

# Neighbourhood Planning Protocol



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### Update in July 2019:

This document updates the previously published 'Neighbourhood Planning Protocol' (February 2014). This revision has been prepared to take account of current legislation and to reflect the Council's learning from the adoption of the first neighbourhood plan in the borough, in Ham and Petersham.

## 1 INTRODUCTION

### 1.1 Purpose of this document

- 1.1.1 Neighbourhood planning provides a means through which residents, local businesses, and community members have engaged with the planning system to seek to shape the places they live and work in. It introduces an optional set of tools for communities to influence the patterns of future growth and to seek to shape the type of development that they would like to see come forward in their areas. While neighbourhood planning is a tool designed for – and led by – the community, the Council also has an important role to support those engaged in it.
- 1.1.2 This guide seeks to provide support for communities and ensure that there is a consistent approach to neighbourhood planning in the borough. Its aims are to:
- provide a general overview and advice to interested local community groups on the neighbourhood planning process;
  - explain the steps communities should follow when they are preparing a neighbourhood plan;
  - identify areas and matters where the Localism Act and Neighbourhood Planning Regulations allow for greater local discretion and flexibility; and
  - set out the role of the Council in neighbourhood planning to ensure there is clarity and transparency for local communities on what to expect and to ensure a coordinated approach.

## 2 WHAT IS NEIGHBOURHOOD PLANNING?

### 2.1 Neighbourhood planning tools

- 2.1.1 Neighbourhood planning was introduced by the Localism Act in 2011 and represents a tier of planning system that seeks to give communities greater power to determine a vision for their neighbourhood and to shape development and growth in their local area. The Act seeks to facilitate community-led planning in the form of three tools: Neighbourhood Plans, Neighbourhood Development Orders and the Community Right to Build (see Table 1).
- 2.1.2 Neighbourhood planning is not mandatory, but a set of tools that communities can choose to use. The process must therefore be led by local communities themselves, however the Council still has an important role to play: it has a statutory duty both to provide assistance to neighbourhood planning bodies, and to organise various parts of the process, such as the independent examination of a submitted neighbourhood plan and the community referendum on it.
- 2.1.3 If adopted, a neighbourhood plan becomes part of the borough's statutory planning documents and will be used to help determine planning applications in that area. As such, any proposals deriving from a neighbourhood planning tool must be in general conformity with the National Planning Policy Framework and the borough's own Local Development Plan. In Richmond, the latter consists of the [London Plan](#), the [Local Plan](#), as well as the [West London Waste Plan](#) and the [Twickenham Area Action Plan](#).

**Table 1:** Three neighbourhood planning powers introduced by the Localism Act

<b>Neighbourhood Development Plan</b>	Communities are able to establish general planning policies for the development and use of land in a neighbourhood through a neighbourhood plan. Plans can be detailed, or general, depending on what local people want – they could, for example, influence where additional new homes and offices should be built and what they should look like. Plans must be evidence based and should be less restrictive than the local authority policies (i.e. they cannot stipulate for less development than is identified in the borough’s Local Plan). While the Council will provide technical advice and support, neighbourhood plans are produced by communities, and the plan making process must be led by a designated “Neighbourhood Forum”.
<b>Neighbourhood Development Orders (NDO)</b>	A NDO is an order which grants planning permission in relation to a particular neighbourhood area specified in the order either: (a) for development specified in the order, or (b) for development of any class specified in the order. This right allows communities to extend permitted development rights in their area for the type of development they want to see go ahead. Examples might include extensions to community buildings, affordable housing or local scale renewable energy installations. All other consent regimes will still apply (e.g. Building Regulations or Listed Building consent).
<b>Community Right to Build</b>	This is a type of NDO for a particular scheme. It allows a community organisation, not necessarily limited to a neighbourhood forum, to bring forward development proposals without requiring a separate traditional planning application, providing that the proposal meets certain minimum criteria and can demonstrate local support through a referendum.

2.1.4 For the purposes of this document, the use of the term “neighbourhood plan” refers to and includes neighbourhood development plan and neighbourhood development order unless otherwise indicated.

## 2.2 The Council’s role in neighbourhood planning

2.2.1 The Localism Act and Neighbourhood Planning Regulations set out the duties placed on local authorities in relation to neighbourhood planning. These can be summarised as follows:

- Consult on and confirm the geographical area of a proposed “Neighbourhood Area”;
- Consult on and confirm the status of a proposed “Neighbourhood Forum”;
- Provide, as part of the statutory ‘duty to support’, expertise and advice to a neighbourhood forum that is developing a neighbourhood plan;
- Pay and arrange for independent examinations;
- Pay and arrange for referendums;
- Adopt neighbourhood plans where all requirements have been met.

2.2.2 Further details on the role of the Council in the neighbourhood planning process are set out in the subsequent sections of this document (see information included in the blue text boxes).

### 3 GUIDE TO NEIGHBOURHOOD PLANNING

#### 3.1 Summary of the neighbourhood plan process

3.1.1 The figure below summarises the neighbourhood plan process in 6 stages; a neighbourhood development order would need to follow a very similar process and would also be generated through a neighbourhood plan process.

