



# Planning in your Neighbourhood

**A step by step guide to writing a neighbourhood development plan and other options**

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The information contained within this guide is not exhaustive.

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## Foreword by Councillor John Gardner



Stevenage is proud of its status as Britain's first New Town, designated in 1946, even before the modern town planning system was put in place in 1947. The town was planned from the first via a series of masterplans prepared by the Development Corporation. When we plan the town today, we are truly standing on the shoulders of giants: people that understood that towns were not just about buildings, roads and open spaces; but were primarily about communities, people and neighbourhoods.

The map behind me in the photograph above shows the neighbourhoods that were planned in 1946. You can see it for yourself in the reception area of Daneshill House, the Borough Council's offices in Danestrete. It shows the scale of the ambition that the original visionaries had for the town.

Today, the world has moved on. Over the last sixty years, the rise of the computer and the internet; the advent of home-working; the greater number of cars on the road; coupled with the distances that people are prepared to commute; supermarkets and internet shopping; and increased prosperity since 1946, have all changed the way that we use our town.

Within the scope of the new vision for the town that the Borough Council is preparing in its new local plan (due to be adopted sometime after 2014), there is now scope for local people to have a greater say in shaping their own neighbourhood. Powers in the Localism Act 2011 mean that you now have the opportunity to prepare plans which control and regulate the development that happens in your own local area.

As a co-operative council, we are keen that you should have a genuine opportunity to shape your local neighbourhood and make use of the greater powers and freedoms that are now available to you.

We will support local communities to prepare plans, if they wish to do so. These neighbourhood development plans will be prepared only by local people and/or businesses if they wish to prepare them. They are not prepared by, or at the initiative of, the Borough Council. They are genuinely community-led plans. So, 'seize the day'!

This document, a step-by-step guide to preparing a neighbourhood development plan, is a part of our commitment to providing communities with the help and advice that they need.

It is packed with useful information and guidance, contacts, suggestions and it also sets out the exact requirements that the law will place on you. It sets out, in some detail, the things that you need to do, the things that we suggest you do and some helpful hints on the way to go about doing them.

It takes you all the way from the first inkling that you might want to 'do something' in your neighbourhood, all the way through to the implementation of your plan. It also sets out some alternative courses of action that you might want to consider, using some of the other new powers available to you under the Localism Act.

I hope that you find this guide useful. Good luck with your plan, if you decide to prepare one. Please get in touch if you have any queries.

*John Gardner*

Deputy Leader of Stevenage Borough Council  
Portfolio holder for environment and regeneration



# 1. You and the planning system

**“When people know that they will get proper support to cope with the demands of new development: when they have a proper say over what new homes will look like; and when they can influence where those homes go, they have reasons to say ‘yes’ to growth”.**

Greg Clark MP  
Planning Minister  
18 November 2010

## What is the planning system?

The statutory town and country planning system in England is designed to regulate and control the development of land and buildings in the public interest. It is a recognition that the development and use of land has both positive and negative facets, for owners, neighbours and the wider community. If you propose development you must first determine whether you require planning permission.

The modern planning system was introduced by the Town and Country Planning Act of 1947. There have been a series of further Acts over the succeeding years, with the main ones in use today being the four 1990 Acts, the Planning and Compulsory Purchase Acts of 1991 and 2004, the Planning Act of 2008 and the planning provisions of the Localism Act 2011.

Supplementing the Acts are various circulars, statutory instruments, guidance notes, ministerial announcements and, from 27 March 2012, the National Planning Policy Framework.

The Planning Acts have included a presumption in favour of development since 1947, as this was part of the post-war ‘quid pro quo’ that saw land and property owners’ rights to develop their property as they wished nationalised without compensation.

Development is defined in the 1990 Act as “*the carrying out of building, engineering, mining or other operations in, on, over or under land*” (known as operational development) or “*the making of any material change of use of any buildings or other land*”. Not all development requires planning permission ~ hence the term ‘permitted development’.

Permitted development is the legal term for building works and uses as defined by the government (in the General Permitted Development Order and Use Classes Order) that can be undertaken without the need for express planning permission from the Borough Council.

