to discharge these duties. The neighbourhood planning functions may be delegated to a committee or another authority. For further details see the [Local Government Act 2000](#) and the [Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000](#).

DOES THIS AFFECT NP POLICIES? noted

Designating a neighbourhood area

41-024 What is the process for designating a neighbourhood area?

Paragraph: 024 Reference ID: 41-024-20140306

An application must be made by a parish or town council or a prospective neighbourhood forum (or a community organisation in the case of a Community Right to Build Order) to the local planning authority for a neighbourhood area to be designated (see [regulation 5 of the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)). This must include a statement explaining why the proposed neighbourhood area is an appropriate area.

DOES THIS AFFECT NP POLICIES?

Done, needs to get into process document

41-025 Should the community consult the local planning authority before making an area application?

Paragraph: 025 Reference ID: 41-025-20140306

The community should consult the local planning authority before making an area application. There should be a positive and constructive dialogue about the planning ambitions of the community and any wider planning considerations that might influence the neighbourhood planning process if the outcome of that process is to be a neighbourhood plan or Order that meets the [basic conditions](#) for neighbourhood planning.

DOES THIS AFFECT NP POLICIES?

Done, needs to get into process document

41-026 Can a parish council propose a multi-parish neighbourhood area?

Paragraph: 026 Reference ID: 41-026-20140306

A single parish council (as a relevant body) can apply for a multi-parished neighbourhood area to be designated, as long as that multi-parished area includes all or part of that parish council's administrative area.

DOES THIS AFFECT NP POLICIES?

Not relevant to us

41-027 In a multi-parished neighbourhood area when does a town or parish council need to gain the consent of the other town or parish council/s in order to take the lead in producing a neighbourhood plan or Order?

Paragraph: 027 Reference ID: 41-027-20140306

A single parish or town council (as a relevant body) can apply for a multi-parished neighbourhood area to be designated as long as that multi-parished area includes all or part of that parish or town council's administrative area. But when the parish or town council begins to develop a neighbourhood plan or Order (as a qualifying body) it needs to secure the consents of the other parish councils to undertake neighbourhood planning activities.

Gaining this consent is important if the pre-submission publicity and consultation and subsequently the submission to the local planning authority are to be valid.

DOES THIS AFFECT NP POLICIES? Not relevant to us

41-036 Can a neighbourhood area include land allocated in the L P as a strategic site?

Paragraph: 036 Reference ID: 41-036-20140306 A neighbourhood area can include land allocated in a [Local Plan](#) as a strategic site. Where a proposed neighbourhood area includes such a site, those wishing to produce a neighbourhood plan or Order should discuss with the local planning authority the particular planning context and circumstances that may inform the local planning authority's decision on the area it will designate.

DOES THIS AFFECT NP POLICIES? noted

41-037 Can a local planning authority amend the boundary of a neighbourhood area once it has been designated?

Paragraph: 037 Reference ID: 41-037-20140306

A local planning authority can amend the boundary of a neighbourhood area after it has been designated **only if** the local planning authority is responding to **a new application for a neighbourhood area** to be designated.

DOES THIS AFFECT NP POLICIES? noted

41-041 How should the policies in a neighbourhood plan be drafted?

Paragraph: 041 Reference ID: 41-041-20140306

A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

DOES THIS AFFECT NP POLICIES? Important, cross check each policy against this.

41-042 Can a neighbourhood plan allocate sites for development?

Paragraph: 042 Reference ID: 41-042-20140306

A neighbourhood plan can allocate sites for development. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability can be found [here](#) and [here](#).

DOES THIS AFFECT NP POLICIES? Emphasise this point when doing option analysis

41-043 What if a local planning authority is also intending to allocate sites in the same neighbourhood area?

Paragraph: 043 Reference ID: 41-043-20140306

If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress. A local planning authority should share evidence with those preparing the neighbourhood plan, in order for example, that every effort can be made to meet identified local need through the neighbourhood planning process.

DOES THIS AFFECT NP POLICIES?

Demonstrate this was done through the Village housing options document

41-044 Can a neighbourhood plan allocate additional or alternative sites to those in a Local Plan?

Paragraph: 044 Reference ID: 41-044-20140306

A neighbourhood plan can allocate additional sites to those in a [Local Plan](#) where this is supported by evidence to demonstrate need above that identified in the Local Plan.

A neighbourhood plan can propose allocating alternative sites to those in a Local Plan, but a qualifying body should discuss with the local planning authority why it considers the Local Plan allocations no longer appropriate.

The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies (see [paragraph 16](#) and [paragraph 184](#) of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, [section 38\(5\) of the Planning and Compulsory Purchase Act 2004](#) requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

RELATED POLICY

National Planning Policy Framework

- [Paragraph 16](#)
- [Paragraph 184](#)

DOES THIS AFFECT NP POLICIES?

Doesn't apply to us

41-045 Should a neighbourhood plan consider infrastructure?

Paragraph: 045 Reference ID: 41-045-20140306

A qualifying body may wish to consider what infrastructure needs to be provided in their neighbourhood area alongside development such as homes, shops or offices. Infrastructure is needed to support development and ensure that a neighbourhood can grow in a sustainable way.

The following may be important considerations for a qualifying body to consider when addressing infrastructure in a neighbourhood plan:

- what additional infrastructure may be needed to enable development proposed in a neighbourhood plan to be delivered in a sustainable way
- how any additional infrastructure requirements might be delivered
- what impact the infrastructure requirements may have on the viability of a proposal in a draft neighbourhood plan and therefore its delivery
- what are the likely impacts of proposed site allocation options or policies on physical infrastructure and on the capacity of existing services, which could help shape decisions on the best site choices

Qualifying bodies should engage infrastructure providers (e.g. utility companies, transport infrastructure providers and local health commissioners) in this process, advised by the local planning authority.

DOES THIS AFFECT NP POLICIES?

Could use this clause in respect of village centre improvements, cycleway to school from the pub. Etc.

Consulting on, and publicising, a neighbourhood plan or Order

41-047 What is the role of the wider community in neighbourhood planning?

Paragraph: 047 Reference ID: 41-047-20140306

A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order
- is made aware of how their views have informed the draft neighbourhood plan or Order.

DOES THIS AFFECT NP POLICIES?

What is a wider community? This is not part of the NPPF. The wider local community is and I understand that. If it means wider than those writing the NP then that is the community for whom the NP is being written and gets full consultation. If the

intention is for the community to shape where they live, then this is the only opportunity for the Neighbourhood to do so. When options need to be considered, then undue influence of vested interests is a negative influence since the motive is not the best solution. Until something is being proposed they cannot be kept fully informed of it. It cannot mean developers who make their views known anyway and have been given opportunities to convey them. We have informed adjacent parishes, and people in the parish. Landowners is a different issue because we do not know all the land owners without a full enquiry with Land Registry and even there, it is not always known.

41-048 Should other public bodies, landowners and the development industry be involved in preparing a draft neighbourhood plan or Order?

Paragraph: 048 Reference ID: 41-048-20140306

A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or Order proposal. The consultation bodies are set out in [Schedule 1 to the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#). Other public bodies, landowners and the development industry should be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.

DOES THIS AFFECT NP POLICIES? The development industry has involved itself in the planning process by trying to pull it in the direction of their vested interest. However, knowing that they want to build only where they individually have a financial interest, they are not an unbiased participant in the problem solving option consideration process. They crowd out the less experienced public that the Neighbourhood Plan process is designed to allow help shape the area in which they live. Almost all developers do not live in the area and have difficulty in understanding it. All that is required is to know that land in the right place is available for development if that is where the option considerations determine it should be. If the best area for development by analysis is not a SHLAA site that is when you need to find out whether the owner will consider it.

41-049 At what stage does the pre-submission consultation take place on a draft neighbourhood plan or Order?

Paragraph: 049 Reference ID: 41-049-20140306

Before the formal pre-submission consultation takes place a qualifying body should be satisfied that it has a complete draft neighbourhood plan or Order. It is not appropriate to consult on individual policies for example. Where options have been considered as part of the neighbourhood planning process earlier engagement should be used to narrow and refine options. The document that is consulted on at the pre-submission stage should contain only the preferred approach.

DOES THIS AFFECT NP POLICIES? This was done and it also contained information about the development process which has been misinterpreted by some developers as a reason for not understanding what the plan was.

41-050 What are the pre-submission publicity and consultation requirements for neighbourhood planning?

Paragraph: 050 Reference ID: 41-050-20140306

A qualifying body must publicise the draft neighbourhood plan or Order for at least six weeks and consult any of the consultation bodies whose interests it considers may be affected by the draft plan or order proposal (see [regulation 14](#) and [regulation 21](#) of the Neighbourhood Planning (General) Regulations 2012) ([as amended](#)). The consultation bodies are set out in [Schedule 1](#) to the Regulations.

DOES THIS AFFECT NP POLICIES? This was done to the best of our ability. A small number of businesses, hidden away on private land may not have been covered because we were not aware of their existence or address. List from NNDR was obtained but this is based on post codes and despite a lengthy exercise in trying to identify all the post codes within the rural district, we may not have found them all.

All statutory consultees as given by WDC were contacted by e-mail addresses given, all 25 farms were circulated by an individual and major businesses eg Guide Dogs for the Blind were individually circulated.

41-051 Is additional publicity or consultation required where European directives might apply?

Paragraph: 051 Reference ID: 41-051-20140306

European directives, incorporated into UK law, may apply to a draft neighbourhood plan or Order. Where they do apply a qualifying body must make sure that it also complies with any specific publicity and consultation requirements set out in the relevant legislation. The local planning authority should provide advice on this.

The legislation that may be of particular relevance to neighbourhood planning is:

- the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended)
- the Conservation of Habitats and Species Regulations 2010 (as amended)
- the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)

It may be appropriate, and in some cases a requirement, that the statutory environmental bodies [English Heritage](#), the [Environment Agency](#) and [Natural England](#) be consulted.

DOES THIS AFFECT NP POLICIES? The 3 quoted were consulted. EH andf NE responded but EA have not responded yet.

Submitting a neighbourhood plan or Order to a local planning authority

41-052 What must a local planning authority consider when a neighbourhood plan or Order is submitted to it?

Paragraph: 052 Reference ID: 41-052-20140306

A local planning authority must satisfy itself that a draft neighbourhood plan or Order submitted to it for independent examination complies with all the relevant statutory requirements.

DOES THIS AFFECT NP POLICIES? This is the next step

41-053 Does the local planning authority consider whether a neighbourhood plan or Order meets the basic conditions when a neighbourhood plan or Order is submitted to it?

Paragraph: 053 Reference ID: 41-053-20140306

When a draft neighbourhood plan or Order is submitted to a local planning authority the authority is considering the draft plan or order against the statutory requirements set out in [paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 \(as amended\)](#). A local planning authority has to be satisfied that a basic condition statement has been submitted but it is not required to consider whether the draft plan or order meets the basic conditions. It is only after the independent examination has taken place and after the examiner's report has been received that the local planning authority comes to its formal view on whether the draft neighbourhood plan or Order meets the basic conditions. The local planning authority should provide constructive comments on an emerging plan or Order before it is submitted.

DOES THIS AFFECT NP POLICIES? noted

41-054 What happens when a draft neighbourhood plan or Order submitted to the local planning authority meets the requirement in the legislation?

Paragraph: 054 Reference ID: 41-054-20140306

Where the draft neighbourhood plan or Order submitted to a local planning authority meets the requirements in the legislation, the local planning authority must publicise the neighbourhood plan or Order for a minimum of six weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft neighbourhood plan or Order to independent examination (see regulations [16](#), [17](#), [23](#) and [24](#) of the Neighbourhood Planning (General) Regulations 2012 [\(as amended\)](#)).

DOES THIS AFFECT NP POLICIES? noted

The Independent Examination

41-055 What is the independent examiner's role?

Paragraph: 055 Reference ID: 41-055-20140306

When considering the content of a neighbourhood plan or Order proposal, an independent examiner's role is limited to testing whether or not a draft neighbourhood plan or Order meets the [basic conditions](#), and other matters set out in [paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#). The independent examiner is not testing the [soundness](#) of a neighbourhood plan or examining other material considerations.