Figure 1: Neighbourhood Plan process

Stages	Neighbourhood Forum	Local Authority role
Getting started	<ul style="list-style-type: none"> <li>Community wants to shape growth and development of where they live</li> <li>Establish team, vision, objectives and produce programme for developing the plan</li> </ul>	<ul style="list-style-type: none"> <li>Engage with community group to identify their needs and desires for the area</li> <li>Identify whether formal neighbourhood plan is the most appropriate tool</li> </ul>
Designations	<ul style="list-style-type: none"> <li>Apply to the Council for a neighbourhood area to be designated</li> <li>Apply to the Council for a neighbourhood forum to be designated</li> </ul>	<ul style="list-style-type: none"> <li>Publicise proposed area and designate a neighbourhood area</li> <li>Publicise proposed forum and make decision on designation</li> </ul>
Developing the Plan	<ul style="list-style-type: none"> <li>Work up details with the community</li> <li>Gather relevant information, strengths, weaknesses, formalise vision and objectives, develop policies and implementation plan</li> <li>Check for conformity with strategic policies in local development plan</li> <li>Extensive community engagement and consult consultees as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>Duty to support by providing advice and assistance, such as on conformity and strategic policies</li> <li>Set out any evidence requirements</li> <li>Advise when/which consultees to be consulted</li> <li>Advise on need for Strategic Environmental Assessment and/or Sustainability Appraisal</li> </ul>
Submission and Examination	<ul style="list-style-type: none"> <li>Submit to LB Richmond upon Thames</li> <li>Opportunity for consultees to provide written representations</li> <li>Examiner is checking the "basic conditions" (conformity with local and national policy, compatible with European legislation, contribution to sustainable development)</li> </ul>	<ul style="list-style-type: none"> <li>Fund examination</li> <li>Publicise the Plan, including how to make representations</li> <li>Appoint examiner with consent of community</li> <li>Send submission and written representations to examiner</li> <li>LB Richmond to check examiner's report, satisfied proposal meets "basic conditions"</li> </ul>
Referendum	<ul style="list-style-type: none"> <li>Proceed to community referendum seeking adoption</li> </ul>	<ul style="list-style-type: none"> <li>Fund and undertake referendum</li> <li>Simple majority vote is required</li> </ul>
Making of Plan / Order	<ul style="list-style-type: none"> <li>Proceed to making of Plan or Order by LB Richmond upon Thames</li> </ul>	<ul style="list-style-type: none"> <li>If majority vote, make a Plan or Order</li> <li>Publicise / notify decision</li> </ul>

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#### 3.2 Stage 1 – Getting started

3.2.1 The Council is supportive of the involvement of local people in the planning process, however experience both in Richmond and elsewhere in London has shown that neighbourhood planning is a serious commitment (both in terms of time and energy required by community groups).

3.2.2 Before a community group decides to embark on the neighbourhood planning process, they should be advised that:

- it is a significant undertaking which can be an intensive and long process (experience across London has shown that neighbourhood plans can take

between 3 to 5 years to complete, from the formation and designation of a neighbourhood forum and area through to the adoption of a plan, although the timescales and resource commitments will vary greatly between different plans and areas);

- it requires considerable commitment and resources to develop a plan, which will need to be shared between different members of the group across the whole process;
- planning matters often inspire debate – it is likely that the group will have to mediate and balance a range of different views on challenging issues; and
- there is the possibility that a group's ambitions are not met (e.g. an examiner may strike out or recommend significant changes to proposed policies; or the plan is found to be 'unsound' at examination; or insufficient support is received at the referendum).

3.2.3 In Richmond, the Council has already produced a wide array of local planning documents. In addition to the borough's up-to-date [Local Plan](#), the Council has also produced a number of [guidance documents](#) and a range of development briefs for important sites within the borough. There are also various [Conservation Area studies](#) covering many parts of the borough.

3.2.4 Therefore, community groups are encouraged, prior to embarking on a formal neighbourhood planning process, to consider carefully the context, what plans and programmes already exist, what more a neighbourhood plan could achieve for an area and whether other tools may be more appropriate for achieving their aims and objectives.

3.2.5 The Council is committed to consulting the community in the production of planning documents, whether updating existing plans or creating new guidance. If you would like to be notified of progress on Local Plan and other guidance documents, including public consultations held on the Council's emerging and draft planning documents, please email [LocalPlan@richmond.gov.uk](mailto:LocalPlan@richmond.gov.uk) stating this and providing your contact details.

3.2.6 We have created a checklist of questions that should be considered by community groups thinking about preparing a neighbourhood plan or neighbourhood development order:

*Do you need a neighbourhood plan and is it the best option?*

- What are the planning issues in your neighbourhood? What are the area's strengths and weaknesses?
- Are these issues already addressed in existing Council plans (see above), or could they be addressed in future plans, particularly since the Council is required to review and where necessary update its Local Plan every five years?
- What do you want your neighbourhood plan to achieve? Is this the best way to address the issues of an area or achieve your ambitions? Is there a different, potentially more expedient way to address the identified issues, such as by contributing and getting involved in the Council's planning processes or through other community development options (see below)?
- Have you sought advice from the Council's Planning Policy team via email at [LocalPlan@richmond.gov.uk](mailto:LocalPlan@richmond.gov.uk)?