## How do you decide what gets planning permission?

If development requires express planning permission (often referred to merely as 'getting planning') the proposer of the development needs to apply to the Borough Council. Each application for planning permission must include an official application form and an appropriate fee. The application form follows a national standard and includes the name and address of the applicant, the location of the development and details of the proposal.

All applicants are encouraged to seek pre-application advice prior to submission of an application form. This is a service offered by us and it allows an applicant to discuss the potential planning application with a Council officer to determine whether it might be acceptable. Such discussions can assist in better quality applications, which stand a better chance of a successful outcome.

Upon submission, the application form must be accompanied by: a signed certificate confirming the applicants' ownership of the land concerned; a plan of the proposal at an appropriate and recognised scale; and usually by a variety of other information e.g, a Design and Access Statement. The form, fee and plan may also be accompanied by an Environmental Impact Assessment.

The guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other "*material considerations*", unless the proposed development will "*cause demonstrable harm to interests of acknowledged importance*".

'Material considerations' will include matters such as residential amenity, highway safety, traffic, noise, smell, design and appearance, conservation and listed buildings and any relevant planning comments made by consultees. In order to be material a consideration must relate to the use and development of land and to the planning merits of the development. Non-planning comments and the number of objections received are not material considerations.

The overwhelming majority of decisions on planning applications are made by Council officers under what are called 'delegated powers'. They make decisions, rather than an elected planning committee, provided that there are no complex issues, or the proposal is wholly acceptable in planning terms. It is also used for refusal when an application is clearly not in accordance with planning policies or practice.

Decisions which would otherwise be made under delegated powers can be called-in by elected councillors for determination by the Planning & Development Committee, within a prescribed time and where the application raises issues of local importance.

We will issue a decision notice setting out the conditions under which the permission is issued and detailing the reasons for the decision (whether permission or refusal). Within a set time, aggrieved applicants have the right to appeal against the refusal of planning permission to the independent Planning Inspectorate. There are no third party rights of appeal in England, but if you



believe that there has been maladministration you should complain to the Borough Council.

## What is the 'development plan'?

Development Plan Documents (DPDs) are statutory documents produced by Local Planning Authorities that must be taken into account in determining planning applications. DPDs must be subjected to examination by a member of the Planning Inspectorate before being formally adopted by the Local Planning Authority.

District Councils in Hertfordshire (like Stevenage Borough Council) prepare general purpose local plans – sometimes called Local Development Frameworks – for the whole of their districts, whilst Hertfordshire County Council prepares plans for waste disposal and minerals extraction across the whole of Hertfordshire. Together these form the statutory development plan for Hertfordshire.

In addition to the National Planning Policy Framework, the current (1 August 2012) development plan documents in use in Stevenage are:

- The East of England Plan (prepared by the East of England Regional Assembly), adopted in 2008 and 2009
- Residual saved policies of the Hertfordshire Waste Local Plan (prepared by Hertfordshire County Council), adopted in 1999.
- Residual saved policies of the Hertfordshire Minerals Local Plan (again prepared by Hertfordshire County Council), adopted in 1998.
- Residual saved policies of the Stevenage District Plan Second Review (prepared by the Borough Council), adopted in 2004.

The Coalition Government has committed itself to revoking the East of England Plan at the earliest opportunity.

When plans prepared under the new (2012) planning system fully come into force the plans above will be replaced by the following documents:

- Hertfordshire Waste and Minerals Local Development Framework (prepared by Hertfordshire County Council)
- Stevenage Borough Local Plan (prepared by us)

Because planning permission must be granted in accordance with the development plan unless “material considerations” indicate otherwise, the development plan is important in determining what type of development can happen where and when.

A local plan will identify areas to be protected from development (like Green Belts and green corridors); assign sites for specific types of development (such as housing allocations); and it will also set out generic policies that apply to all

planning applications of a particular type (such as density standards or parking requirements).

## **What does this mean to me?**

The government believes that local people and businesses should be at the heart of genuinely local decision-making. The Localism Act 2011 includes a large number of measures designed to give greater powers to local councils, like Stevenage Borough Council, local communities and local people.

