AVDC Neighbourhood plan support and assistance

Regulation 4(a) of the Neighbourhood Planning Act 2017 (Commencement No 3) Regulations brings section 6 of the act into force on 31 July.

This means that;

a) This requires local planning authorities to set out their policy for discharging their duty to give advice or assistance to qualifying bodies to facilitate proposals for neighbourhood development plans (NDPs) or neighbourhood development orders (NDOs), including proposals for the modification of NDPs.

b) Also from 31 July, regulation 4(b) brings into effect the requirement under section 13(2) of the act for local planning authorities to set out policies for involving interested parties in the preliminary stages of plan-making in their statements of community involvement.

Part a) of this new requirement is met through this document; AVDC Neighbourhood Plan support and assistance, this document outlines what is provided under the duty to support requirements for neighbourhood plan making.

Under Schedule 4B of the 1990 Act "local planning authorities have a statutory duty (sometimes also referred to as the ‘duty to support’) to “give such advice or assistance to Parish Councils and designated Neighbourhood Forums as in all the circumstances, they consider appropriate for the purpose of, or in connection with facilitating the preparation of Neighbourhood Development Plans”. Note however that there is no legal requirement to give financial assistance and this ‘duty to support’ is in addition to the other statutory duties the Council has with respect to Neighbourhood Planning.

The ‘Duty to Support’ is not quantified by the government and therefore AVDC has determined what is an appropriate level of support based on experience working with Neighbourhood Planning Groups. AVDC has actively supported groups through the Neighbourhood Planning process and has been able to determine the extent of support which its feels is appropriate to meet the ‘Duty To Support’ requirements. Support offered by Aylesbury Vale District Council is outlined in the following sections,

This document should be read in conjunction with the statement of community involvement, which fulfils part b), of this requirement. The statement of community involvement can be found here https://www.aylesburyvaledc.gov.uk/submission-documents an updated version of this document will be published in November 2018.

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<tr>
<th>Subject</th>
<th>Advice and assistance</th>
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<tr>
<td>Publish Advice</td>
<td>AVDC will continue to maintain and update the Neighbourhood Planning webpage, wherever possible, to provide useful and accessible information available on its website at: <a href="https://www.aylesburyvaledc.gov.uk/section/neighbourhood-">https://www.aylesburyvaledc.gov.uk/section/neighbourhood-</a></td>
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planning

including, for example:

i. General information, including information on sources of funding and support available to Neighbourhood Plan groups;

ii. Background evidence which is already available within the council, e.g. the parish fact packs – these are to be used by NP groups as a reference starting point to indicate the type of information they will need and sources for new up to date information. [https://www.aylesburyvaledc.gov.uk/withdrawn-vap-strategy-technical-documents](https://www.aylesburyvaledc.gov.uk/withdrawn-vap-strategy-technical-documents)

iii. a summary table outlining all neighbourhood planning activities across the district with updates on the progression of each plan

iv. Links to other useful websites and the National Planning Policy Guidance relating to Neighbourhood Planning; and

v. v) Any other guidance which might be useful to anyone thinking of preparing a Neighbourhood Plan.

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<th>Professional advice and assistance</th>
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| AVDC will work with the Neighbourhood Plan Steering Group to enable them to deliver a robust, fit for purpose and high quality Neighbourhood Plan, subject to the NP officer having the resources available to facilitate this.

AVDC will provide advice and assistance on:

i. Methods of community engagement and consultation;

ii. Matters relating to ‘conformity’ between the Neighbourhood Plan and the Local Plan or other relevant plans and strategies provided that they are not confidential;

iii. Complete a Screening Assessment and or Scoping Opinion for SEA/HRA and confirm any requirement for environmental assessment or other evidence required;

iv. Complete the HRA if one is required, through engagement with the relevant body;

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<th>Meetings</th>
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| AVDC will provide advice and assistance by:

a) Providing officer support for one meeting per parish in response to individual requests to discuss Neighbourhood Planning in principle and local issues prior to a Neighbourhood Plan being registered.

b) Providing one meeting post registration of a Neighbourhood Plan to confirm the scope and timetable for the Neighbourhood Plan and supporting evidence base. We will provide on going advice through the plan production and development in relation to;