### Other Options

There are lots of other planning tools that specifically operate at a local or neighbourhood scale, which you may consider to be more appropriate than a neighbourhood plan:

#### *Council-led:*

- It may be more effective use of resources to ensure that issues are addressed in reviews of and by providing input on draft versions of the Council's plans and planning guidance, including Supplementary Planning Documents and Conservation Area Studies.

#### *Community-led:*

- As well as neighbourhood plans there are a range of tools to provide analysis and local proposal approaches to developing area plans – see Appendix A for further information.

### Do you understand what neighbourhood plans can and cannot do?

- Are you seeking to be pro-development or more permissive towards certain types of developments in your neighbourhood?
- Do you know that a neighbourhood plan cannot stop development? It can only include proposals for an equal (or greater) amount of growth than is set out in national, regional and local policies.
- Could your vision be achieved through policies that focus on the use and development of land? A common issue with neighbourhood plans is that many of the policies seek to address broader concerns that go beyond the scope of planning (e.g. proposing management plans, community events, etc).
- Are you aware of the processes that you will need to go through?
- It is estimated that the process for developing a neighbourhood plan will take approximately 3-5 years – whilst this will vary greatly between different plans (i.e. the issues that you would like a plan to address and the area to which it relates), does this match your timeframe and your ambitions?

### Who can prepare a neighbourhood plan?

- Is your organisation/group eligible, or capable of becoming eligible, to prepare a neighbourhood plan? It will need to be a designated neighbourhood forum in order to do so (see Section 3.3 for more details).

### Do you have the resources to prepare these?

- Do you have a budget and volunteers to draw up the plan and help with consultation activities and drafting the plan? What skills and support is available in the local community?
- Have you considered making use of any Government or other funding opportunities?
- Have you found out what support the Council can offer?

## **3.3 Stage 2 – Designation (Neighbourhood Area and Neighbourhood Forum)**

- 3.3.1 If you are a community group within the borough of Richmond, you will first need to establish yourself as a “neighbourhood forum” for a designated “neighbourhood area”.

**Council Role: determining applications for neighbourhood areas and forums**

The Council will need to determine applications for the designation of a neighbourhood area or a neighbourhood forum against the criteria outlined within the relevant legislation. As part of this consideration, the Council must hold a public consultation for a minimum of 6 weeks to enable interested parties to submit comments.

- 3.3.2 Only a properly constituted neighbourhood forum, designated by Richmond Council (and any other relevant local planning authorities), has the power to prepare a neighbourhood plan or neighbourhood development orders for a specified area. Table 2, below, outlines the process for processing applications for neighbourhood areas and neighbourhood forum designation in Richmond.
- 3.3.3 Any community group proposing to establish as a neighbourhood forum in Richmond will have to take account of the initiatives to enhance the strategic approach to the common planning and management of the River Thames and adjoining land (i.e. the designated Thames Policy area); this also includes taking fully into account statutory policies for the River Thames Corridor and the Thames Landscape Strategy. As Richmond is the only borough that spans both sides of the River Thames, any proposed neighbourhood forum will have to commit to full consultation with the communities on the opposite bank of the River Thames.
- 3.3.4 The Council will seek a Memorandum of Understanding with the relevant body as part of the designation process of the neighbourhood forum and area to ensure there will be a strategic approach to the River Thames and riverside open land across the whole borough. The area to which any Memorandum of Understanding would apply will normally be based on the designated Thames Policy Area (see Appendix B).

**Table 2:** Process for applications for neighbourhood areas and neighbourhood forum designations in Richmond

Legal requirements (Localism Act, Neighbourhood Planning Regulations)	LB Richmond upon Thames Guidance
<b>Application for designation of a neighbourhood area</b>	
<p>An application for designation of a neighbourhood area must be addressed to the local planning authority. It must consist of the following elements:</p> <ul style="list-style-type: none"> <li>(a) a map which identifies the area to which the area application relates;</li> <li>(b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and</li> <li>(c) a statement that the organisation or body making the area application is a relevant body, i.e. an organisation or body which is, or is capable of being, designated as a neighbourhood forum.</li> </ul>	<p>It is advised that a community organisation or neighbourhood planning body consult Richmond Council before making an area application by emailing <a href="mailto:LocalPlan@richmond.gov.uk">LocalPlan@richmond.gov.uk</a>. 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.</p> <p>Although it is not a legal requirement of the submission, it would be helpful if applicants could provide a GIS file of the proposed neighbourhood area as well as a high-resolution map with the neighbourhood area boundary clearly</p>