One of the things that government is most keen about is that local communities should have more control over planning decisions.

The process of preparing local plans is one that involves a good deal of public consultation: this means that you have the opportunity to have your say on not only what happens in your neighbourhood but also across the town as a whole. With planning applications, neighbours are consulted and have the opportunity to express their views before any decision is made.

However, not everybody feels that they have had an opportunity to get properly involved in local decisions. If you feel like that, you may want to consider getting involved in preparing a neighbourhood development plan.

## **OK, so what is a neighbourhood development plan?**

This is a plan that the community – rather than the Borough Council – prepares for a small part of the town. You could prepare a neighbourhood development plan (which we will shorten to neighbourhood plan) with your friends and neighbours.

A neighbourhood plan must be in conformity with the Local Plan (written by the Borough Council) but, once completed, it overwrites the local plan policies. It also forms the basis for determining planning applications within the area covered by the neighbourhood plan.

There are some basic processes that have to be followed if you want to get involved in preparing a neighbourhood plan.

This guide is designed to help local ward councillors, residents and businesses understand the purposes and practicalities of preparing a neighbourhood plan.

## **Is a neighbourhood development plan the only solution?**

No, but it may be the best solution. If there are no land-use planning elements to local concerns you might wish to consider preparing a non-statutory local community plan instead. If, alternatively, the community's concerns are that the planning regime in your neighbourhood is too restrictive and needs to be loosened you could consider preparing a Neighbourhood Development Order. For a range of alternatives see section 6.

However, a neighbourhood plan will assess the strengths, weaknesses, opportunities and threats to your neighbourhood 'in the round'. It means that you get the opportunity to determine what development happens in your neighbourhood. It could bring your local community together to play a role in shaping the future of your area.

It will bring together residents, businesses, local groups, landowners and developers to share ideas. The process should help people share ideas and build a consensus about what needs to be done in the area. It can also help create lasting partnerships both within and outside the community, for example with public service providers or local businesses.

Neighbourhood plans are not compulsory. Unlike local plans, which the Borough Council is required by law to prepare, neighbourhood plans are entirely voluntary. If there is enough interest from a community, and there is agreement about issues, a wish to create a Neighbourhood Forum and prepare a neighbourhood plan may emerge through discussions.



You can get involved. Maybe trees and open spaces are the big issues locally?

However, when discussing the issues, the local community may feel that their issues are not with the planning or development process but rather with other problems: perhaps parking, or litter, or anti-social behaviour. Or how often the grass gets cut on the local recreation ground, or how places are allocated at the local primary school. If this is the case, a local community plan – rather than a neighbourhood plan - may be the best way forward.

If planning issues are top of people's concerns, the neighbourhood plan offers communities an opportunity to include their own local planning priorities within the wider statutory town planning system.

Across most of England, the government intends that it is parish councils (sometime styled as town councils or community councils) that will take on neighbourhood plan-making powers. However, in unparished areas (i.e. those parts of the country – like Stevenage - where there is no parish council) groups

of local people will be able to take on that power, subject to meeting certain conditions and getting the approval of their local district council.

## Why should I get involved?

You don't have to. But if you have concerns, you need to express them. In the first instance, we suggest that you talk to your local Ward councillor (a ward is a discrete geographic part of the town). These are local people that you elect every May to represent you and your views.

There are 39 councillors in total on Stevenage Borough Council. There are 3 Borough councillors for each of 13 wards: Bandle Hill; Bedwell; Chells; Longmeadow; Manor; Martins Wood; Old Town; Pin Green; Roebuck; St Nicholas; Shephall; Symonds Green; and Woodfield.

There are also 77 councillors on Hertfordshire County Council, of which six represent Stevenage. There is one county councillor for each of six wards: Bedwell, Broadwater, Chells, Old Stevenage, St Nicholas and Shephall.