i. The legal procedures |
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<tr>
<th>Section</th>
<th>Description</th>
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<td>C)</td>
<td>Attend additional meetings and ongoing support, as might be necessary and resources allow.</td>
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<tr>
<td><strong>Background Data and Evidence</strong></td>
<td>AVDC will provide advice and assistance with:</td>
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<tr>
<td>i.</td>
<td>annual Monitoring report data for Housing over the last 5 years <a href="https://www.aylesburyvaledc.gov.uk/monitoring-reports">https://www.aylesburyvaledc.gov.uk/monitoring-reports</a></td>
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<tr>
<td>ii.</td>
<td>background evidence which is already available within the council, e.g. the parish fact packs – these are to be used by NP groups as a reference starting point to indicate the type of information they will need and sources for new up to date information.</td>
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<td>iii.</td>
<td>planning applications can be accessed: <a href="https://www.aylesburyvaledc.gov.uk/search-planning-licensing-applications">https://www.aylesburyvaledc.gov.uk/search-planning-licensing-applications</a></td>
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<td>iv.</td>
<td>Local Plan Evidence Base and access to base data, where available <a href="https://www.aylesburyvaledc.gov.uk/section/supporting-evidence">https://www.aylesburyvaledc.gov.uk/section/supporting-evidence</a></td>
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<td>v.</td>
<td>The council will, on request provide basic free OS base maps for the area, e.g. a parish boundary map; and basic free maps showing constraints data;</td>
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<td>vi.</td>
<td>bespoke mapping requests and Other maps will be provided in accordance with the council’s charging schedule;</td>
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<tr>
<td>vii.</td>
<td>provide links to research data, where available</td>
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<tr>
<td><strong>Draft Plan Proposal</strong></td>
<td>AVDC will provide advice and assistance on:</td>
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<tr>
<td>i.</td>
<td>Conformity of the plan and whether in our view (at this informal stage) it meets the basic conditions;</td>
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<td>ii.</td>
<td>an informal review of the plan to provide a report outlining any potential concerns or areas for policy improvement</td>
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<td>iii.</td>
<td>Suitability of any SEA required and work with the Neighbourhood Plan Steering Group with regards to any required HRA;</td>
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<td>iv.</td>
<td>Conformity with other legislative requirements; and</td>
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<tr>
<td><strong>Regulation 14</strong></td>
<td>We will provide advice and assistance on:</td>
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<tr>
<td>i.</td>
<td>a list of statutory consultees for the parish</td>
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<td>ii.</td>
<td>guidance on the statutory consultation requirements</td>
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<td>iii.</td>
<td>a template for consultation letters</td>
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| iv. | Submit a formal consultation response to the regulation 14 consultation, to include comments from internal departments including; planning policy,
development management, heritage and biodiversity.

v. comments will relate to the suitability of the plan, the plan proposals and suitability of the supporting documents & evidence base;

### Post-regulation 14.

AVDC will provide advice and assistance by:

i. organise a meeting to review and discuss in further detail the comments made by AVDC at reg.14 and seek to resolve any outstanding concerns that either party may have as a result of reg.14 consultation

### Regulation 16

We will provide advice in relation to:

ii. Guidance on the regulation 15 submission stage process and requirements

iii. Guidance outlining the regulation 16 consultation process and requirements.

iv. AVDC will carry out the regulation 16 submission consultation in accordance with the legal requirements

### Submission to the independent examiner

We will provide advice and assistance by:

i. liaising with the qualifying Body to agree on the selection of an independent examiner for the NP

ii. appoint and commission an examiner and pay for the examination

iii. ensure that all NP documents are sent to the examiner both in hard copy and electronically.

iv. Regulation 16 consultation responses will be complied into a pdf document, redacted and then subsequently published online on the NP page once submitted to the examiner

### Examination

We will provide advice and assistance by:

i. acting as the liaison point between the independent examiner and the qualifying body as required by the examiner for the duration of the examination.

ii. publish any correspondence or updates on the examination

iii. liaise with the parish in response to the examiners draft report

iv. publish the examiners final report once issued

### Post-examination

We will provide advice and assistance by:

i. Publishing the examiners recommendations

ii. Pass on these recommendations to council through the delegated powers procedures.

iii. The council will then determine weather to accept the examiners recommendations

iv. The council’s decision will then be published and publicised accordingly

v. Liaise with the parish in their preparation of the final version of the plan, ensuring any modifications made by the examiner are undertaken to ensure compliance with the basic conditions

### Referendum

We will provide advice and assistance:
If the plan has been recommended by the independent examiner to proceed to referendum,
  i. we will provide guidance on the referendum arrangements and procedures
  ii. the neighbourhood planning officer will then handover the QB in touch with the democratic and electoral services team, who will be arranging for the plans referendum.
  iii. Publish the referendum results and publicise this and notify all internal decision makers in relation to any planning applications for which the NP will have weight for.

**Making of the plan**

We will provide support and assistance:

If the plan is successful at referendum,
  i. AVDC will then formally adopt the plan through the delegated powers procedures.
  ii. Publicise and contact consultees who wished to be notified will be individually informed.

**Modification and Review**

We will support and advise groups by:

- Providing guidance on the modification and review process
- Provide information on grant funding
- Attend one steering group review meeting at the preliminary stages to discuss the review procedures, the process, and proposals for review
- We will again support the groups through the statutory stages of plan making as required.
Statutory process note

This stage outlines the statutory requirements of the LPA and its procedures in more detail.