	<p>marked on an OS base map.</p> <p>The following could be considerations when deciding the boundaries of a neighbourhood area:</p> <ul style="list-style-type: none"> <li>• the catchment area for walking to local services such as shops, primary schools, doctor’s surgery, parks or other facilities;</li> <li>• the area where formal or informal networks of community-based groups operate;</li> <li>• the physical appearance or characteristics of the neighbourhood, for example buildings that may be of a consistent scale or style;</li> <li>• whether the area forms all or part of a coherent estate for businesses or residents;</li> <li>• whether the area is wholly or predominantly a business area;</li> <li>• whether infrastructure or physical features define a natural boundary, for example a major road, a railway, or a waterway;</li> <li>• the natural setting or features in an area;</li> <li>• the size of the population (living and working) in the area – electoral boundaries, which have an average population of about 5,500 residents, can be a useful starting point for discussions on the appropriate size of a neighbourhood area,</li> </ul> <p><b>Please note:</b> there can only be one plan per area. Due to the financial and staffing resources required to develop a neighbourhood plan, small-scale or street-level neighbourhood plans will not generally be supported by this Council.</p>
<p><b>Application for designation of a neighbourhood forum</b></p>	
<p>Where an <b>organisation or body submits a neighbourhood forum application</b> to the local planning authority it must include:</p> <ol style="list-style-type: none"> <li>1) the name of the proposed neighbourhood forum;</li> <li>2) a copy of the written constitution of the proposed neighbourhood forum;</li> <li>3) the name of the neighbourhood area to which the application relates and a map which identifies the area;</li> <li>4) the contact details of at least one member of the proposed neighbourhood forum; and</li> </ol>	<p>In addition to legal requirements, it would be helpful to Richmond Council if the prospective forum could provide:</p> <ol style="list-style-type: none"> <li>(1) Contact details for at least 4 other named members of the neighbourhood forum should be provided,</li> <li>(2) the aims, objectives, anticipated funding sources and working methods for the forum,</li> <li>(3) confirmation that the forum has open</li> </ol>

<p>5) a statement which explains how the proposed neighbourhood forum meets the following conditions:</p> <ul style="list-style-type: none"> <li>(a) it is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),</li> <li>(b) its membership is open to:             <ul style="list-style-type: none"> <li>(i) individuals who live in the neighbourhood area concerned,</li> <li>(ii) individuals who work there (whether for businesses carried on there or otherwise), and</li> <li>(iii) individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,</li> </ul> </li> <li>(c) its membership includes a minimum of 21 individuals each of whom:             <ul style="list-style-type: none"> <li>(i) lives in the neighbourhood area concerned,</li> <li>(ii) works there (whether for a business carried on there or otherwise), or</li> <li>(iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,</li> </ul> </li> <li>(d) it has a written constitution, and</li> <li>(e) such other conditions as may be prescribed.</li> </ul> <p><b>A local planning authority</b>, in determining whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area:</p> <ul style="list-style-type: none"> <li>a) must have regard to the desirability of designating an organisation or body:             <ul style="list-style-type: none"> <li>(i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of subparagraphs (c)(i) to (iii) of the above,</li> <li>(ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and</li> <li>(iii) whose purpose reflects (in general terms) the character of that area,</li> </ul> </li> <li>b) may designate only one organisation or body as a neighbourhood forum for each neighbourhood area,</li> <li>c) may designate an organisation or body as a neighbourhood forum only if the organisation or body has made an application to be designated, and</li> <li>d) must give reasons to an organisation or body applying to be designated as a neighbourhood forum where the authority refuses the application.</li> </ul>	<p>public membership arrangements and is not dominated by any one organisation making up more than a third of its membership, and</p> <p>The Council also encourages neighbourhood forums to represent a wide variety of interests, including residents, community organisations, businesses, landowners, developers, voluntary organisations etc.</p>
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<b>Publication of a neighbourhood area application</b>	
<p>As soon as possible after receiving an area or neighbourhood forum application from a relevant body, a <b>local planning authority</b> must publicise the following on their website and in such other manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the area application relates:</p> <ul style="list-style-type: none"> <li>(a) a copy of the area application;</li> <li>(b) details of how to make representations; and</li> <li>(c) the date by which those representations must be received, being not less than 6 weeks from the date on which the area application is first publicised.</li> </ul>	<p>Richmond Council will publish a link on its Neighbourhood Plans webpage (<a href="http://www.richmond.gov.uk/neighbourhood_plans.htm">http://www.richmond.gov.uk/neighbourhood_plans.htm</a>) to any application made and hold a six-week public consultation.</p> <p>In addition, the Council will also email all relevant organisations registered on the Local Plan database by email (or letter where no email available) and will notify the ward Councillors who represent the areas covered by the proposed Neighbourhood area. Should you wish to be added to this database, please email <a href="mailto:LocalPlan@richmond.gov.uk">LocalPlan@richmond.gov.uk</a>.</p> <p>It is suggested that the forum uses the consultation period to raise awareness about their ambitions and the plan.</p>
<b>Publication of a neighbourhood forum application</b>	
<p>As soon as possible after receiving a neighbourhood forum application, a <b>local planning authority</b> must publish the following on their website and in such other manner as they consider is likely to bring the application to the attention of people who live, work or carry on business in the area to which the application relates:</p> <ul style="list-style-type: none"> <li>(a) a copy of the application;</li> <li>(b) a statement that if a designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;</li> <li>(c) details of how to make representations; and</li> <li>(d) the date by which those representations must be received, being not less than 6 weeks from the date on which the application is first publicised.</li> </ul>	<p>Richmond Council will publish a link on its Neighbourhood Plans webpage (<a href="http://www.richmond.gov.uk/neighbourhood_plans.htm">http://www.richmond.gov.uk/neighbourhood_plans.htm</a>) to any application made and hold a six-week public consultation.</p> <p>In addition, the Council will also email all organisations registered on the LDF database by email (or letter where no email available) and will notify the ward Councillors who represent the areas covered by the relevant Neighbourhood area. Should you wish to be added to this database, please email <a href="mailto:LocalPlan@richmond.gov.uk">LocalPlan@richmond.gov.uk</a>.</p>
<b>Publicising a decision/designation of a neighbourhood area</b>	
<p>The <b>local planning authority</b> must determine the outcome of an application to designate a neighbourhood area within 13 weeks of first publicising the application, or within 20 weeks where the application relates to more than one local planning authority area.</p> <p>Where the <b>local planning authority</b> chooses to designate a neighbourhood area, it must publish the following on their website and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area:</p> <ul style="list-style-type: none"> <li>(a) the name of the neighbourhood area;</li> <li>(b) a map which identifies the area; and</li> <li>(c) the name of the relevant body who applied for the designation.</li> </ul> <p>Where the <b>local planning authority</b> chooses to refuse to designate a neighbourhood area, they must publish the following on their website and in such other manner as</p>	<p>Richmond Council will publish a link on its Neighbourhood Plans webpage (<a href="http://www.richmond.gov.uk/neighbourhood_plans.htm">http://www.richmond.gov.uk/neighbourhood_plans.htm</a>) to the original application and any other formal decision papers in relation to the decision.</p>