RELATED POLICY

National Planning Policy Framework

- [Paragraph 182](#)

DOES THIS AFFECT NP POLICIES? noted

41-056 How is a neighbourhood plan or Order examined?

Paragraph: 056 Reference ID: 41-056-20140306

It is expected that the examination of a draft neighbourhood plan or Order will not include a public hearing. Rather the examiner should reach a view by considering written representations (see [paragraph 9\(1\) of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#)). As a consequence the basic conditions statement is likely to be the main way that a qualifying body can seek to demonstrate to the independent examiner that its draft neighbourhood plan or Order meets the basic conditions.

Where the independent examiner considers it necessary to ensure adequate examination of an issue or to give a person a fair chance to put a case, they must hold a hearing to listen to oral representations about a particular issue.

The subject of a hearing is determined by the independent examiner based on their initial views of the draft plan or Order proposals and any other supporting documents submitted by the qualifying body and the representations received from interested parties.

DOES THIS AFFECT NP POLICIES? noted

41-057 How can the public make their views known to the independent examiner?

Paragraph: 057 Reference ID: 41-057-20140306

Those wishing to make their views known to the independent examiner, or who wish to submit evidence for 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 or Order, which must be at least six weeks.

Representations should address whether or not the draft neighbourhood plan or Order proposal meets the basic conditions and other matters that the independent examiner is required to consider under [paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#). Representations may also address whether the referendum area should be extended beyond the neighbourhood area. Anyone wishing to make a case for an oral hearing should do so as part of a written representation.

DOES THIS AFFECT NP POLICIES? noted

41-058 Can anyone choose to speak if a public hearing is held?

Paragraph: 058 Reference ID: 41-058-20140306

It is for the independent examiner to decide:

- the format and scope of the hearing
- who will be invited to speak at a hearing, in addition to the local planning authority and the qualifying body that submitted the neighbourhood plan or Order
- the questions to be asked at the hearing.

DOES THIS AFFECT NP POLICIES? noted

41-059 Does an independent examiner consider the referendum area as part of their report?

Paragraph: 059 Reference ID: 41-059-20140306

When the examiner is minded to recommend that the neighbourhood plan or Order (as modified) should proceed to referendum, the examiner must recommend whether the referendum area should extend beyond the neighbourhood area. If the examiner recommends that the area should be extended they must state what they consider that extended area should be.

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 or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area.

DOES THIS AFFECT NP POLICIES? noted

The neighbourhood planning referendum

41-060 Who is responsible for organising the referendum?

Paragraph: 060 Reference ID: 41-060-20140306

The 'relevant council' (see [Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#)) must make arrangements for the referendum/s to take place. Relevant councils are:

- district councils;
- London boroughs;
- metropolitan district councils; and
- county councils in any area in England for which there is no district council.

(Unitary authorities are either district councils or county councils that perform the functions of the other type of council as well.)

Where the relevant council for a referendum is not the local planning authority, the two authorities must co-operate as required by [regulation 16 of the Neighbourhood Planning \(Referendum\) Regulations 2012 \(as amended\)](#).

DOES THIS AFFECT NP POLICIES? noted

41-061 What are the rules for the referendum process?

Paragraph: 061 Reference ID: 41-061-20140306

The rules covering all aspects of organising and conducting the polls can be found in the [Neighbourhood Planning \(Referendum\) Regulations 2012](#) (as amended by the [Neighbourhood Planning \(Referendum\) \(Amendment\) Regulations 2013](#) and 2014) and the [Neighbourhood Planning \(Prescribed Dates\) Regulations 2012](#).

A qualifying body, the local planning authority and the relevant electoral services team should establish an early dialogue as part of any project planning process.

DOES THIS AFFECT NP POLICIES? noted

41-062 Who votes in a referendum?

Paragraph: 062 Reference ID: 41-062-20140306

A person is entitled to vote if at the time of the referendum, they meet the eligibility criteria to vote in a local election for the area and if they live in the referendum area.

In a 'designated business area' (see [section 61H of the Town and Country Planning Act 1990 Act as amended](#)) both residents and non-domestic rate payers get an opportunity to vote in referendums on whether the neighbourhood plan or Order should come into legal force (see [paragraphs 12\(4\) and 15 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#) and [Schedules 6 to 8 of the Neighbourhood planning \(Referendums\) \(Amendment\) Regulations 2012 \(as amended\)](#)).

DOES THIS AFFECT NP POLICIES? noted

41-064 What does a local planning authority do if the majority of those who vote are in favour of a neighbourhood plan or Order coming into force?

Paragraph: 064 Reference ID: 41-064-20140306

If the majority of those who vote in a referendum are in favour of the draft neighbourhood plan or Order (or, where there is also a business referendum, a majority vote in favour of both referendums), then the neighbourhood plan or Order must be made (brought into legal force) by the local planning authority. Local planning authorities should do this promptly following the announcement of the referendum result. Where there is also a business referendum and a majority of those voting, vote in favour of the proposals in only one of the referendums, then the local planning authority may make the neighbourhood plan or Order but is not required to.

There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan or Order. These are where it considers that the making of the neighbourhood plan or Order would breach, or otherwise be incompatible with, any EU or human rights obligations (see [section 61E\(8\) of the Town and Country Planning Act 1990 Act as amended](#)).

DOES THIS AFFECT NP POLICIES? noted

The neighbourhood planning referendum

The basic conditions that a draft neighbourhood plan or Order must meet if it is to proceed to referendum

41-065 What are the basic conditions that a draft neighbourhood plan or Order must meet if it is to proceed to referendum?

Paragraph: 065 Reference ID: 41-065-20140306

Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan). [Click here for more details in this guidance.](#)
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders. [Click here for more details in this guidance.](#)
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders. [Click here for more details in this guidance.](#)
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development. [Click here for more details in this guidance.](#)
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). [Click here for more details in this guidance.](#)

- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations. [Click here for more details in this guidance](#).
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan). [Click here for more details in this guidance](#).

DOES THIS AFFECT NP POLICIES? noted

41-066 When should a qualifying body consider the basic conditions that a neighbourhood plan or Order needs to meet?

Paragraph: 066 Reference ID: 41-066-20140306

Throughout the process of developing a neighbourhood plan or Order a qualifying body should consider how it will demonstrate that its neighbourhood plan or Order will meet the basic conditions that must be met if the plan or order is to be successful at independent examination. The basic conditions statement is likely to be the main way that a qualifying body can seek to demonstrate to the independent examiner that its draft neighbourhood plan or Order meets the basic conditions. A qualifying body is advised to discuss and share early drafts of its basic conditions statement with the local planning authority.

DOES THIS AFFECT NP POLICIES? Noted . we could get the 1st draft of the basic condition statement to the WDC before long.

41-067 What should a local planning authority do to assist a qualifying body in considering the basic conditions?

Paragraph: 067 Reference ID: 41-067-20140306

A local planning authority should provide constructive comments on the emerging neighbourhood plan or Order proposal prior to submission and discuss the contents of any supporting documents, including the basic conditions statement. If a local planning authority considers that a draft neighbourhood plan or Order may fall short of meeting one or more of the basic conditions they should discuss their concerns with the qualifying body in order that these can be considered before the draft neighbourhood plan or Order is formally submitted to the local planning authority.

DOES THIS AFFECT NP POLICIES? Meeting requested with Dave Barber

41-068 What must a qualifying body do to demonstrate that its neighbourhood plan or Order meets the basic conditions?

Paragraph: 068 Reference ID: 41-068-20140306

A statement (a basic conditions statement) setting out how a draft neighbourhood plan or Order meets the basic conditions must accompany the draft neighbourhood plan or Order when it is submitted to the local planning authority (see [regulation 15\(1\)\(d\)](#) and [regulation 22\(1\)\(e\)](#) of the Neighbourhood Planning (General) Regulations 2012 (as amended)).

DOES THIS AFFECT NP POLICIES?

The Basic Condition statement is 60% ready

National policy and advice

41-069 What does having regard to national policy mean?

Paragraph: 069 Reference ID: 41-069-20140306

A neighbourhood plan or Order must not constrain the delivery of important national policy objectives. The [National Planning Policy Framework](#) is the main document setting out the Government’s planning policies for England and how these are expected to be applied.

RELATED POLICY

[National Planning Policy Framework](#)

DOES THIS AFFECT NP POLICIES?

Not aware of any national policy objectives constrained by the NP proposals

41-070 Which national policies are relevant to a neighbourhood plan or Order?

Paragraph: 070 Reference ID: 41-070-20140306

[Paragraph 16](#) of the National Planning Policy Framework is clear that those producing neighbourhood plans or Orders should support the strategic development needs set out in [Local Plans](#), including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. More specifically [paragraph 184](#) of the National Planning Policy Framework states that neighbourhood plans and Orders should not promote less development than set out in the Local Plan or undermine its strategic policies.

The content of a draft neighbourhood plan or Order will dictate which additional national policy is or is not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.

A qualifying body is advised to set out in its basic conditions statement how they have had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan or the development proposals in an Order take account of national policy and advice.

DOES THIS AFFECT NP POLICIES?

This is important to be taken into account in the Basic conditions statement. Balance policies but need to see whether there is any relaxation possible by WDC on land south of Harbury Lane first.

General conformity with the strategic policies contained in the development plan

41-074 What is meant by 'general conformity'?

Paragraph: 074 Reference ID: 41-074-20140306

When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach

DOES THIS AFFECT NP POLICIES? These 4 statements invite a debate as to conformity, but negotiate first. The rationale for our present approach is that

- a) use of best and most versatile land is not in accordance with National policy.
- b) Mid-2012 projections show a reduction of 30% in the population growth
- c) To reduce CO₂ emissions due to car use and to encourage growth so that people can live where they work- more convenient, less time lost to travel- urban brownfield should be used first
- d) To protect & enhance the natural environment and keep valued landscapes
- e) To reduced stress on civil infrastructure

41-075 What is meant by strategic policies?

Paragraph: 075 Reference ID: 41-075-20140306

[Paragraph 156 of the National Planning Policy Framework](#) sets out the strategic matters about which local planning authorities are expected to include policies in their [Local Plans](#). The basic condition addresses strategic policies no matter where they appear in the development plan. It does not presume that every policy in a Local Plan is strategic or that the only policies that are strategic are labelled as such.

RELATED POLICY

National Planning Policy Framework

- [Paragraph 156](#)

DOES THIS AFFECT NP POLICIES? Leaves doors open to debate what is strategic. 156 defines

- a) Homes & jobs (together)

- b) Retail, leisure and other commercial
- c) Technical infrastructure (transport, telecom, waste, water, drainage, flood, minerals, energy)
- d) Social infrastructure (health, security, community, cultural, local facilities)
- e) Climate change, conservation, enhancement of natural and historic environment including landscape).

41-076 How is a strategic policy determined?

Paragraph: 076 Reference ID: 41-076-20140306

Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic

Planning practice guidance on [Local Plans](#) provides further advice on strategic policies.

DOES THIS AFFECT NP POLICIES? Strategic policy will depend on whether the target number is reduced in line with mid-2012 projections

41-077 How does a qualifying body know what is a strategic policy?

Paragraph: 077 Reference ID: 41-077-20140306

A local planning authority should set out clearly its strategic policies in accordance with [paragraph 184 of the National Planning Policy Framework](#) and provide details of these to a qualifying body and to the independent examiner.

DOES THIS AFFECT NP POLICIES? Request list of Strategic Policies

Viability and plan making

10-004 What are the underlying principles for understanding viability in planning?

Paragraph: 004 Reference ID: 10-004-20140306

- **Evidence based judgement:** assessing viability requires judgements which are informed by the relevant available facts. It requires a realistic understanding of the

costs and the value of development in the local area and an understanding of the operation of the market.