Details of how to get in touch with your local councillor, which parts of the town they represent and what they do, can be found on the respective council web-sites [[stevenage.gov.uk/about-the-council/councillors-and-democracy/](http://stevenage.gov.uk/about-the-council/councillors-and-democracy/) and [hertsdirect.org/your-council/councillors/ccllrs/](http://hertsdirect.org/your-council/councillors/ccllrs/)] and in 'Chronicle' (the local free Borough Council newspaper).

They will be able to help you and advise you how to resolve local problems and issues.

On bigger issues, where matters lie beyond the control of the two councils, you may want to contact your local Member of Parliament. Currently the MP for Stevenage is Stephen McPartland who can be contacted at [Stephen@stephenmcpartland.com](mailto:Stephen@stephenmcpartland.com) or via his office at the House of Commons.



Your local Borough Councillors, of which the Mayor (pictured here) is the most senior, are there to address your concerns. They will be able to help you resolve local problems.

If you want to influence what happens in your local area more directly you could consider joining, or forming, a group that wants to explore taking on neighbourhood plan-making powers. In order to prepare a neighbourhood plan, the law requires that you must first become a Neighbourhood Forum. Chapter

2 sets out the steps that you need to take to apply to the Borough Council for permission to become a Neighbourhood Forum.

### **Can I get my ward councillors involved in a neighbourhood plan for their area?**

Yes. The government does not require councillors to be involved, but we suggest that it is advisable. Experience from the first neighbourhood planning projects across England in 2010/11 is that where elected councillors are involved in a Neighbourhood Forum they play a key role and can help progress the work significantly – giving it profile with the community; and within the wider council; and helping to access resources for the work.

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## 2. Forming a Neighbourhood Forum

### How do I get more involved in planning my neighbourhood?

Firstly, talk to your friends and neighbours. Do they share your concerns? Is there already a local group that you could join? Is there sufficient common ground between you and your friends and neighbours to be able to work together to create a plan? Can you build a 'community of interest' that is representative of the wider community in the local area?

In order to prepare a neighbourhood plan the law requires that you must first become a Neighbourhood Forum. This section outlines the steps that you need to take to turn yourselves from a group into a properly constituted and recognised Neighbourhood Forum.

You should work closely with the community: the more people, the better. The involvement, throughout the process, of a broad range of local people and other stakeholders (like business-owners and landowners) will help make the Plan something that everyone believes in and supports.



Bedwell, Chells and Shephall neighbourhoods. What are the issues that might shape neighbourhood plans in these areas?

The following is a list of people and organisations that you should consider approaching before you begin work on applying for Neighbourhood Forum status:

- Local residents
- Your elected councillors
- Local community groups

- Local shop owners
- Other local business owners and/or their employees
- Local religious groups
- Head teachers or Boards of Governors of local schools
- General practitioners in your area
- Local landowners
- Estate agents active in the area (residential and commercial)
- Any developers that are building or have recently built in the neighbourhood

It will probably be a good idea to talk to officers from the Borough Council (who determine planning applications, maintain parks and open spaces, etc...) about your thoughts. Why are things not the way that you would prefer them to be? Are there legal or practical obstacles to the things that you would like to change?

You may also want to talk to other public sector service providers, such as Hertfordshire County Council (who are responsible for roads, schools, social services, etc...) or NHS Hertfordshire or the East and North Hertfordshire General Practitioner Commissioning Consortium (who are responsible for healthcare).

Again, they may be able to help you to understand why things are the way that they are and point you to sources of information that might help you to shape your ideas.



Talk to Borough Council officers and other stakeholders: they should be able to explain things to you and help you to make well informed decisions

## OK, we've got a group and we think that we want to prepare a plan. What are the first steps?

There are a group of you that share common views and you want to prepare a neighbourhood plan. You have identified the broad issues that you want to tackle and you have identified the area for which you wish to prepare a plan. You've talked to local people and stakeholders. You've got some basic 'facts at your fingertips' and some thoughts about how you might tackle the planning issues that concern you. What do you do next?

Procedurally, there is no right way to develop a Neighbourhood Plan, but there are a number of wrong ways! In large measure, how you prepare your plan is a matter for you, although there are certain things that the law requires you to do.