<p>they consider is likely to bring the refusal to the attention of people who live, work or carry on business in the neighbourhood area:</p> <ul style="list-style-type: none"> <li>(a) a document setting out the decision and a statement of their reasons for making that decision (“the decision document”); and</li> <li>(b) details of where and when the decision document may be inspected.</li> </ul>	
<b>Publicising a decision/designation of a neighbourhood forum</b>	
<p>The local planning authority must determine the outcome of a neighbourhood forum application within 13 weeks or receiving it, or 20 weeks where the application is submitted to more than one local planning authority.</p> <p>Where the <b>local planning authority</b> chooses to designate a neighbourhood forum, it must publish the following on their website and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area:</p> <ul style="list-style-type: none"> <li>(a) the name of the neighbourhood forum;</li> <li>(b) a copy of the written constitution of the neighbourhood forum;</li> <li>(c) the name of the neighbourhood area to which the designation relates; and</li> <li>(d) contact details for at least one member of the neighbourhood forum.</li> </ul> <p>A neighbourhood forum designation lasts for a period of 5 years. A forum may seek to be re-designated after the initial designation has expired, but is required to follow the same procedure as it initially did to attain this status.</p> <p>Where the <b>local planning authority</b> chooses to refuse to designate a neighbourhood forum, it must publish the following on their website and in such other manner as they consider is likely to bring the decision to the attention of people who live, work or carry on business in the neighbourhood area:</p> <ul style="list-style-type: none"> <li>(a) a statement setting out the decision and their reasons for making that decision (“the refusal statement”); and</li> <li>(b) details of where and when the refusal statement may be inspected.</li> </ul> <p><b>Please note:</b> the prescribed timescales do not apply where there is already a neighbourhood forum application under consideration for all or part of the area.</p>	<p>Richmond Council will publish a link on its Neighbourhood Plans webpage (<a href="http://www.richmond.gov.uk/neighbourhood_plans.htm">http://www.richmond.gov.uk/neighbourhood_plans.htm</a>) to the original application and any other formal decision papers in relation to the decision.</p> <p><b>Please note:</b> a local planning authority can only designate one neighbourhood forum for a neighbourhood area. Where there are competing forum applications for the same or overlapping areas, Richmond Council will encourage a dialogue between the applicants as to how they might work together as a single neighbourhood forum, however the onus is on the prospective neighbourhood forums – rather than the Council – to reach an agreed solution.</p> <p>If the prospective forums cannot agree to work together, Richmond Council will assess each neighbourhood forum application against the conditions set out in the legislation and determine accordingly.</p>

*Neighbourhood plans crossing Local Authority boundaries*

3.3.5 The Localism Act allows for neighbourhood planning areas to cross local planning authority boundaries and defers the decisions on how best to work these arrangements to the relevant local authorities. The Council is committed to collaborating with neighbouring authorities where a cross-border neighbourhood development plan or order is pursued to establish a process which all parties can agree to. Following guidance from the Government, the Council would seek to agree

a ‘lead authority’ approach to the administration of cross-boundary neighbourhood areas, however please note that the area application must be made to each of the local planning authorities which has part of its administrative area within the proposed neighbourhood area.

### Business Neighbourhoods

3.3.6 Individuals in businesses can take the lead in neighbourhood planning and may wish to consider doing so particularly in areas that are wholly or predominantly business in nature. It should be specified as part of the application to the Council that an organisation is seeking a neighbourhood area to be designated as a “business area”, which the Council will assess as part of its determination. Being designated a business area has the effect of allowing business people to vote in an additional referendum on whether or not to bring the plan into force. In such areas, the Council would still expect businesses to work closely with residents and non-business groups active in the area.

## 3.4 Stage 3 – Developing the plan

3.4.1 In line with the Localism Act 2011, a neighbourhood plan should set out policies in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan. The specific contents of a neighbourhood plan are entirely up to the designated neighbourhood forum; however the policies will need to be supported by a robust evidence base and should be concerned with the development and use of land. They must also:

- have regard to the National Planning Policy Framework;
- be in general conformity with the strategic policies contained within the local development plan; and
- be compatible with EU obligations and the Human Rights Act.