- Understanding past performance, such as in relation to build rates and the scale of historic planning obligations can be a useful start. Direct engagement with the development sector may be helpful in accessing evidence.
- **Collaboration:** a collaborative approach involving the local planning authority, business community, developers, landowners and other interested parties will improve understanding of deliverability and viability. Transparency of evidence is encouraged wherever possible. Where communities are preparing a [neighbourhood plan](#) (or Neighbourhood Development Order), local planning authorities are encouraged to share evidence to ensure that local viability assumptions are clearly understood.
- **A consistent approach:** local planning authorities are encouraged to ensure that their evidence base for housing, [economic and retail policy](#) is fully supported by a comprehensive and consistent understanding of viability across their areas. The National Planning Policy Framework requires local planning authorities to consider district-wide development costs when Local Plans are formulated, and where possible to plan for infrastructure and prepare development policies in parallel. A masterplan approach can be helpful in creating sustainable locations, identifying cumulative infrastructure requirements of development across the area and assessing the impact on scheme viability.

Authorities should seek to align the preparation of their [Community Infrastructure Levy](#) Charging Schedules and their Local Plans as far as practical.

DOES THIS AFFECT NP POLICIES?

Request local viability assumptions

Revision date: 06 03 2014

10-005 How should viability be assessed in plan-making?

Paragraph: 005 Reference ID: 10-005-20140306

[Local Plans](#) and [neighbourhood plans](#) should be based on a clear and deliverable vision of the area. Viability assessment should be considered as a tool that can assist with the development of plans and plan policies. It should not compromise the quality of development but should ensure that the Local Plan vision and policies are realistic and provide high level assurance that plan policies are viable.

Development of plan policies should be iterative – with draft policies tested against evidence of the likely ability of the market to deliver the plan’s policies, and revised as part of a dynamic process.

[Evidence](#) should be proportionate to ensure plans are underpinned by a broad understanding of viability. Greater detail may be necessary in areas of known marginal viability or where the evidence suggests that viability might be an issue – for example in relation to policies for strategic sites which require high infrastructure investment.

DOES THIS AFFECT NP POLICIES?

I don't think WDC have heard of viability!! Local Plan vision and policies are to be realistic and viable.

10-007 How should costs be considered in plan-making?

Paragraph: 007 Reference ID: 10-007-20140306

Plan makers should consider the range of costs on development. This can include costs imposed through national and local standards, local policies and the Community Infrastructure Levy, as well as a realistic understanding of the likely cost of Section 106 planning obligations and Section 278 agreements for highways works.

Their cumulative cost should not cause development types or strategic sites to be unviable. Emerging policy requirements may need to be adjusted to ensure that the plan is able to deliver sustainable development.

DOES THIS AFFECT NP POLICIES?

Last sentence important ie if costs not covered reduce demand

POLICY HOUSING

Design ID26

26-040 Housing design issues

Paragraph: 040 Reference ID: 26-040-20140306

Well-designed housing should be **functional, attractive and sustainable**. It should also be **adaptable to the changing needs** of its occupants.

In well-designed places **affordable housing is not distinguishable from private housing** by its design, nor is it banished to the least attractive part of the site.

Consideration should be given to the **servicing** of dwellings such as the **storage of bins and bikes, access to meter boxes, space for drying clothes or places for deliveries**. Such items should be carefully considered and well designed to ensure they are discreet and can be easily used in a safe way.

Unsightly bins can damage the visual amenity of an area. Carefully planned bin storage is, therefore, particularly important. Local authorities should ensure that each dwelling is carefully planned to ensure there is enough discretely designed and accessible **storage space for all the different types of bin** used in the local authority area (for example landfill, recycling, food waste).

In terms of **parking**, there are many different approaches that can support successful outcomes, such as on-street parking, in-curtilage parking and basement parking. Natural surveillance of parked cars is an important consideration. Car parking and service areas should be considered in context to ensure the most successful outcome can be delivered in each case.

DOES THIS AFFECT NP POLICIES? Check LP to see if covered but include in NP with the same or higher standards, particularly issues in **bold**

Revision date: 06 03 2014

Housing and economic development needs assessments ID2a

The approach to assessing need

2a-003 What is the definition of need?

Paragraph: 003 Reference ID: 2a-003-20140306

Need for housing in the context of the guidance refers to the scale and mix of housing and the range of tenures that is likely to be needed in the housing market area over the plan period – and should cater for the housing demand of the area and identify the scale of housing supply necessary to meet that demand.

Need for all land uses should address both the total number of homes or quantity of economic development floorspace needed based on quantitative assessments, but also on an understanding of the qualitative requirements of each market segment.

DOES THIS AFFECT NP POLICIES? Ensure that our housing need survey local need is there but most of the 150 is for population expansion.

2a-006 Can town/parish councils and designated neighbourhood forums (qualifying bodies) preparing neighbourhood plans use this guidance?

Paragraph: 006 Reference ID: 2a-006-20140306

Town/parish councils and designated neighbourhood forums (qualifying bodies) preparing [neighbourhood plans](#) can use this guidance to identify specific local needs that may be relevant to a neighbourhood but any assessment at such a local level should be proportionate. Designated neighbourhood forums and parish/town councils can also refer to existing needs assessments prepared by the local planning authority as a starting point.

The neighbourhood plan should support the strategic development needs set out in [Local Plans](#), including policies on housing and economic development. The level of [housing](#) and economic development is likely to be a strategic policy.

DOES THIS AFFECT NP POLICIES? noted

2a-007 With whom do local planning authorities need to work?

Paragraph: 007 Reference ID: 2a-007-20140306

Local planning authorities should assess their development needs working with the other local authorities in the relevant housing market area or functional economic market area in line with the [duty to cooperate](#). This is because such needs are rarely constrained precisely by local authority administrative boundaries.

Where [Local Plans](#) are at different stages of production, local planning authorities can build upon the existing evidence base of partner local authorities in their housing market area but should co-ordinate future housing reviews so they take place at the same time.

Local communities, partner organisations, Local Enterprise Partnerships, businesses and business representative organisations, house builders, parish and town councils, designated neighbourhood forums preparing [neighbourhood plans](#) and housing associations should be involved from the earliest stages of plan preparation, which includes the preparation of the evidence base in relation to development needs.

DOES THIS AFFECT NP POLICIES? This relates to the Local Plan , but at a neighbourhood level, all 5 neighbouring parish/towns have been notified of the consultation period and documents.

2a-017 Can adjustments be made to household projection-based estimates of housing need?

Paragraph: 017 Reference ID: 2a-017-20140306

The household projections produced by the Department for Communities and Local Government are statistically robust and are based on nationally consistent assumptions. However, plan makers may consider sensitivity testing, specific to their local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates. **Account should also be taken of the most recent demographic evidence including the latest Office of National Statistics population estimates.**

Any local changes would need to be clearly explained and justified on the basis of established sources of robust evidence.

Issues will vary across areas **but might include:**

- **migration levels that may be affected by changes in employment growth or a one off event such as a large employer moving in or out of an area or a large housing development such as an urban extension in the last five years**
- **demographic structure that may be affected by local circumstances or policies eg expansion in education or facilities for older people**

Local housing need surveys may be appropriate to assess the affordable housing requirements specific to the needs of people in rural areas, given the lack of granularity provided by secondary sources of information.

DOES THIS AFFECT NP POLICIES?

This supports our 'general conformity issue' in 41-074

2a-021 How should the needs for all types of housing be addressed?

Paragraph: 021 Reference ID: 2a-021-20140306

Once an overall housing figure has been identified, plan makers will need to break this down by tenure, household type (singles, couples and families) and household size. Plan makers should therefore examine current and future trends of:

- the proportion of the population of different age profile;
- the types of household (eg singles, couples, families by age group, numbers of children and dependents);
- the current housing stock size of dwellings (eg one, two+ bedrooms);
- the tenure composition of housing.

This information should be drawn together to understand how age profile and household mix relate to each other, and how this may change in the future. When considering future need for different types of housing, plan makers will need to consider whether they plan to attract a different age profile eg increasing the number of working age people.

Plan makers should look at the household types, tenure and size in the current stock and in recent supply, and assess whether continuation of these trends would meet future needs.

Identifying the need for certain types of housing and the needs of different groups is discussed below in more detail.

- **The private rented sector** Tenure data from the Office of National Statistics can be used to understand the future need for private rented sector housing. However, this will be based on past trends. Market signals in the demand for private rented sector housing could be indicated from a change in rents. Evidence can also be sourced from the English Housing Survey, which will provide at national level updated information on tenure trends, Office of National Statistics Private Rental Index, the Valuation Office Agency, HomeLet Rental Index and other commercial sources.
- **People wishing to build their own homes** The Government wants to enable more people to build their own home and wants to make this form of housing a mainstream housing option. There is strong industry evidence of significant demand for such housing, as supported by successive surveys. Local planning authorities should, therefore, plan to meet the strong latent demand for such housing. Additional local demand, over and above current levels of delivery can be identified from secondary data sources such as: building plot search websites,

'Need-a-Plot' information available from the *Self Build Portal*; and enquiries for building plots from local estate agents. However, such data is unlikely on its own to provide reliable local information on the local demand for people wishing to build their own homes. Plan makers should, therefore, consider surveying local residents, possibly as part of any wider surveys, to assess local housing need for this type of housing, and compile a local list or register of people who want to build their own homes.

- **Family housing** Plan makers can identify current numbers of families, including those with children, by using the local household projections.
- **Housing for older people** The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). Plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to move. This could free up houses that are under occupied. The age profile of the population can be drawn from Census data. Projections of population and households by age group should also be used. The future need for older persons housing broken down by tenure and type (e.g sheltered, enhanced sheltered, extra care, registered care) should be assessed and can be obtained from a number of online tool kits provided by the sector. The assessment should set out the level of need for residential institutions (Use Class C2). But identifying the need for particular types of general housing, such as bungalows, is equally important.
- **Households with specific needs** There is no one source of information about disabled people who require adaptations in the home, either now or in the future. The Census provides information on the number of people with long-term limiting illness and plan makers can access information from the Department of Work and Pensions on the numbers of Disability Living Allowance/Attendance Allowance benefit claimants. Whilst these data can provide a good indication of the number of disabled people, not all of the people included within these counts will require adaptations in the home. Applications for Disabled Facilities Grant will provide an indication of levels of expressed need, although this could underestimate total need. If necessary, plan makers can engage with partners to better understand their housing requirements.

DOES THIS AFFECT NP POLICIES? This is mainly down to WDC to determine for their list of people seeking affordable homes. But we want to press for some selfbuild, lifetime homes particularly bungalows for older people and it is difficult with developers who only want to supply a financial market

3-040 How does the five-year housing supply relate to neighbourhood planning?

Paragraph: 040 Reference ID: 3-040-20140306

Local planning authorities need to be able to demonstrate a five-year supply of deliverable sites in order to comply with national policies. The National Planning Policy Framework asks

local planning authorities to use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing, identifies key sites that are critical to the delivery of the housing strategy and identifies and updates annually a supply of specific deliverable sites sufficient to provide a five-year supply.

[Neighbourhood plans](#) set out policies that relate to the development and use of land and can be used to allocate sites for development but the plans must be in general conformity with the strategic policies of the Local Plan. Where a neighbourhood plan comes forward before an up to date Local Plan is in place, the local planning authority should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress and to share evidence used to prepare their plan. [Neighbourhood plans](#) should deliver against the objectively assessed evidence of needs.

DOES THIS AFFECT NP POLICIES? Suitably vague statement. Development should be spread over the whole plan period and not all immediately.

3-045 Do local planning authorities have to meet in full housing needs identified in needs assessments?

Paragraph: 045 Reference ID: 3-045-20141007

Local authorities should prepare a Strategic Housing Market Assessment to assess their full housing needs.

However, assessing need is just the first stage in developing a Local Plan. Once need has been assessed, the local planning authority should prepare a Strategic Housing Land Availability Assessment **to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the** identified need for housing over the plan period, and in so doing **take account of any constraints such as Green Belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need.**

DOES THIS AFFECT NP POLICIES? Both Coventry and Warwick district should take full cognisance of these **bold statements**.

Rural Housing ID50

50-001 How should local authorities support sustainable rural communities?