This document offers advice on what to do and how to do it. But you can ignore that advice if you want. There is also advice available from a number of other sources (see section 7) and good practice is evolving all of the time.

This document also tells you the things that you must do – the things that the law requires you to do. If you choose to ignore this advice, your work will be at risk of being wasted effort. The Borough Council will not be able to adopt your neighbourhood plan if you do not do those things that the law requires.

To find out more about what you need to do, it is suggested that you should consult the Neighbourhood Planning (England) Regulations 2012, which can be found via the Planning Portal [[planningportal.gov.uk/inyourarea/neighbourhood/](http://planningportal.gov.uk/inyourarea/neighbourhood/)].

Things that **you must do** appear in pink coloured boxes like these.

One of the first legal requirements is that you need to apply to the Borough Council to create a Neighbourhood Forum and define an area for your neighbourhood plan. It is the Forum that will be the legal entity charged with preparing the neighbourhood plan. Your group cannot prepare a neighbourhood plan unless you are first formally recognised by the Borough Council as a Neighbourhood Forum.

## What are the requirements to become a Neighbourhood Forum?

The government has established minimum essential criteria that any group applying for permission to form a Neighbourhood Forum and prepare a Neighbourhood Plan must meet. The following are the minima that any group must demonstrate to the satisfaction of the Borough Council:

- Must comprise at least 21 people and include:
  - ❖ people living in the neighbourhood concerned
  - ❖ people who work there or
  - ❖ Borough or County Councillors
- Must secure, or take reasonable steps to secure, that its membership includes at least one individual from within each of the above groups
- Membership is open to all of the above mentioned groups
- Membership is drawn from different places in the neighbourhood area and from different sections of the community
- The group must be representative of the character of the neighbourhood area
- The group must have a written constitution, including a definition of its objectives
- Those objectives must include furthering the economic, environmental and social well-being of the area in question
- Contact details for at least one member must be provided

We would also ask that you:

- Have identified a discrete neighbourhood area for which a neighbourhood plan is to be prepared based on sound planning reasons and also be coherent, rational and reasonable
- Maintain an up-to-date membership roll, including details of names and addresses and incorporating a record of interests of the membership (i.e. 'resident' or 'business owner'), which shall be available for inspection
- Have at least three elected and accountable officers (usually a chairperson, secretary and treasurer)
- Hold an Annual General Meeting and at least three other meetings per calendar year
- Advertise in advance all meetings of the group which shall be open to attendance by any of the membership
- Minute all meetings of the group in writing, such minutes to be available to all members of the group and to the Council's officers
- Prepare a credible and robust project plan, including a budget, skills audit, capacity building strategy (where appropriate), communications

strategy and work programme approved by a simple majority of the membership

- Write at least 14 days in advance to all of the elected Councillors for the area concerned, advising them of the group's intentions to apply for Neighbourhood Forum status
- Ensure that the proposed neighbourhood plan area is separate from any other Neighbourhood Plan proposals
- Complete, and send to, the Borough Council a Neighbourhood Forum Application Form, accompanied by the required paperwork and an Ordnance Survey (or acceptable equivalent) plan, at a recognised scale appropriate to illustrating the necessary detail, showing outlined in red the proposed area of the Neighbourhood Plan

The Borough Council may vary or rescind these criteria periodically and you are advised to contact the Planning Policy team to ensure that you are aware of the current requirements.

It is your responsibility to ensure that you meet these minimum criteria when you make your application to become a Neighbourhood Forum. If you and your group do not meet the statutory criteria, your application will be refused and you will not be able to prepare a neighbourhood plan.

You are, of course, free to amend your application and resubmit it when you are confident that you meet the essential criteria.

It is suggested that you talk to Borough Council officers before you submit your application, to give you the best chance of getting approval first time. All such advice will be provided free of charge on a 'without prejudice' basis and in good faith.

It is also possible to propose to become a Neighbourhood Forum that straddles the Borough Council boundary with our neighbouring districts: East Hertfordshire and/or North Hertfordshire. Should you decide to pursue this as an option you will need to make separate applications to each Authority, meeting the approval criteria of each.