Stage 1 Neighbourhood Area Designation

Internal processes for the statutory Neighbourhood Plan area and Neighbourhood Plan group designation stages, i.e. checking that the proposals meet regulatory requirements, advertising the proposals and council decision to designate the area or group.

Note that, since 2016 changes in Regulations, neighbourhood areas that follow the parish boundary do not require a consultation period and can be designated by the authority without consultation. Neighbourhood areas which do not follow the parish or town boundary would still require consultation and designation of neighbourhood areas.

Applications will then be approved through delegated powers, where the planning policy manager is responsible for decision making in agreement with the Cabinet Member for Planning and Enforcement and in consultation with other local members.

Stage 2 Environmental Assessment

The statutory role includes the assessment of environmental impact of a neighbourhood plan. It is proposed that the council will prepare a screening assessment for the Strategic Environmental Assessment (SEA) of a plan in accordance with the SEA Directive and will provide an initial assessment of risk or a Scoping Opinion with regards to whether a Habitat Regulations Assessment (HRA) is required, in line with the HRA Directive. The object being to ascertain if a plan will require full environmental assessment under these EU Directives.

If an SEA is required, this will be undertaken by the Neighbourhood Plan steering group, not the council. However, the HRA will be undertaken by the council, as legally, the council is the competent authority responsible for ensuring that European Sites are not subject to any adverse effects on site integrity. A Neighbourhood Plan cannot be adopted if it will have likely significant effects.

Stage 3 Commenting on the Pre-Submission Draft Plan Proposal – Regulation 14

Upon consultation from the relevant body, under Regulation 14, the council will respond to the relevant body setting out it’s comments on the pre-submission draft plan and making informal representation on whether the plan is likely to meet the basic conditions; will check issues around conformity with national policy; and confirm whether the plan is in general conformity with the existing development plan for Aylesbury Vale and where necessary refer to emerging development plans.
Stage 4 Publication of the Submission Plan Proposal – Regulation 16

Upon receipt of the submission plan from the relevant body the council will check and confirm that the plan proposal meets the requirements in the legislation. If requirements have been met, the council must publicise the Plan for a minimum of 6 weeks and invite representations, and notify any consultation body referred to in the consultation statement.

Stage 5 The Examination in Public (EiP) – Regulation 17 & 18

The council will organise and pay for the EiP, appointing an independent examiner (with the agreement of the qualifying body). The council will send the Submission Plan Proposal and representations to the independent examiner, in accordance with Regulation 17.

The independent examiner will undertake the examination. When considering the content of the submission plan, the independent examiner’s role is limited to testing whether or not the plan meets the basic conditions (https://www.gov.uk/guidance/neighbourhoodplanning--2#basic-conditions-for-neighbourhood-plan-to-referendum), and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) (http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted).

The independent examiner is not testing the soundness of the plan or examining other material considerations. (NPPG Para 055). Based on experience of other Local Planning Authorities, the examination of the plan is likely to be considered by written representations only and not by public hearing. As a consequence the basic conditions statement is likely to be the main way that the relevant body can seek to demonstrate to the independent examiner that their plan meets the basic conditions. However, the independent examiner might consider holding a hearing to listen to oral representations about a particular issue. (NPPG para 056).

The independent examiner will issue a report to the council and the relevant body. The council will publish the report to its website and consider the report. In accordance with the council’s constitution, the Plan will be considered in order to take a decision on whether to send the plan to referendum.

Stage 6 The Referendum

The council is responsible for organising and paying for the referendum. The neighbourhood planning officer will liaise with the relevant body and the Council’s Electoral Services Team to establish the timings of the referendum at the point of plan submission (Reg 16). The council will publish an information statement and notice of the referendum, and will declare the results.

Stage 7 Adoption

If the majority of those who vote in a referendum are in favour of the neighbourhood plan, then the plan must be made/adopted (brought into legal force) by the council within 4 weeks.
of the referendum, unless a legal challenge has been brought in relation to the decision to hold a referendum or around the conduct of the referendum.

There are narrow circumstances where the council is not required to ‘make’ the plan. These are where it considers that the making of the plan would breach, or otherwise be incompatible with, any EU or human rights obligations (NPPG para 64). If the plan is compatible with EU obligations and does not breach Convention Rights, the council must make the plan (NPPG para 080). The decision to make a plan will be taken in accordance with the council’s constitution.

**Stage 8 Modification & Review**

The Council will support groups wishing to modify or review a neighbourhood plan, in accordance with the regulations Section 61M(4) of the Town and Country Planning Act 1990.

The council will again support the qualifying body through the statutory stages of neighbourhood plan making as required by the duty to support neighbourhood planning.