Paragraph: 001 Reference ID: 50-001-20140306

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the [core planning principles](#), the section on [supporting a prosperous rural economy](#) and the section on [housing](#).

- A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.
- Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development [in rural areas](#) – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.
- The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to [maximise sustainable transport solutions](#) will [vary from urban to rural areas](#).

DOES THIS AFFECT NP POLICIES? Very important to us.

Revision date: 06 03 2014

POLICY RURAL ENVIRONMENT

7-062 What advice and information on flood risk is available for neighbourhood planning?

Paragraph: 062 Reference ID: 7-062-20140306

Local planning authorities' [Strategic Flood Risk Assessments](#) should be the primary source of flood risk information in considering whether particular neighbourhood planning areas may be appropriate for development. Other important sources include the [interactive maps of flood risk](#) available on the Environment Agency's web site. Local planning authorities should make available to qualifying bodies any reports or information relating to the Strategic Flood Risk Assessment, and share any other information relevant to flood risk (such as the application of the [Sequential](#) and [Exception Tests](#) to the Local Plan).

Along with other statutory agencies, the Environment Agency has published advice on [neighbourhood planning](#). Anyone preparing a neighbourhood plan or order may also find it helpful to consult the [lead local flood authority](#) for the area.

DOES THIS AFFECT NP POLICIES? Include flood risk data from Severn Trent and add local flood issues due to clay subsoils.

7-063 What should be considered if there is a risk of flooding in the neighbourhood plan area?

Paragraph: 063 Reference ID: 7-063-20140306

Where the Strategic Flood Risk Assessment, or other available flood risk maps or information, indicates that part or parts of a neighbourhood plan area may be at risk of flooding, the qualifying body will need to have regard to the National Planning Policy Framework's policies on flood risk. Where they are considering proposing development, they should show that this would be consistent with the local planning authority's application of the [Sequential Test](#) and if necessary, the [Exception Test](#) for the Local Plan.

Where areas under consideration for development are not consistent, or the relevant Local Plan is inconclusive, it is likely that the qualifying body will need to provide further information to demonstrate that any development proposed by the neighbourhood plan passes the Sequential Test, and if necessary the Exception Test.

Local planning authorities should provide advice to qualifying bodies on where and how they should demonstrate that policies and any site allocations in neighbourhood plans and Orders would satisfy the Sequential Test and, if necessary, the Exception Test, including the appropriate area to apply the Sequential Test. This will depend on a number of factors, including;

- the size of the neighbourhood planning area;
- the flood risks in the area and/or in its vicinity;
- the nature of the neighbourhood plan policies or Order proposals;
- the degree of conformity with strategic policies of the Local Plan, including site allocations, and whether these have been subject to the Sequential Test.

In providing advice, local planning authorities should have regard to flood risk across the whole of their areas. In particular, there may be places outside the neighbourhood planning area at lower flood risk which are suitable and reasonably available for the development proposed.

There is further guidance on the approach to [individual development proposals](#), or where a [Neighbourhood Development or Community Right to Build Order is proposed, in an area at risk of flooding](#).

DOES THIS AFFECT NP POLICIES? Investigation needed

8-008 How should local planning authorities set about planning for biodiversity and geodiversity?

Paragraph: 008 Reference ID: 8-008-20140306

Local and neighbourhood plans and planning decisions have the potential to affect biodiversity or geodiversity outside as well as inside designated areas of importance for biodiversity or geodiversity. Local planning authorities and neighbourhood planning bodies should therefore seek opportunities to work collaboratively with other partners, including [Local Nature Partnerships](#), to develop and deliver a strategic approach to protecting and improving the natural environment based on local priorities and evidence. Equally, they

should consider the opportunities that individual development proposals may provide to enhance biodiversity and contribute to wildlife and habitat connectivity in the wider area.

In considering how development can affect biodiversity, and how biodiversity benefits could be delivered through the planning system, it is useful to consider:

- the policies and commitments in [Biodiversity 2020](#);
- the contents of any existing biodiversity strategies covering the relevant local or neighbourhood plan area and any local biodiversity action plans;
- the potential effects of a development on the habitats or species on the Natural Environment and Rural Communities Act 2006 section 41 list (in [Biodiversity 2020](#))
- whether an [ecological survey](#) is appropriate;
- the factors listed in [guidance on local ecological networks](#) that supports National Planning Policy Framework paragraph 117.

The statutory obligations in regard to international and national designated sites of importance for biodiversity must also be considered.

DOES THIS AFFECT NP POLICIES?

Need meeting with Ecologist David Lowe

Other basic conditions

41-079 Are there any other basic conditions that apply besides those set out in the primary legislation?

Paragraph: 079 Reference ID: 41-079-20140306

[Regulations 32 and 33 of the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#) set out two basic conditions in addition to those set out in the primary legislation.

These are:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See [Schedule 2 to the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#) in relation to the examination of neighbourhood development plans.)
- having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made (see [Schedule 3 to the Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#), where the development described in an order proposal is [EIA development](#)).

DOES THIS AFFECT NP POLICIES?

Doesn't affect us.

37-018 What about public rights of way?

Paragraph: 018 Reference ID: 37-018-20140306

Areas that may be considered for designation as Local Green Space may be crossed by [public rights of way](#). There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation.

DOES THIS AFFECT NP POLICIES? noted

Landscape

8-001 How can the character of landscapes be assessed to inform plan-making and planning decisions?

Paragraph: 001 Reference ID: 8-001-20140306

One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. **This includes designated landscapes but also the wider countryside.**

Where appropriate, landscape character assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change and may be undertaken at a scale appropriate to local and neighbourhood plan-making. Natural England provides guidance on undertaking these [assessments](#).

Revision date: 06 03 2014

RELATED POLICY

National Planning Policy Framework

- [Paragraph 17](#)
- [Paragraphs 156-157](#)
- [Paragraph 170](#)

DOES THIS AFFECT NP POLICIES? Check with Carolyn that we have taken this into account fully. Check Landscape Character assessment with Natural England site and the add Protected views following last nights meeting.

8-008 How should local planning authorities set about planning for biodiversity and geodiversity?

Paragraph: 008 Reference ID: 8-008-20140306

Local and neighbourhood plans and planning decisions have the potential to affect biodiversity or geodiversity outside as well as inside designated areas of importance for biodiversity or geodiversity. Local planning authorities and neighbourhood planning bodies should therefore seek opportunities to work collaboratively with other partners, including [Local Nature Partnerships](#), to develop and deliver a strategic approach to protecting and improving the natural environment based on local priorities and evidence. Equally, they should consider the opportunities that individual development proposals may provide to enhance biodiversity and contribute to wildlife and habitat connectivity in the wider area.

In considering how development can affect biodiversity, and how biodiversity benefits could be delivered through the planning system, it is useful to consider:

- the policies and commitments in [Biodiversity 2020](#);
- the contents of any existing biodiversity strategies covering the relevant local or neighbourhood plan area and any local biodiversity action plans;
- the potential effects of a development on the habitats or species on the Natural Environment and Rural Communities Act 2006 section 41 list (in [Biodiversity 2020](#))
- whether an [ecological survey](#) is appropriate;
- the factors listed in [guidance on local ecological networks](#) that supports National Planning Policy Framework paragraph 117.

The statutory obligations in regard to international and national designated sites of importance for biodiversity must also be considered.

DOES THIS AFFECT NP POLICIES? E-mail sent to Warwickshire Local Nature Partnership so see what help can be forthcoming in related policies. 13/11/14.

Agriculture

DOES THIS AFFECT NP POLICIES? Apart from protecting best & most versatile land there is little recognition of the importance of agriculture to the economy and quality of life of all citizens. As part of the rural environment we should develop specific policies for agriculture.

POLICY LOCAL GREEN SPACE DESIGNATION

37-005 What is Local Green Space designation?

Paragraph: 005 Reference ID: 37-005-20140306

Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities.

DOES THIS AFFECT NP POLICIES? List of potential sites to pursue in the NP was agreed 12/11/14 at the NPDG. Need a policy to protect by listing them.

37-006 How is land designated as Local Green Space?

Paragraph: 006 Reference ID: 37-006-20140306

Local Green Space designation is for use in [Local Plans](#) or [Neighbourhood Plans](#). These plans can identify on a map ('designate') green areas for special protection. Anyone who wants an area to be designated as Local Green Space should contact the local planning authority about the contents of its local plan or get involved in neighbourhood planning.

DOES THIS AFFECT NP POLICIES? All we have to do is designate them on the map.

37-007 How does Local Green Space designation relate to development?

Paragraph: 007 Reference ID: 37-007-20140306

Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.

DOES THIS AFFECT NP POLICIES? But cannot be used to undermine the Local plan. So each must have a reason for special protection set out in the policy document.

37-008 What if land has planning permission for development?

Paragraph: 008 Reference ID: 37-008-20140306

Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented.

DOES THIS AFFECT NP POLICIES? None of the sites listed has planning permission. One has had a resusal which is going to appeal.

37-009 Can all communities benefit from Local Green Space?

Paragraph: 009 Reference ID: 37-009-20140306

Local Green Spaces may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city.

DOES THIS AFFECT NP POLICIES? They have to be demonstrably special to the local community. Perhaps we need a special enquiry to all residents to establish this.

37-010 What if land is already protected by Green Belt or as Metropolitan Open Land (in London)?

Paragraph: 010 Reference ID: 37-010-20140306

If land is already protected by Green Belt policy, or in London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

One potential benefit in areas where protection from development is the norm (e.g. villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.

DOES THIS AFFECT NP POLICIES? Not relevant to us

37-011 What if land is already protected by designations such as National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Scheduled Monument or conservation area?

Paragraph: 011 Reference ID: 37-011-20140306

Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

DOES THIS AFFECT NP POLICIES? Note Conservation Area. Therefore, for the village green we need to justify why there would be local benefit by its designation. Could be based on the local concerns about recent concerns about possible threats to the green, which apart from being in a conservation area is only a residential lung built as part of the new development around it in the 1960's/70's.

37-012 What about new communities?

Paragraph: 012 Reference ID: 37-012-20140306

New residential areas may include green areas that were planned as part of the development. Such green areas could be designated as Local Green Space if they are demonstrably special and hold particular local significance.

DOES THIS AFFECT NP POLICIES? So we have also to establish that this type of green area is demonstrably special and hold particular local significance.

37-013 What types of green area can be identified as Local Green Space?

Paragraph: 013 Reference ID: 37-013-20140306

The green area will need to meet the criteria set out in [paragraph 77 of the National Planning Policy Framework](#). Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.

Revision date: 06 03 2014

RELATED POLICY

National Planning Policy Framework

- [Paragraph 77](#)

DOES THIS AFFECT NP POLICIES? In my list I have set out these criteria and suggested how they might be regarded. Need to get community reaction to the list. They are on the map but could be criticised as not being open enough for everyone to realise the implications. Belt and Braces recommended.

37-014 How close does a Local Green Space need to be to the community it serves?

Paragraph: 014 Reference ID: 37-014-20140306

The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.

DOES THIS AFFECT NP POLICIES? See list

37-015 How big can a Local Green Space be?

Paragraph: 015 Reference ID: 37-015-20140306

There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, [paragraph 77 of the National Planning Policy Framework](#) is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.

Revision date: 06 03 2014

RELATED POLICY

National Planning Policy Framework

- [Paragraph 77](#)

DOES THIS AFFECT NP POLICIES? This could lead to endless argument. I think it means that good reason for every part of it, for that reason, should be justifiable. When is extensive not extensive. That is the question. AS local Green space, the land between Whitnash/Warwick and Bishops Tachbrook would be extensive, but land around and part of the Tach Brook valley which is demonstrably special to the local community even though it is large would not be an extensive

tract of land. If it has a specific boundary to delineate the special area, that should not be construed as a new area of Green Belt.

37-016 Is there a minimum area?

Paragraph: 016 Reference ID: 37-016-20140306

Provided land can meet the criteria at [paragraph 77 of the National Planning Policy Framework](#) there is no lower size limit for a Local Green Space.