## **What will you do with this information?**

The Borough Council will consider the information included within a Neighbourhood Forum application objectively.

We will publicise your application in such a way that it is likely to bring it to the attention of people who live, work or do business in the neighbourhood. People will then have not less than six weeks to make responses and representations. We will then consider the responses and representations that we receive.



Ordinarily, we will give a decision upon whether we are minded to grant you permission to become a Neighbourhood Forum within 90 days of the end of the consultation period.

Any decision will be based upon a written assessment prepared for, and approved by, the Environment and Regeneration Portfolio holder. Extraordinarily, the application may raise issues which it is felt are better dealt with by preparing a written assessment and recommendation for the Borough Council's Executive. Should this be the case, the 90 day target will not be met but we will seek to expedite a decision at the earliest opportunity.

Once we make a decision, we will write to you within 14 days telling you the outcome of your application and giving reasons for the decision.

Should your application be refused, you will not be able to call yourselves a Neighbourhood Forum and you will not be able to prepare your neighbourhood plan. We will endeavour to provide you (should you wish it) with advice on how to improve your application in order to gain approval if you re-submit it. Alternatively, you may wish to consider using other powers instead (see section 6 below).

We will publicise our decision either to refuse or that we are minded to grant permission to your application on our web-site. Potential rival groups then have 4 weeks in which to make a rival application for an alternative Neighbourhood Forum over all or part of your application area.

Should we receive such rival bids, we will consider them against your own application. Any rival bidders will be required to submit the same type of information that your group has already submitted and will be judged by us on the same basis. The Borough Council will give 90 days for you and any rival groups to see if you can find common ground and work together to form a single bid. If after 90 days this has not proven to be possible, we will make known publically the existence of the rival applications.

We will publicise all rival applications in such a way that it is likely to bring them to the attention of people who live, work or do business in the neighbourhood. People will then have not less than six weeks to make responses and representations. We will then have to consider the responses and representations that we receive.

At this point we will make a final decision within 90 days of the close of the consultation period. You and any rival groups will be notified of our decision, which will also be posted on our web-site.

If we decide to authorise a rival group in preference to yours (notwithstanding our earlier 'minded to permit' decision), you will not be able to call yourselves a Neighbourhood Forum and you will not be able to prepare your neighbourhood plan.





We will consider your Neighbourhood Forum application objectively and give you reasons for our decision, whatever that decision is.

If however, we confirm our original 'minded to permit' decision, you will be formally authorised to call yourselves a Neighbourhood Forum. This means that you can proceed to prepare a neighbourhood plan for your identified area.

You should be aware that we have the power to withdraw a Neighbourhood Forum's status where we consider that it is no longer meeting the conditions or criteria set out above. We will not take such a decision lightly and will give you the opportunity to correct any failings that we perceive might lead us to withdraw your Forum status.

## How do we define our Neighbourhood Area?

The neighbourhood area is that part of the town for which you propose to prepare your Neighbourhood Plan. It is up to you to determine the area of the neighbourhood for which you wish to plan.

The law requires that you should make separate applications for designation as a Neighbourhood Forum and for the designation of your neighbourhood area. You are free to do this if you wish, but we suggest that you submit the two applications simultaneously.

There are certain criteria that you have to meet when you submit your neighbourhood area application to us:

- A map identifying your proposed neighbourhood plan area
- A statement identifying why you consider this to be an appropriate area for a neighbourhood plan
- A statement confirming that we have recognised you as a Neighbourhood Forum

We suggest that, for the purposes of clarity, the map that you submit should be an Ordnance Survey plan at not less than 1:10,000. On the plan that you submit to us, you should clearly outline the proposed plan area by a red line. If we cannot identify the area concerned, we will ask you to provide us with a better quality map.

The Council is unable to help you by supplying Ordnance Survey maps. Please contact Ordnance Survey to confirm the availability of suitable plans for your purposes: see chapter 7 for contact details.