3.4.2 It is recommended that you establish a neighbourhood planning team or steering group, ensuring there is cross-representation of people who live, work or do business in your community. Consider who in your community has particular knowledge or expertise in an area and who could help you prepare your plan. In addition, it is recommended you produce a project plan or programme for developing the neighbourhood plan, which might consider:

- What activities will need to be carried out at each stage – include meetings, publicity, surveys, events etc.?
- What resources will be needed to carry out the above activities – consider the people, materials and funding?
- How much time should be set aside to accomplish each stage/activity?

### **Council Role: Duty to provide advice and assistance**

#### **General support:**

- General guidance (this document)
- Richmond Council neighbourhood planning webpage:  
[https://www.richmond.gov.uk/neighbourhood\\_plans](https://www.richmond.gov.uk/neighbourhood_plans)
- Frequently Asked Questions on neighbourhood planning webpage:  
[https://www.richmond.gov.uk/services/planning/planning\\_policy/local\\_plan/neighbourhood\\_plans/neighbourhood\\_plans\\_frequently\\_asked\\_questions](https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/neighbourhood_plans/neighbourhood_plans_frequently_asked_questions)

- Advise local communities interested in neighbourhood planning at an early stage to help them decide whether a neighbourhood plan is suitable for their ambitions

#### **Support to forums preparing neighbourhood plans:**

Richmond Council will provide the following in-kind assistance, subject to resources:

- Provide an initial meeting with prospective neighbourhood forums to set out the general and specific level of support that can be provided
- Subject to officer availability, attendance at briefings and meetings to provide advice and information (e.g. an overview of the neighbourhood planning process)
- Electronic maps of your neighbourhood area and relevant planning designations (pdf, print outs or GIS maps)
- Information on planning designations and planning policies for the area
- Guidance on conformity with national and local strategic policies
- Assistance, where relevant, with carrying out the Strategic Environmental Assessment, and if required, a full Sustainability Appraisal and Habitats Assessment.
- Guidance in designing community consultation activities and events on planning issues
- Assistance with the identification of the statutory consultees
- Provide advice on who to consult in relation to additional requirements for a neighbourhood development order

#### **PLEASE NOTE**

The above assistance will be subject to demand and available resources. The Council will expect community groups/neighbourhood forums to give ample notice to allow the Council to respond to any requests in the most helpful way. There is not any funding available for neighbourhood forums from Richmond Council; however, we will do our best to advise you on any potential funding opportunities and where you can get further help and advice.

- 3.4.3 In drawing up your plan, it is recommended you carry out a SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis of your neighbourhood area; this is a good starting point to understand your neighbourhood better, identify what the issues and problems are and what your plan should focus on. It will also help you to establish a common baseline and early agreement amongst your members. Based upon the SWOT analysis, you can then develop and agree a vision and set out objectives and targets/actions which will help you to achieve this vision.
- 3.4.4 A major part of the plan preparation is community and relevant stakeholder engagement. Statutory consultees and local landowners as well as adjoining neighbourhood areas should also be consulted and engaged. This engagement and consultation will need to take place from the outset as the neighbourhood plan will be subject to a local referendum and therefore needs strong buy-in from all parts of the community to get through the final stage. Consider developing a communications strategy at the outset of the plan preparation.
- 3.4.5 The neighbourhood forum must keep a record of consultation activities as they will need to submit a “consultation statement” with the plan when it is submitted to the Council (the consultation statement requirements are set out in Stage 4 below).

**Table 3: Consultation requirements for neighbourhood development plans**

<b>Legal requirements (Localism Act, Neighbourhood Planning Regulations)</b>
<b>Pre-submission consultation and publicity</b>
<p>Before submitting a plan proposal to the local planning authority, <b>a qualifying body (i.e. the neighbourhood forum)</b> must:</p> <p>(a) publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area:</p> <ul style="list-style-type: none"> <li>(i) details of the proposals for a neighbourhood development plan;</li> <li>(ii) details of where and when the proposals for a neighbourhood development plan may be inspected;</li> <li>(iii) details of how to make representations; and</li> <li>(iv) the date by which those representations must be received, being not less than 6 weeks from the date on which the draft proposal is first publicised;</li> </ul> <p>(b) consult any consultation body referred to in <a href="#">paragraph 1 of Schedule 1</a> whose interests the qualifying body considers may be affected by the proposals for a neighbourhood development plan; and</p> <p>(c) send a copy of the proposals for a neighbourhood development plan to the local planning authority.</p>

3.4.6 There are additional requirements for neighbourhood development orders, particularly in relation to the consultation requirements, which will have to be followed (see the Localism Act and Regulations for further details).

#### Strategic Environmental Assessment / Sustainability Appraisal and Appropriate Assessment

3.4.7 Neighbourhood plans cannot breach and must be compatible with EU obligations. A Strategic Environmental Assessment (SEA) may be required where plans are considered likely to cause 'significant environmental impacts'. It is therefore a requirement that all neighbourhood plans submitted for examination be accompanied by either a strategic assessment report or a screening determination stating that the plan would not have significant environmental effects and therefore does not require a strategic environmental assessment. In addition, there is a legal requirement to scope whether a full Sustainability Appraisal or an Appropriate Assessment is required. The Council strongly recommends seeking at an early stage in the plan making process input from the Council's planning policy team to identify which types of assessments will be required.