RELATED POLICY

National Planning Policy Framework

- [Paragraph 77](#)

DOES THIS AFFECT NP POLICIES? OK

37-017 What about public access?

Paragraph: 017 Reference ID: 37-017-20140306

Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty).

Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.

DOES THIS AFFECT NP POLICIES? No change to rights of access over land is inferred or given. If additional access to any part would be nice, it would need the owners agreement and conditons, eg permissive footpath.

37-019 Does land need to be in public ownership?

Paragraph: 019 Reference ID: 37-019-20140306

A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.

DOES THIS AFFECT NP POLICIES? Note the sting in the tail. If we want to designate any private land then we should contact the landowner before going public on it or including it

on a list. They have to be given the opportunity to make representations to the Parish council as to why it should not be included as a Local Green Space.

37-020 Would designation place any restrictions or obligations on landowners?

Paragraph: 020 Reference ID: 37-020-20140306

Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners.

DOES THIS AFFECT NP POLICIES? A Local Green Space becomes an area with Green Belt Protection.

37-021 Who will manage Local Green Space?

Paragraph: 021 Reference ID: 37-021-20140306

Management of land designated as Local Green Space will remain the responsibility of its owner. If the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be an important consideration. Local communities can consider how, with the landowner's agreement, they might be able to get involved, perhaps in partnership with interested organisations that can provide advice or resources.

DOES THIS AFFECT NP POLICIES? Self explanatory

37-022 Can a Local Green Space be registered as an Asset of Community Value?

Paragraph: 022 Reference ID: 37-022-20140306

Land designated as Local Green Space may potentially also be nominated for listing by the local authority as an [Asset of Community Value](#). Listing gives community interest groups an opportunity to bid if the owner wants to dispose of the land.

DOES THIS AFFECT NP POLICIES?

POLICY HISTORIC

18a-007 How should heritage issues be addressed in neighbourhood plans?

Paragraph: 007 Reference ID: 18a-007-20140306

Where it is relevant, [neighbourhood plans](#) need to include enough information about local heritage to guide decisions and put broader strategic heritage policies from the Local Plan into action at a neighbourhood scale.

Where it is relevant, [designated heritage assets](#) within the plan area should be clearly identified at the start of the plan-making process so they can be appropriately taken into

account. In addition, and where relevant, neighbourhood plans need to include enough information about local non-designated heritage assets including sites of [archaeological interest](#) to guide decisions.

The local planning authority heritage advisers should be able to advise on local heritage issues that should be considered when preparing a neighbourhood plan. The local [Historic environment record](#) and any local list will be important sources of information on non-designated heritage assets.

Further information on:

- Neighbourhood planning generally can be found in the [neighbourhood planning section](#)
- Heritage specific issues and neighbourhood planning is provided by [English Heritage](#).

DOES THIS AFFECT NP POLICIES? This needs to be addressed fully in NP. Protected Views concept could be based on heritage arguments because they are as much heritage as assets even though what is in the view is not a heritage asset, ie., an old building

Listed buildings and conservation areas

41-071 When do the basic conditions relating to listed buildings and conservation areas apply?

Paragraph: 071 Reference ID: 41-071-20140306

Basic conditions [\(b\) and \(c\)](#) that relate to listed buildings and conservation areas apply to a draft neighbourhood Development Order or a Community Right to Build Order so that making the order will not weaken the statutory protections for listed buildings and conservation areas. Further information on conserving and enhancing the historic environment can be found in [paragraphs 126 – 141 of the National Planning Policy Framework](#) and [here](#).

DOES THIS AFFECT NP POLICIES? Not required for neighbourhood plans

POLICY LEISURE & WELLBEING

2b-002 Why is it important to have a strategic vision for town centres?

Paragraph: 002 Reference ID: 2b-002-20140306

A positive vision or strategy for town centres, articulated through the Local Plan, is key to ensuring successful town centres which enable sustainable economic growth and provide a wide range of social and environmental benefits. Once adopted a [Local Plan](#), including any town centre policy that it contains, will be the starting point for any decisions on individual developments. Local planning authorities should work with the private sector, Portas Pilot organisations, town teams, neighbourhood planning groups, town centre management organisations and other relevant groups when developing such strategies. Non-planning

guidance produced by other Government Departments and the sector may be useful in producing such a strategy.

DOES THIS AFFECT NP POLICIES?

but

Applies to Town Centres. May help with village centre

POLICY LEISURE & WELL-BEING

41-046 What should a qualifying body do if it identifies a need for new or enhanced infrastructure?

Paragraph: 046 Reference ID: 41-046-20140306

A qualifying body should set out in their draft neighbourhood plan the prioritised infrastructure required to address the demands of the development identified in the plan.

DOES THIS AFFECT NP POLICIES?

infrastructure.

Good hook for the inclusion of items for enhanced

30-011 Are noise concerns relevant to neighbourhood planning?

Paragraph: 011 Reference ID: 30-011-20140306

Noise concerns can be relevant to neighbourhood planning, and it is important to consider potential changes in the acoustic environment when drawing up a neighbourhood plan or considering a neighbourhood development order. The local planning and environmental health departments will be able to advise whether noise could be a concern.

DOES THIS AFFECT NP POLICIES?

stamping works, in urban areas but in tranquil areas traffic noise may be an issue. The key phrase is potential changes in the acoustic environment.

This is looking for real noisy proposals such as a

POLICY SUSTAINABLE DEVELOPMENT

41-072 What must a qualifying body do to demonstrate that a draft Neighbourhood Plan or Order contributes to sustainable development?

Paragraph: 072 Reference ID: 41-072-20140306

This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or Order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures).

In order to demonstrate that a draft neighbourhood plan or Order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions. There is no legal requirement for a neighbourhood plan to have a [sustainability appraisal](#). However, qualifying bodies may find this a useful approach for demonstrating how their draft plan or order meets the basic condition. Material produced as part of the Sustainability Appraisal of the [Local Plan](#) may be relevant to a neighbourhood plan.

DOES THIS AFFECT NP POLICIES? Prepare a sustainability appraisal to demonstrate how the plan meets the basic condition for sustainable development.

41-073 Is an environmental assessment required of a neighbourhood plan?

Paragraph: 073 Reference ID: 41-073-20140306

A neighbourhood plan may require an [environmental assessment](#) if it is likely to have a significant effect on the environment. Where this is the case the draft neighbourhood plan may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004. This may be the case, for example, where a neighbourhood plan allocates sites for development.

A qualifying body is strongly encouraged to consider the environmental implications of its proposals at an early stage, and to seek the advice of the local planning authority on whether the Environmental Assessment of Plans and Programmes Regulations 2004 are likely to apply.

DOES THIS AFFECT NP POLICIES? Screening opinion from WDC says no environmental implications anticipated.

EU obligations

41-078 What are the relevant EU obligations?

Paragraph: 078 Reference ID: 41-078-20140306

A neighbourhood plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. There are four directives that may be of particular relevance to neighbourhood planning:

- *Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).*

This seeks to provide a high level of protection of the environment by integrating [environmental considerations](#) into the process of preparing plans and programmes. It may be of relevance to neighbourhood plans.

- *Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive)*.

[Environmental Impact Assessment](#) is a procedure to be followed for certain types of proposed development. This is to ensure that decisions are made in full knowledge of any likely significant effects on the environment and that the public are given early and effective opportunities to participate in the decision making procedures. It may be of relevance to Neighbourhood Development Orders.

- *Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively)*. These aim to protect and improve Europe's most important habitats and species. They may be of relevance to both neighbourhood plans or Orders.

Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.

DOES THIS AFFECT NP POLICIES? Dealt with in the Basic conditions document 3.2 for The SEA directive;

11-031 Who is responsible for ensuring that the strategic environmental assessment requirements have been met?

Paragraph: 031 Reference ID: 11-031-20140306

It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft [neighbourhood plan](#) submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

A qualifying body should make every effort to ensure that the draft neighbourhood plan that it submits to the local planning authority:

- meets each of the basic conditions;
- has been prepared in accordance with the correct process and all those required to be consulted have been; and
- is accompanied by all the required documents.

The local planning authority should discuss the steps that the qualifying body needs to take and what needs to be produced in order to comply with the [Environmental Assessment of Plans and Programmes Regulations 2004](#) as part of meeting its duty to advise or assist the qualifying body with neighbourhood planning.

The local planning authority should consider what further assistance it can provide to help a qualifying body comply with the regulations, for example making available information and evidence that may help a qualifying body that is preparing the report.

DOES THIS AFFECT NP POLICIES? done

11-032 How should the strategic environmental assessment process be applied to neighbourhood plan preparation?

Paragraph: 032 Reference ID: 11-032-20140306

The key stages of [neighbourhood plan](#) preparation and their relationship with the strategic environmental assessment process are shown [here](#)

DOES THIS AFFECT NP POLICIES? To be shown through the sustainability assessment report

Renewable and low carbon energy ID5

Planning for renewable & low carbon energy – introduction

5-001 Why is planning for renewable and low carbon energy important?

Paragraph: 001 Reference ID: 5-001-20140306

Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

DOES THIS AFFECT NP POLICIES? Need to write a Climate Change policy as it applies to NP area

Revision date: 06 03 2014

5-002 Are all energy developments handled by local planning authorities?

Paragraph: 002 Reference ID: 5-002-20140306

Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 1990). Renewable and low carbon development over 50 megawatts capacity

will be considered by the Secretary of State for Energy under the [Planning Act 2008](#), and the local planning authority will be a statutory consultee. Microgeneration is often [permitted development](#) and may not require an application for planning permission.

DOES THIS AFFECT NP POLICIES?

Include in Climate Change policy

Revision date: 06 03 2014

Developing a strategy for renewable and low carbon energy

5-003 How can local planning authorities develop a positive strategy to promote the delivery of renewable and low carbon energy?

Paragraph: 003 Reference ID: 5-003-20140306

The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, **but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.**

Local and neighbourhood plans are the key to delivering development that has the backing of local communities. When drawing up a Local Plan local planning authorities should first consider what the local potential is for renewable and low carbon energy generation. In considering that potential, the matters local planning authorities should think about include:

- the range of technologies that could be accommodated and the policies needed to encourage their development in the right places;
- the costs of many renewable energy technologies are falling, potentially increasing their attractiveness and the number of proposals;
- different technologies have different impacts and the impacts can vary by place;
- the UK has legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources. Whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the Local Plan has to deliver.

There is information below on community-led renewable energy initiatives.

DOES THIS AFFECT NP POLICIES?

Include in Climate Change policy

Revision date: 06 03 2014

5-004 What is the role for community led renewable energy initiatives?

Paragraph: 004 Reference ID: 5-004-20140306

Community initiatives are likely to play an increasingly important role and should be encouraged as a way of providing positive local benefit from renewable energy development. Further information for communities interested in developing their own initiatives is provided by the Department of Energy and Climate Change. Local planning authorities may wish to establish policies which give positive weight to renewable and low carbon energy initiatives which have clear evidence of local community involvement and leadership.

Neighbourhood plans are an opportunity for communities to plan for community led renewable energy developments. Neighbourhood Development Orders and Community Right to Build Orders can be used to grant planning permission for renewable energy development. To support community based initiatives **a local planning authority should set out clearly any strategic policies that those producing neighbourhood plans or Orders will need to consider when developing proposals that address renewable energy development. Local planning authorities should also share relevant evidence that may assist those producing a neighbourhood plan or Order, as part of their duty to advise or assist. As part of a neighbourhood plan, communities can also look at developing a community energy plan to underpin the neighbourhood plan.**

DOES THIS AFFECT NP POLICIES?

Include in Climate Change policy

Revision date: 06 03 2014

5-005 How can local planning authorities identify suitable areas for renewable and low carbon energy?

Paragraph: 005 Reference ID: 5-005-20140306

There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the [requirements of the technology](#) and, critically, the potential impacts on the local environment, including from [cumulative impacts](#). The views of local communities likely to be affected should be listened to.