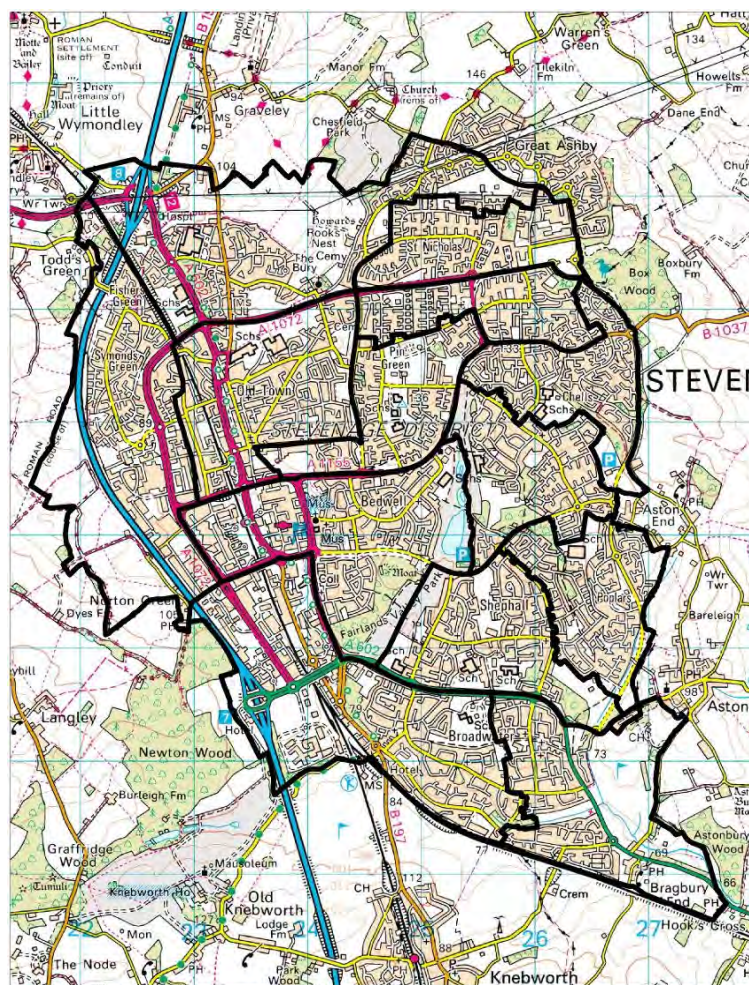
You can also buy suitable base maps via the government's Planning Portal web-site (which also provides a wide array of useful information about the planning and building control systems). Four suppliers are currently accredited: go to the Planning Portal web-site '[planningportal.gov.uk/planning/applications/plans](https://planningportal.gov.uk/planning/applications/plans)'.

Also, we would anticipate that the area of your proposed neighbourhood plan would be:

- ✓ a single area i.e. not two or more areas (contiguous or scattered)
- ✓ no larger than one-thirteenth of the size of the Borough or encompass any more than about 2,750 homes (there being 13 electoral Wards making up the Borough Council each of about 2,750 residential properties)
- ✓ no smaller than about 275 homes (which would make it about one-tenth the size of a Borough Council electoral ward).

If the area that you are proposing is primarily or wholly in business uses (shops, factories, offices), you should approach the Borough Council about designating the area as a 'business area'. This is a significant designation because, when it comes to a referendum on your neighbourhood plan (see chapter 4), a parallel referendum will be held for non-domestic ratepayers if the area has been designated as a business area.

It is the Council's job to keep an overview of all the different requests to undertake a neighbourhood plan in Stevenage. The Council will check that the suggested boundaries for different neighbourhood plans make sense and fit together. The Council will say 'no' if, for example, two or more proposed neighbourhood plan areas overlap. Should this be the case, the Borough Council will encourage any rival groups to see if they can find common ground and work together.



We would not ordinarily expect your neighbourhood area to be any bigger than 2,750 homes. The map shows the 13 Borough Council electoral wards: each of about 2,750 homes. Your neighbourhood area can be smaller than this.