#### Equalities Impact Assessment

3.4.8 Whilst there is no legal requirement to carry out an Equalities Impact Assessment, the Council suggests that community groups / neighbourhood forums undertake such an assessment to ensure issues of equality are addressed. The Council recommends seeking input from the Council's Planning Policy team, who can provide assistance and further information in relation to the Equalities Impact Assessment.

### **3.5 Stage 4 – Submission and examination**

#### Pre-Submission Meeting

3.5.1 Once the neighbourhood forum has finalised a draft plan, it is almost ready to submit the plan to Richmond Council. Whilst it is not a legal requirement, the Council suggests that a pre-submission meeting is held before submission. The meeting provides an opportunity for procedural and administrative matters relating to the submission and the public examination to be explained and discussed, as well as for an informal review of the proposed submission materials. This is intended to help to

ensure that the submission and examination runs smoothly and efficiently, saving time and expense for all concerned.

### *Submission*

3.5.2 The legal submission requirements are set out in the table below. At this stage, the Council will conduct a check of the plan to ensure that the processes and requirements as set out in the Localism Act and Regulations have been followed. Following the submission of the plan/order to the local planning authority, the Council will publicise the plan in accordance with the relevant legislation (requirements are set out in the table below).

**Table 4: Submission of plan proposal to the local planning authority and publicising**

<b>Legal requirements (Localism Act, Neighbourhood Planning Regulations)</b>
<b>Submission of plan proposal to the local planning authority</b>
Where a <b>qualifying body (i.e. neighbourhood forum)</b> submits a plan proposal to the local planning authority, it must include: <ul style="list-style-type: none"> <li>(a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;</li> <li>(b) a consultation statement;</li> <li>(c) the proposed neighbourhood development plan; and</li> <li>(d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act (the <a href="#">basic conditions</a> and other legal requirements).</li> </ul> A “ <b>consultation statement</b> ” means a document which: <ul style="list-style-type: none"> <li>(a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;</li> <li>(b) explains how they were consulted;</li> <li>(c) summarises the main issues and concerns raised by the persons consulted; and</li> <li>(d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.</li> </ul>
<b>Publicising a plan proposal</b>
As soon as possible after receiving a plan proposal, a <b>local planning authority</b> must: <ul style="list-style-type: none"> <li>(a) publicise the following on their website and in such other manner as they consider is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area:               <ul style="list-style-type: none"> <li>(i) details of the plan proposal;</li> <li>(ii) details of where and when the plan proposal may be inspected;</li> <li>(iii) details of how to make representations;</li> <li>(iv) a statement that any representations may include a request to be notified of the local planning authority’s decision in relation to the neighbourhood plan; and</li> <li>(v) the date by which those representations must be received, being not less than 6 weeks from the date on which the plan proposal is first publicised; and</li> </ul> </li> <li>(b) notify any consultation body which is referred to in the consultation statement that the plan proposal has been received.</li> </ul>

### Examination

3.5.3 The Council will arrange and pay for an independent examination of the document and will decide, in conjunction with the neighbourhood forum, on whom to appoint to undertake an independent examination of the plan. Once an examiner has been appointed, the Council will send to the person appointed all the relevant documents, including the plan, consultation statement, assessments and appraisals where applicable, and all the representations which were made at the previous stage.

- 3.5.4 The Examiner will check that the neighbourhood plan meets the “basic conditions”, that the plan:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - has 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 (*applies only to orders*);
  - has special regard to the desirability of preserving or enhancing the character or appearance of any conservation area (*applies only to orders*);
  - the making of the order or plan contributes to the achievement of sustainable development,
  - the making of the order or 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); and
  - the making of the order plan does not breach, and is otherwise compatible with, EU obligations.
- 3.5.5 The general rule is that the examination of the issues will be dealt with by written representations, unless the examiner considers it necessary that the consideration of certain issues will be dealt with by oral representations to ensure adequate examination of the issue or so that a person has a fair chance to put a case.
- 3.5.6 The examiner will be able to recommend that the plan/order is put to a referendum, that it is modified, or that it is refused. The Council will consider the report and its recommendations, and similarly must ensure that it is satisfied that the proposal meets the “basic conditions”, including any EU requirements, or that the basic conditions can be met with modifications.

### 3.6 Stage 5 – Referendum

- 3.6.1 If the Council agrees that the plan/order is compliant with the basic conditions, it will go to a referendum. This is organised by the Council’s Electoral Services team. The referendum will be open to any individual registered to vote in the neighbourhood area, however the examiner can also recommend that area the covered by the referendum includes adjacent areas which extend beyond the neighbourhood area. A map of the referendum area will be published by the Council, and notice and details will be circulated 28 days ahead of the referendum.
- 3.6.2 A positive result requires more than 50% of the turnout to vote in favour.
- 3.6.3 A separate referendum will be held within “business neighbourhoods” for residents and businesses. A person is entitled to vote in the additional referendum for businesses if they are a non-domestic ratepayer in the referendum area. If both referendums approve the plan/order, it will be adopted. If both oppose it, the plan/order will not be adopted. Where only one of the referendums is in favour of the proposals, the Council may make the neighbourhood plan or order, but is not required to.