There is a methodology available from the Department of Energy and Climate Change's website on assessing the capacity for renewable energy development which can be used and there may be existing local assessments. However, the impact of some types of technologies may have changed since assessments were drawn up (e.g. the size of wind turbines has been increasing). In considering impacts, assessments can use tools to identify where impacts are likely to be acceptable. For example, landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location. Landscape Character Assessment is a process used to explain the type and characteristics of landscape in an area. Natural England has used Landscape Character Assessment to identify 159 National Character Areas in England which provide a national level database. Landscape Character Assessment carried out at a county or district level may provide a more appropriate scale for assessing the likely landscape and visual impacts of individual proposals. Some renewable energy schemes may have visual impacts

on the marine and coastal environment and it may be appropriate to also to assess potential impacts on seascape character.

Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted. For example, where councils have identified suitable areas for onshore wind or large scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge the impact to be unacceptable.

When identifying suitable areas it is also important to be clear on the factors that will be taken into account when considering individual proposals in these areas. These factors may be dependent on the investigatory work underpinning the identified area. The expectation should always be that an application should only be approved if the impact is (or can be made) acceptable. ([See National Planning Policy Framework paragraph 98](#)).

There is information in the rest of the guidance on [technical considerations](#), [criteria-based policies](#), [buffer zones](#) and [decentralised energy](#).

Revision date: 06 03 2014

RELATED POLICY

National Planning Policy Framework

- [Paragraph 98](#)

DOES THIS AFFECT NP POLICIES? **Include in Climate Change policy**

5-006 What technical considerations relating to renewable energy technologies affect their siting?

Paragraph: 006 Reference ID: 5-006-20140306

Examples of the considerations for particular renewable energy technologies that can affect their siting include proximity of grid connection infrastructure and site size, and:

- for biomass, appropriate transport links,
- for hydro-electric power, sources of water,
- for wind turbines, predicted wind resource, considerations relating to air safeguarding, electromagnetic interference and access for large vehicles.

Discussions with industry experts can help to identify the siting requirements and likely impacts of technologies. The [National Policy Statements](#) on the Department of Energy and Climate Change's website give generic and technology specific advice relevant to siting particular technologies. The Environment Agency has published advice showing which areas may be suitable for [open loop ground source heat pumps](#) as well as advice on the technologies it regulates.

DOES THIS AFFECT NP POLICIES?

Include in Climate Change policy

Revision date: 06 03 2014

5-007 Do criteria based policies have a role in planning for renewable energy?

Paragraph: 007 Reference ID: 5-007-20140306

Policies based on clear criteria can be useful when they are expressed positively (i.e. that proposals will be accepted where the impact is or can be made acceptable). In thinking about criteria the [National Policy Statements](#) published by the Department of Energy and Climate Change provide a useful starting point. These set out the impacts particular technologies can give rise to and how these should be addressed.

In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:

- the need for renewable or low carbon energy does not automatically override environmental protections;
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

DOES THIS AFFECT NP POLICIES?

Include in Climate Change policy

Revision date: 06 03 2014

5-008 Are buffer zones/separation distances appropriate between renewable energy development and other land uses?

Paragraph: 008 Reference ID: 5-008-20140306

Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and nearby land uses. This is why it is important to think about in what circumstances proposals are likely to be acceptable and plan on this basis.

DOES THIS AFFECT NP POLICIES?

Include in Climate Change policy

Revision date: 06 03 2014

5-009 How can decentralised energy opportunities be identified?

Paragraph: 009 Reference ID: 5-009-20140306

There is an important contribution to be made by planning that is independent of the contribution from other regimes such as building regulations. For example, getting the right land uses in the right place can underpin the success of a district heating scheme. Similarly, planning can influence opportunities for recovering and using waste heat from industrial installations.

Planning can provide opportunities for, and encourage energy development which will produce waste heat, to be located close to existing or potential users of the heat. Planning can also help provide the new customers for the heat by encouraging development which could make use of the heat.

Information on local heat demand is published by the Department of Energy and Climate Change to assist planners and developers in identifying locations with opportunities for heat supply. See the [national heat map](#) and the [UK CHP development map](#). This information will be supplemented in future by further work, including detailed mapping, on the potential for combined heat and power and district heating and cooling.

[View the National Planning Policy Framework definition of 'Decentralised Energy'.](#)

DOES THIS AFFECT NP POLICIES?

Include in Climate Change policy

Revision date: 06 03 2014

Particular planning considerations for hydropower, active solar technology, solar farms and wind turbines

5-010 What are the planning considerations that relate to specific renewable energy technologies?

Paragraph: 01010 Reference ID: 5-010-20140306

Renewable energy developments should be acceptable for their proposed location. In addition to the factors that should be considered regarding the acceptability of a location for any form of [renewable energy development](#) there are particular considerations for the following technologies: [hydropower](#), [active solar technology \(photovoltaics and solar water heating\)](#), [solar farms](#) and [wind turbines](#). Also, local planning authorities may wish to consider how planning conditions or planning obligations can mitigate the impacts described.

DOES THIS AFFECT NP POLICIES?

Include in Climate Change policy

Revision date: 06 03 2014

5-011 What are the particular planning considerations that relate to Hydropower?

Paragraph: 011 Reference ID: 5-011-20140306

Planning applications for hydropower should normally be accompanied by a Flood Risk Assessment. Early engagement with the local planning authority and the Environment Agency will help to identify the potential planning issues, which are likely to be highly specific to the location. Advice on environmental protection for new hydropower schemes has been published by the [Environment Agency](#).

DOES THIS AFFECT NP POLICIES?

Include in Climate Change policy

Revision date: 06 03 2014

5-012 What are the particular planning considerations that relate to Active solar technology (Photovoltaic and Solar Water Heating)

Paragraph: 012 Reference ID: 5-012-20140306

Active solar technology, (photovoltaic and solar water heating) on or related to a particular building is often [permitted development](#) (which does not require a planning application) provided the installation is not of an unusual design, or does not involve a listed building, and is not in a designated area.

Where a planning application is required, factors to bear in mind include:

- the importance of siting systems in situations where they can collect the most energy from the sun;
- need for sufficient area of solar modules to produce the required energy output from the system;
- the effect on a protected area such as an Area of Outstanding Natural Beauty or other designated areas;
- the colour and appearance of the modules, particularly if not a standard design.

DOES THIS AFFECT NP POLICIES?

Include in Climate Change policy

Revision date: 06 03 2014

5-013 What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic Farms?

Paragraph: 013 Reference ID: 5-013-20140306

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a [speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013](#).
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare (see [guidance on landscape assessment](#)) and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the [impact of wind turbines](#). However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

Revision date: 06 03 2014

RELATED POLICY

National Planning Policy Framework

- [Paragraph 112](#)

DOES THIS AFFECT NP POLICIES?

Include in Climate Change policy

Strategic environmental assessment and sustainability appraisal ID11

Strategic environmental assessment and sustainability appraisal

11-001 What is a sustainability appraisal, and how does it relate to strategic environmental assessment?

Paragraph: 001 Reference ID: 11-001-20140306

A sustainability appraisal is a systematic process that must be carried out during the preparation of a [Local Plan](#). Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are the most appropriate given the reasonable alternatives. It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met. Sustainability appraisal should be applied as an iterative process informing the development of the Local Plan.

[Section 19 of the Planning and Compulsory Purchase Act 2004](#) requires a local planning authority to carry out a sustainability appraisal of each of the proposals in a [Local Plan](#) during its preparation. More generally, [section 39 of the Act](#) requires that the authority preparing a Local Plan must do so “with the objective of contributing to the achievement of sustainable development”.

Sustainability appraisals incorporate the requirements of the [Environmental Assessment of Plans and Programmes Regulations 2004](#) (commonly referred to as the ‘Strategic Environmental Assessment Regulations’), which implement the requirements of the [European Directive 2001/42/EC](#) (the ‘Strategic Environmental Assessment Directive’) on the assessment of the effects of certain plans and programmes on the environment. Sustainability appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues.

Strategic environmental assessment alone can be required in some limited situations where sustainability appraisal is not needed. This is usually only where either [neighbourhood plans](#) or [supplementary planning documents](#) could have significant environmental effects.

DOES THIS AFFECT NP POLICIES?

report

To be shown through the sustainability assessment

Revision date: 06 03 2014

11-002 What is the Strategic Environmental Assessment Directive?

Paragraph: 002 Reference ID: 11-002-20140306

The [Strategic Environmental Assessment Directive](#) is a European Union requirement that seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing certain plans and programmes.

The aim of the Directive is “to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”

The Strategic Environmental Assessment Directive is implemented through the [Environmental Assessment of Plans and Programmes Regulations 2004](#), which apply to a plan or programme related solely to England (or part of England), or to England (or part of England) and any other part of the United Kingdom. Where the Directive applies there are [some specific requirements that must be complied with](#) and which, in the case of [Local Plans](#), should be addressed as an integral part of the sustainability appraisal process.

DOES THIS AFFECT NP POLICIES? Screening opinion from WDC says no environmental implications are anticipated see 11-033

Revision date: 06 03 2014

11-003 What is the difference between sustainability appraisal, strategic environmental assessment and Environmental Impact Assessment?

Paragraph: 003 Reference ID: 11-003-20140306

Sustainability appraisal and strategic environmental assessment are tools used at the plan-making stage to assess the likely effects of the plan when judged against reasonable alternatives. A sustainability appraisal of the proposals in each [Local Plan](#) is required by [section 19 of the Planning and Compulsory Purchase Act 2004](#) and incorporates the required strategic environmental assessment.

Strategic environmental assessment alone can be required in some exceptional situations. This is usually only where either [neighbourhood plans](#) or [supplementary planning documents](#) could have significant environmental effects.

In contrast [Environmental Impact Assessment](#) is applied to individual projects which are likely to have significant environmental effects (also see [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011](#)).

DOES THIS AFFECT NP POLICIES?

11-004 Table: The Strategic Environmental Assessment Regulations requirements checklist

Paragraph: 004 Reference ID: 11-004-20140306

Strategic Environmental Assessment Regulations requirements checklist	Plan-making stage
<p>Preparation of environmental report (regulation 12)</p> <p>Preparation of an environmental report that identifies describes and evaluates the likely significant effects on the environment of implementing the plan or programme and reasonable alternatives taking into account the objectives and geographical scope of the plan or programme (regulation 12(2)).</p> <p>The report shall include such of the information referred to in Schedule 2 as may reasonably be required, taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in the process to avoid duplication of the assessment (regulation 12(3)). Information may be provided by reference to relevant information obtained at other levels of decision-making or through other EU legislation (regulation 12 (4)).</p> <p>When deciding on the scope and level of detail of information to be included in the environmental report the consultation bodies should be consulted.</p>	<p>For Local Plans, see here and Stages A-C of this flowchart.</p> <p>For neighbourhood plans, see here and Stages A-C of this flowchart. See 11-033</p>
<p>The information referred to in Schedule 2 is:</p> <p>a) An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plans and programmes.</p>	<p>For Local Plans, see Stage A of this flowchart.</p> <p>For neighbourhood plans, see Stage A of this flowchart. See 11-033</p>
<p>b) The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme.</p>	<p>For Local Plans, see here and Stage A of this flowchart.</p> <p>For neighbourhood plans, see here and Stage A of this flowchart. See 11-033</p>
<p>c) The environment characteristics of areas likely to be significantly</p>	<p>For Local Plans, see Stage A</p>

affected.	of this flowchart . For neighbourhood plans, see Stage A of this flowchart . See 11-033
d) Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 2009/147/EC (Conservation of Wild Birds) and 92/43/EEC (Habitats Directive) .	For Local Plans, see Stage A of this flowchart . For neighbourhood plans, see Stage A of this flowchart . See 11-033
e) The environmental protection objectives, established at international, Community or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.	For Local Plans, see Stages A and B of this flowchart . For neighbourhood plans, see Stages A and B of this flowchart . See 11-033
f) The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscapes and the interrelationship between the above factors. These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.	For Local Plans, see Stage B of this flowchart . For neighbourhood plans, see Stage B of this flowchart . See 11-033
g) The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.	For Local Plans, see here and here and Stage B of this flowchart . For neighbourhood plans, see here and here and Stage B of this flowchart .
h) An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.	For Local Plans, see here and here and Stage B of this flowchart . For neighbourhood plans, see here and here and Stage B of this flowchart .
i) A description of measures envisaged concerning monitoring in accordance with regulation 17.	For Local Plans, see Stage B of this flowchart . For neighbourhood plans, see Stage B of this flowchart .

<p>j) A non-technical summary of the information provided under the above headings.</p>	<p>For Local Plans, see here and Stage C of this flowchart. For neighbourhood plans, see here and Stage C of this flowchart.</p>
<p>Consultation procedures (regulation 13) As soon as reasonably practicable after their preparation, the draft plan or programme and environmental report shall be sent to the consultation bodies and brought to the attention of the public, who should be invited to express their opinion. The period within which opinions must be sent must be of such length as will ensure an effective opportunity to express their opinion.</p>	<p>For Local Plans, see here and here and Stage A of this flowchart. For neighbourhood plans, see here and here and Stage D of this flowchart.</p>
<p>Transboundary consultations (regulation 14) The Secretary of State shall inform other EU Member States, where the implementation of the plan or programme is likely to have significant effects on the environment of that country or a Member State that is likely to be significantly affected by the implementation of the plan or programme so requests.</p>	<p>For Local Plans, see Stage D of this flowchart. For neighbourhood plans, see Stage D of this flowchart.</p>
<p>Information as to adoption of plan or programme (regulation 16) As soon as reasonably practicable after the plan or programme is adopted, the consultation bodies, the public and the Secretary of State (who will inform any other EU Member States consulted) shall be informed and the following made available:</p> <ul style="list-style-type: none"> • the plan or programme adopted • the environmental report • a statement summarising: <ul style="list-style-type: none"> (a) how environmental considerations have been integrated into the plan or programme; (b) how the environmental report has been taken into account; (c) how opinions expressed in response to: <ul style="list-style-type: none"> (i) the invitation referred to in regulation 13(2)(d); (ii) action taken by the responsible authority in accordance with regulation 13(4), <p>have been taken into account;</p>	<p>For Local Plans, see here and Stage E of this flowchart. For neighbourhood plans, see here and Stage E of this flowchart.</p>

<p>(d) how the results of any consultations entered into under regulation 14(4) have been taken into account;</p> <p>(e) the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and</p> <p>(f) the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme. (regulation 16)</p>	
<p>Monitoring of implementation of plans or programmes (regulation 17) Monitoring of significant environmental effects of the plan's or programme's implementation with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action (regulation 17 (1)). Monitoring arrangements may comprise or include arrangements established for other purposes (regulation 17 (2)).</p>	<p>For Local Plans, see here and Stage E of this flowchart. For neighbourhood plans, see here and Stage E of this flowchart.</p>

DOES THIS AFFECT NP POLICIES? To be shown through the sustainability assessment report

Revision date: 06 03 2014

Sustainability appraisal requirements for Local Plans

11-005 What documents in a Local Plan require a sustainability appraisal?

Paragraph: 005 Reference ID: 11-005-20140306

Sustainability appraisal is required during the preparation of a [Local Plan](#). The local planning authority must carry out an appraisal of the sustainability of the proposals. This will help the authority to assess how the plan will contribute to the achievement of sustainable development.

It applies to any of the documents that can form part of a Local Plan, including core strategies, site allocation documents and area action plans. **Neighbourhood plans, supplementary planning documents, the Statement of Community Involvement, the Local Development Scheme or the Authority Monitoring Report are excluded from this requirement.**

DOES THIS AFFECT NP POLICIES? This says NP's are excluded from this requirement.

Revision date: 06 03 2014

Sustainability appraisal requirements for neighbourhood plans

11-026 Does a neighbourhood plan require a sustainability appraisal?

Paragraph: 026 Reference ID: 11-026-20140306

There is no legal requirement for a [neighbourhood plan](#) to have a sustainability appraisal as set out in section 19 of the Planning and Compulsory Purchase Act 2004. However, a qualifying body must demonstrate how its plan or order will contribute to [achieving sustainable development](#). A sustainability appraisal may be a useful approach for doing this and the [guidance on sustainability appraisal of Local Plans](#) should be referred to.

DOES THIS AFFECT NP POLICIES? But although we do not need a sustainability appraisal for the purposes of 11-005 we still have to demonstrate how the plan will contribute to achieving sustainable development.

Revision date: 06 03 2014

11-027 Does a neighbourhood plan require a strategic environmental assessment?

Paragraph: 027 Reference ID: 11-027-20140306

In some limited circumstances, where a [neighbourhood plan](#) could have significant environmental effects, it may fall within the scope of the [Environmental Assessment of Plans and Programmes Regulations 2004](#) and so require a strategic environmental assessment. One of the basic conditions that will be tested by the [independent examiner](#) is whether the making of the neighbourhood plan is [compatible with European Union obligations](#) (including under the Strategic Environmental Assessment Directive).

Whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the [Local Plan](#).

DOES THIS AFFECT NP POLICIES?

Revision date: 06 03 2014

11-028 How do you know if a draft neighbourhood plan might have significant environmental effects?

Paragraph: 028 Reference ID: 11-028-20140306

To decide whether a draft [neighbourhood plan](#) might have significant environmental effects, its potential scope should be assessed at an early stage against the criteria set out in Schedule 1 to the [Environmental Assessment of Plans and Programmes Regulations 2004](#).

The local planning authority should put in place a process to provide a screening opinion to the qualifying body on whether the proposed neighbourhood plan will require a strategic environmental assessment. The qualifying body should work with the local planning authority to be sure that the authority has the information it needs in order to provide a screening opinion.

When deciding on whether the proposals are likely to have significant environmental effects, the local planning authority should consult the statutory consultation bodies. Where the local planning authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it should prepare a statement of its reasons for the determination. Where a statement of reasons is provided in respect of a neighbourhood plan a copy of the statement should be provided to the qualifying body in order that the statement can be made available to the independent examiner. For example by including it in the [basic conditions statement](#).

Where a [neighbourhood plan](#) is likely to have a significant effect on the environment a strategic environmental assessment must be carried out.

DOES THIS AFFECT NP POLICIES? done

Revision date: 06 03 2014

11-029 When should a plan-maker start producing a strategic environmental assessment?

Paragraph: 029 Reference ID: 11-029-20140306

Where a [neighbourhood plan](#) requires a strategic environmental assessment, work on this should start at the same time that work starts on developing the neighbourhood plan. This is so that the processes for gathering evidence for the environmental report and for producing the draft neighbourhood plan can be integrated, and to allow the assessment process to inform the choices being made in the plan.

DOES THIS AFFECT NP POLICIES? Not required

Revision date: 06 03 2014

11-030 What level of detail is required in a strategic environmental assessment?

Paragraph: 030 Reference ID: 11-030-20140306

The strategic environmental assessment should only focus on what is needed to assess the likely significant effects of the [neighbourhood plan](#). It should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or

using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.

DOES THIS AFFECT NP POLICIES? Not required

Revision date: 06 03 2014

11-031 Who is responsible for ensuring that the strategic environmental assessment requirements have been met?

Paragraph: 031 Reference ID: 11-031-20140306

It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft [neighbourhood plan](#) submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

A qualifying body should make every effort to ensure that the draft neighbourhood plan that it submits to the local planning authority:

- meets each of the basic conditions;
- has been prepared in accordance with the correct process and all those required to be consulted have been; and
- is accompanied by all the required documents.

The local planning authority should discuss the steps that the qualifying body needs to take and what needs to be produced in order to comply with the [Environmental Assessment of Plans and Programmes Regulations 2004](#) as part of meeting its duty to advise or assist the qualifying body with neighbourhood planning.

The local planning authority should consider what further assistance it can provide to help a qualifying body comply with the regulations, for example making available information and evidence that may help a qualifying body that is preparing the report.

DOES THIS AFFECT NP POLICIES? Not required

Revision date: 06 03 2014

11-032 How should the strategic environmental assessment process be applied to neighbourhood plan preparation?

Paragraph: 032 Reference ID: 11-032-20140306

The key stages of [neighbourhood plan](#) preparation and their relationship with the strategic environmental assessment process are shown [here](#)

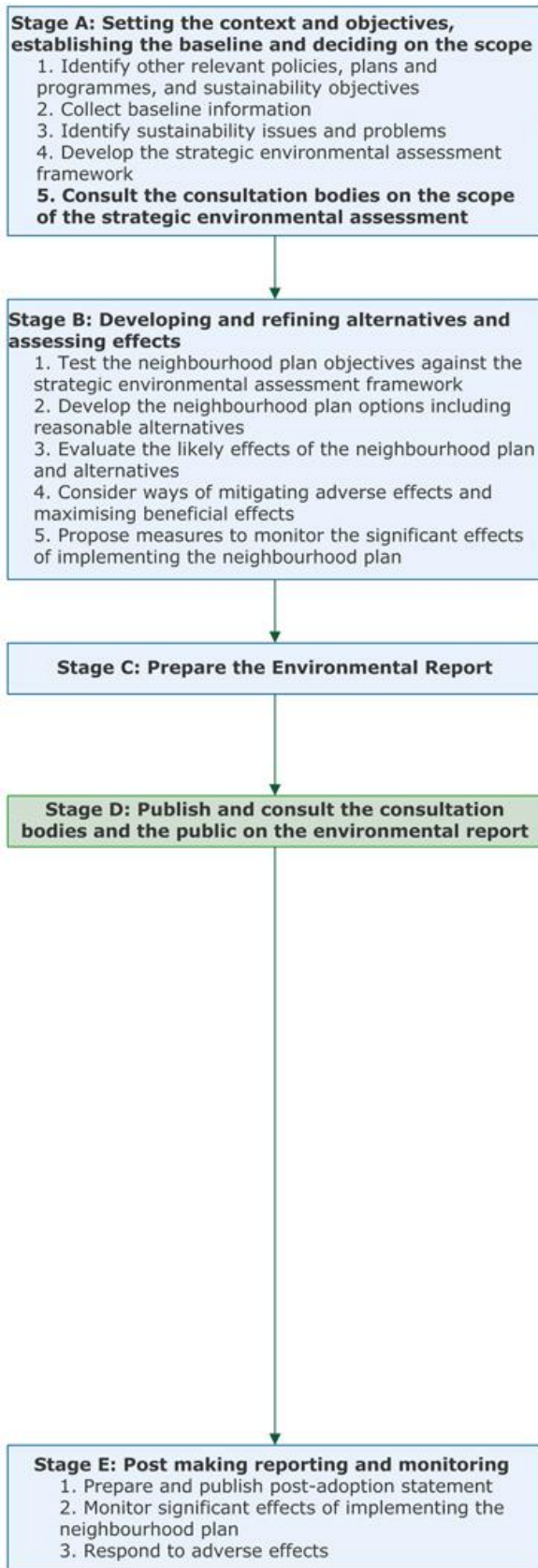
DOES THIS AFFECT NP POLICIES? Not required

Revision date: 06 03 2014

11-033 Strategic environmental assessment process

Paragraph: 033 Reference ID: 11-033-20140306

Strategic environmental assessment process



Neighbourhood plan preparation



DOES THIS AFFECT NP POLICIES?

Not required

Revision date: 06 03 2014

11-034 What is required at the scoping stage?

Paragraph: 034 Reference ID: 11-034-20140306

The scoping stage ([Stage A](#)) must identify the scope and level of detail of the information to be included in the environmental report. It should set out the context, objectives and approach of the assessment; establish the baseline; and identify relevant environmental issues and objectives.

Although the scoping stage is a requirement of the process, a formal scoping report is not required by law but is a useful way of presenting information at the scoping stage. A key aim of the scoping procedure is to help ensure the strategic environmental assessment is proportionate and relevant to the [neighbourhood plan](#) being assessed.

The [consultation bodies](#) must be consulted on the scope and level of detail of the information that must be included within the report.

Where a consultation body decides to respond, it should do so within five weeks of receipt of the request. (See [regulation 12\(5\) and 12\(6\) of the Environmental Assessment of Plans and Programmes Regulations 2004](#).)