#### **Council Role: Referendum**

The Council’s Electoral Services team will administer and fund the local referendum on the neighbourhood plan.

### 3.7 Stage 6 – Making of the plan or order

- 3.7.1 If the plan/order has achieved a majority in the local referendum (>50% of the vote), the Council will “make” (adopt) a plan or order. The neighbourhood plan then comes into force as part of the development plan for the area, alongside Richmond’s Local Plan and the London Plan. The Council and planning inspectors must make their decisions in accordance with the policies of the development plan, unless material considerations indicate otherwise.

**Council Role: Making of plan or order**

If the plan has achieved a simple majority, the Council will “make” a plan, following which the neighbourhood plan/order will be published on the Council’s website and hard copies will be available for inspection at the Council’s main office and in the public libraries. Once adopted, the neighbourhood plan will form part of the development plan and will be used to determine planning applications within the relevant neighbourhood area.

### 3.8 Updating the plan

- 3.8.1 There is no requirement to review or update a neighbourhood plan, and it will remain in force for the period for which it is stated. However, policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering a neighbourhood area that is adopted after the making of the neighbourhood plan, where the most recent policy takes precedence. In addition, where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust.
- 3.8.2 Minor updates that would not materially affect policies may be made by the local planning authority, with the consent from the neighbourhood forum (should it still exist). In these circumstances, there is no need to repeat consultation, examination and the referendum. Substantial revision to a neighbourhood plan would need to go through the later stages of the process, from pre-submission consultation onwards.

## 4 FURTHER INFORMATION AND ASSISTANCE

In addition to this guide, the following sources provide a comprehensive set of resources for community groups interested or engaged in neighbourhood planning. In particular, the Council recommend [Locality's 'Neighbourhood Plans Roadmap, A Step-by-Step Guide' \(2018\)](#), which is an excellent resource designed to help local communities decide whether or not they wish to pursue neighbourhood planning, and to guide them through the process of writing a neighbourhood plan.

The Council's Planning Policy team is also available to answer questions or to provide advice on neighbourhood planning. Please contact us by email at [LocalPlan@richmond.gov.uk](mailto:LocalPlan@richmond.gov.uk).

### **Guidance and advice**

- Locality  
<https://neighbourhoodplanning.org/>; [Neighbourhood Plans Roadmap: A Step-by-Step Guide](#); <https://mycommunity.org.uk/>
- Planning Advisory Service  
<https://www.local.gov.uk/pas/pas-topics/neighbourhood-plans>
- Town and Country Planning Association:  
<http://www.tcpa.org.uk/>; [Your Place, Your Plan](#)
- Royal Town Planning Institute:  
<https://www.rtpi.org.uk/planning-aid/neighbourhood-planning>
- Campaign to Protect Rural England  
<http://www.planninghelp.org.uk/>

### **Understanding the legislation**

- The Government's Planning Practice Guidance  
<https://www.gov.uk/guidance/neighbourhood-planning--2>
- Department for Communities and Local Government  
<http://www.communities.gov.uk>; [A plain English guide to the Localism Act](#)
- The Localism Act 2011  
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Neighbourhood Planning Regulations 2012  
[http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf)
- Neighbourhood Planning (General) (Amendment) Regulations 2015  
<http://www.legislation.gov.uk/uksi/2015/20/contents/made>
- Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016  
<http://www.legislation.gov.uk/uksi/2016/873/contents/made>

- Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017  
<http://www.legislation.gov.uk/uksi/2017/1243/made>
- Neighbourhood Planning Act 2017  
<http://www.legislation.gov.uk/ukpga/2017/20/contents>

## APPENDIX A: Community Planning Tools

As well as neighbourhood plans there are a range of community-led tools to provide analysis and local proposals approaches to developing plans for neighbourhoods:

- [Planning for Real](#): A model-based tool for enabling local people to participate in the planning process.
- [Shaping Neighbourhoods](#): A step-by-step guide to creating healthy sustainable communities
- [Unlocking the landscape](#): How to prepare a community landscape character statement
- [Conservation areas: making your town a better place](#): Interactive guide to how to improve your streets
- [Rough Guide to Neighbourhood planning](#): An approach to neighbourhood planning
- [Spaceshaper](#): A questionnaire and discussion-based toolkit to help improve public spaces
- [Community Street Audits](#): Facilitated approach helping communities assess their streets and spaces and make change happen
- [Concept statements](#): How to set simple principles to guide development, involving developers, the community and local authority, in simple everyday language
- [Urban futures game](#): A card game for local groups, policy makers and service providers to debate and prioritise aspirations, concerns and options for change
- [Shelter Housing Insights for Communities](#): Free resource to help understand views on new housing and how to build a communication plan
- [Placecheck](#): A method of assessing the qualities of a place, showing what improvements are needed through a series of questions
- [Blueprint](#): A role play game to help local people shape the future of their towns and villages, to feed into planning documents

### APPENDIX B: Designated Thames Policy Area