DOES THIS AFFECT NP POLICIES? Not required

Revision date: 06 03 2014

11-036 What is baseline information?

Paragraph: 036 Reference ID: 11-036-20140306

The term ‘baseline information’ refers to the existing environmental characteristics of the area likely to be affected by the [neighbourhood plan](#), and its likely evolution without implementation of the neighbourhood plan.

| The area likely to be affected may lie outside the designated neighbourhood area and the local planning authority boundary and plan makers may need to obtain information from other local planning authorities.

| Baseline information—provides the basis against which to assess the likely effects of alternative proposals in the draft plan.

Wherever possible data should be included on historic and likely future trends, including a ‘no neighbourhood plan’ or ‘business as usual’ scenario (i.e. anticipated trends in the absence of the neighbourhood plan being introduced). This information will enable the potential environmental effects of the implementation of the neighbourhood plan to be

assessed in the context of existing and potential environmental trends. The local planning authority may be able to provide this 'baseline information'.

DOES THIS AFFECT NP POLICIES? See whether WDC have.

Revision date: 06 03 2014

11-037 How should plan-makers develop and refine options and assess effects?

Paragraph: 037 Reference ID: 11-037-20140306

Proposals in a draft [neighbourhood plan](#), and the reasonable alternatives should be assessed to identify the likely significant effects of the available options ([Stage B](#)). Forecasting and evaluation of the significant effects should help to develop and refine the proposals in the neighbourhood plan.

Reasonable alternatives should be identified and considered at an early stage in the plan making process as the assessment of these should inform the preferred approach.

This stage should also involve considering ways of mitigating any adverse effects, maximising beneficial effects and ways of monitoring likely significant effects.

DOES THIS AFFECT NP POLICIES? Treat this as the place to set up the housing options and design parameters for the village design and the way that the chosen option outweighs the alternatives.

Revision date: 06 03 2014

11-038 How should the strategic environmental assessment assess alternatives and identify likely significant effects?

Paragraph: 038 Reference ID: 11-038-20140306

The strategic environmental assessment needs to compare the alternatives including the preferred approach, and assess these against the [baseline environmental characteristics](#) of the area and the likely situation if the [neighbourhood plan](#) were not to be made. The strategic environmental assessment should predict and evaluate the effects of the preferred approach and reasonable alternatives and should clearly identify the significant positive and negative effects of each alternative.

The strategic environmental assessment should identify, describe and evaluate the likely significant effects on environmental factors using the evidence base. Criteria for determining the likely significance of effects on the environment are set out in [Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#).

The environmental assessment should identify any likely significant adverse effects and measures envisaged to prevent, reduce, and, as fully as possible, offset them. Reasonable alternatives must be considered and assessed in the same level of detail as the preferred

approach intended to be taken forward in the neighbourhood plan (the preferred approach). Reasonable alternatives are the different realistic options considered while developing the policies in the draft plan. They must be sufficiently distinct to highlight the different environmental implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable.

The strategic environmental assessment should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives. It should provide conclusions on the overall environmental impact of the different alternatives, including those selected as the preferred approach in the [neighbourhood plan](#). Any assumptions used in assessing the significance of effects of the neighbourhood plan should be documented.

The development and appraisal of proposals in the neighbourhood plan should be an iterative process, with the proposals being revised to take account of the appraisal findings. This should inform the selection, refinement and publication of the preferred approach for consultation.

DOES THIS AFFECT NP POLICIES? Follow as far as sensible the option analysis for the option selected. Evaluation of environmental effects is pretty much impossible by this process. Needs to sound sensible.

Revision date: 06 03 2014

11-039 What should the environmental report accompanying the draft neighbourhood plan cover?

Paragraph: 039 Reference ID: 11-039-20140306

[Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004](#) sets out the requirements of an environmental report, which is a core output of any strategic environmental assessment. An environmental report for the purpose of the regulations must identify, describe and evaluate the likely significant effects on the environment of implementing the [neighbourhood plan](#) policies and of the reasonable alternatives taking into account the objectives and geographical scope of the neighbourhood plan. The environmental report must clearly show how these requirements have been met.

The environmental report must include a non-technical summary of the information within the main report. The summary should be prepared with a range of readers in mind, and provide a clear, accessible overview of the process and findings.

DOES THIS AFFECT NP POLICIES? Included in condition Statement

Revision date: 06 03 2014

11-040 Who should be consulted on the environmental report?

Paragraph: 040 Reference ID: 11-040-20140306

The environmental report, including the non-technical summary, must be made available alongside the draft neighbourhood plan. The [consultation bodies](#) should be sent a copy of these documents and the documents publicised in order to bring them to the attention of those members of the public likely to be affected by, or have an interest in the decisions involved in the assessment and development of the [neighbourhood plan](#). The consultation bodies and the interested parties should have an opportunity to express their opinion and be given sufficient time to do so. These procedures can be incorporated into the pre-submission publicity and consultation process for the [neighbourhood plan](#).

Full details are set out in [Regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004](#).

DOES THIS AFFECT NP POLICIES? Consultation bodies invited to make representations.

Revision date: 06 03 2014

11-041 Should the environmental report be updated if the draft neighbourhood plan is modified following responses to consultations?

Paragraph: 041 Reference ID: 11-041-20140306

The environmental report will not necessarily have to be amended if the [neighbourhood plan](#) is modified following responses to consultation. Modifications to the environmental report should be considered only where appropriate and proportionate to the level of change being made to the neighbourhood plan. A change is likely to be significant if it substantially alters the draft plan and or is likely to give rise to significant environmental effects. Further assessment may be required if the changes have not previously been assessed and are likely to give rise to significant effects.

Changes that are not significant will not require further environmental assessment work.

DOES THIS AFFECT NP POLICIES? Assess at the time of updating

Revision date: 06 03 2014

11-042 What is the role of the environmental report at the independent examination of the neighbourhood plan?

Paragraph: 042 Reference ID: 11-042-20140306

One of the basic conditions that will be tested by the [independent examiner](#) is whether the [neighbourhood plan](#) is compatible with European Union obligations, as transposed into UK law. The basic condition statement submitted to the local planning authority with the draft plan should set out how the plan meets this basic condition. Where a plan requires a strategic environmental assessment a copy of the environmental report and any scoping

report should also be submitted with the draft plan in order that they can be made available to the independent examiner.

When submitted to the local planning authority, the neighbourhood plan must be accompanied by a consultation statement. This statement should set out:

- who has been consulted during the preparation of the plan, including the preparation of the environmental report;
- how they were consulted;
- a summary of the main issues and concerns raised by those consulted; and
- how these issues and concerns have been considered and, where relevant, addressed in the neighbourhood plan.

This statement will also be submitted to the independent examiner.

DOES THIS AFFECT NP POLICIES? Sets out what should be included in the report of the examiner.

Revision date: 06 03 2014

11-043 Will the environmental report have to be amended if modifications to the neighbourhood plan are proposed at examination?

Paragraph: 043 Reference ID: 11-043-20140306

The independent examiner of a [neighbourhood plan](#) is testing whether the plan meets (or can be modified to meet) the basic conditions and will make recommendations to the local planning authority. The local planning authority will then reach its own view, informed by the examiner's report.

If the local planning authority assesses that the proposed changes are likely to have significant environmental effects which were not previously assessed then the strategic environmental assessment should be continued and the environment report amended accordingly in consultation with the qualifying body.

DOES THIS AFFECT NP POLICIES? Only if LPA thinks it necessary if examiner finds that basic conditions are not met and makes modifications.

Revision date: 06 03 2014

11-044 What information should be provided following the making of a neighbourhood plan?

Paragraph: 044 Reference ID: 11-044-20140306

[Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004](#) sets out the requirements of the local planning authority once the [neighbourhood plan](#) has been made.

DOES THIS AFFECT NP POLICIES?

LPA action only

Revision date: 06 03 2014

11-045 Does the local planning authority have to monitor the significant effects of implementing the neighbourhood plan once it has been made?

Paragraph: 045 Reference ID: 11-045-20140306

Monitoring the significant effects of the implementation of a neighbourhood plan that was subject to a strategic environmental assessment should be undertaken (see [Regulation 17 of the Environmental Assessment of Plans and Programmes Regulations 2004](#)). This will enable unforeseen adverse effects to be identified at an early stage and to enable appropriate remedial actions. The local planning authority should consider arrangements to monitor the significant effects of implementing the [neighbourhood plan](#) and reporting this issue in its Monitoring Report.

DOES THIS AFFECT NP POLICIES?

LPA action only

POLICY TRANSPORT & TRAFFIC MANAGEMENT

42-004 What are Transport Assessments and Statements?

Paragraph: 004 Reference ID: 42-004-20140306

Transport Assessments and Statements are ways of assessing the potential transport impacts of developments (and they may propose mitigation measures to promote sustainable development. Where that mitigation relates to matters that can be addressed by management measures, the mitigation may inform the preparation of Travel Plans).

Transport Assessments are thorough assessments of the transport implications of development, and Transport Statements are a 'lighter-touch' evaluation to be used where this would be more proportionate to the potential impact of the development (i.e. in the case of developments with anticipated limited transport impacts).

Where the transport impacts of development are not significant, it may be that no Transport Assessment or Statement or Travel Plan is required. Local planning authorities, developers, relevant transport authorities, and neighbourhood planning organisations should agree what evaluation is needed in each instance.

DOES THIS AFFECT NP POLICIES?

agree what evaluation is needed

42-007 What key principles should be taken into account in preparing a Travel Plan, Transport Assessment or Statement?

Paragraph: 007 Reference ID: 42-007-20140306

Travel Plans, Transport Assessments and Statements should be:

- proportionate to the size and scope of the proposed development to which they relate and build on existing information wherever possible;
- established at the earliest practicable possible stage of a development proposal;
- be tailored to particular local circumstances (other locally-determined factors and information beyond those which are set out in this guidance may need to be considered in these studies provided there is robust evidence for doing so locally);
- be brought forward through collaborative ongoing working between the Local Planning Authority/ Transport Authority, transport operators, Rail Network Operators, Highways Agency where there may be implications for the [strategic road network](#) and other relevant bodies. Engaging communities and local businesses in Travel Plans, Transport Assessments and Statements can be beneficial in positively supporting higher levels of walking and cycling (which in turn can encourage greater social inclusion, community cohesion and healthier communities).

In order to make these documents as useful and accessible as possible any information or assumptions should be set out in a clear and publicly accessible form:

- the timeframes over which they are conducted or operate should be appropriate in relation to the nature of developments to which they relate (and planned changes to transport infrastructure and management in the area);
- Local Planning Authorities should advise qualifying bodies for the purposes of Neighbourhood Planning on whether Travel Plans, Transport Assessments and Statements should be prepared, and the benefits of doing so, as part of the duty to support.

Local Planning Authorities may wish to consult the relevant bodies on planning applications likely to affect transport infrastructure, such as Rail Network Operators where a development is likely to impact on the operation of level crossings.

DOES THIS AFFECT NP POLICIES? Mainly LPA responsibility but the point to make our concerns about road issues.

42-012 How should Travel Plans be monitored?

Paragraph: 012 Reference ID: 42-012-20140306

Travel Plans need to set out clearly what data is to be collected, and when, establishing the baseline conditions in relation to any targets.

The length of time over which monitoring will occur and the frequency will depend on the nature and scale of the development and should be agreed as part of the Travel Plan with the developer or qualifying body for neighbourhood planning. Who has responsibility for monitoring compliance should be clear.

Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan. This includes meeting the agreed targets over a consistent period of time. At this point the Travel Plan would become a voluntary initiative.

DOES THIS AFFECT NP POLICIES? Who provides travel plan and what is it?

32-003 Are air quality concerns relevant to neighbourhood planning?

Paragraph: 003 Reference ID: 32-003-20140306

Air quality concerns can be relevant to [neighbourhood planning](#), and it is important to consider air quality when drawing up a neighbourhood plan or considering a neighbourhood development order. The local planning and environmental health departments will be able to advise whether air quality could be a concern.

DOES THIS AFFECT NP POLICIES?