We will publicise your application on our web-site and in such a way that it is likely to bring it to the attention of people who live, work or do business in the neighbourhood. People will then have not less than six weeks to make responses and representations. We will then consider the responses and representations that we receive.

Ordinarily, we will give a decision upon whether we will designate your neighbourhood area within 90 days of the end of the consultation period.

Any decision will be based upon a written assessment prepared for, and approved by, the Environment and Regeneration Portfolio holder. Extraordinarily, the application may raise issues which it is felt are better dealt with by preparing a written assessment and recommendation for the Borough Council's Executive. Should this be the case, the 90 day target will not be met but we will seek to expedite a decision at the earliest opportunity.

Once we make a decision, we will write to you within 14 days telling you the outcome of your application and giving reasons for the decision. We will also publicise our decision on our web-site and in such a way that it is likely to bring



it to the attention of people who live, work or do business in the neighbourhood. This is a statutory duty upon us.

Once approved, you may not alter the neighbourhood plan area without first re-submitting a Neighbourhood Forum Application Form and seeking the Borough Council's permission once more.

## How do we write a project plan?

The project plan links closely to the work programme. Your group must produce a programme of what work you think will need to be done throughout the plan-making process and how long this will take.

In particular it is worth thinking about:

- ✓ What needs to be done at each stage – publicity, meetings, surveys, events?
- ✓ What resources are needed to carry out these activities – people, funding, materials?
- ✓ How much time will be needed to achieve each stage of the programme?

The programme will help the group to focus and monitor its activity and to think about what funding may be required to develop the plan.

Project planning is a particular skill in itself. Indeed, there are specialist project management professionals who are in great demand by all types of commercial organisations across the World. There are also books and software on project planning available for you to use.

However, the Borough Council will not require you to have used these techniques or to have a professional project manager as a part of your team. It will merely ask you to supply sufficient information to demonstrate that you have thought through all of the key issues in advance and are well equipped to take on the important task of producing a statutory development plan that will control people's use of land and buildings.

Your project plan will need to be credible and robust. We suggest that it should include:

- ✓ a work programme
- ✓ a budget for the next three-years
- ✓ a communications strategy
- ✓ a skills audit
- ✓ a capacity building strategy (where appropriate)

The Borough Council will 'test' the robustness of your project plan as a part of its assessment of whether your group should be recognised as a Neighbourhood Forum.

Before submitting your project plan, you should ensure that it is approved by a simple majority of the membership of your group. This is probably most easily done at an Annual General Meeting or a Special General Meeting.

## **What should our work programme look like?**

Your work programme is a matter for you, but we would expect to see a programme that sets out tasks and milestones against a timeline.

The Borough Council produces a work programme for the production of its own local plan, called the Local Development Scheme. You can find this on the Council's web-site. It may provide some useful ideas on how to present your work programme.

Using a project management technique known as critical path analysis is likely to be useful to you in: (i) determining what tasks need to be done; (ii) establishing the order in which tasks need to be completed; (iii) identifying the prior completion of which tasks is vital before you can progress to the next task; and (iv) thereby establishing the entire length of the work programme.

You can either present your work programme as a critical path diagram or as a simplified Gantt chart. Using a Gantt chart to set out the work that you plan to undertake and establish milestones for the completion of individual tasks may prove to be enough for the purposes of the Forum.

The Borough Council will expect your work programme, as a minimum, to set milestones for the completion of particular tasks by particular dates and to establish the overall timetable for plan production through to adoption.

You will need to be realistic about how long it will take you to complete various tasks given the resources (money, people, skills, information, etc...) likely to be available to you. There has been an indication from Government that it believes that the process of developing a Neighbourhood Plan should take approximately one year. However, this may prove to be somewhat optimistic. None of the pilot projects in 2011/12 have so far met this timetable.

We suggest that you do not complete your work programme until you have established your budget, skills audit and capacity building strategy.

The establishment of milestones will enable you to monitor your progress as a Forum. Missing milestones need not necessarily be problematic, but consistently failing to hit your milestones may suggest that your work programme is unduly optimistic and needs to be revised.

## What are our costs going to be?

Plans are likely to vary in costs, depending on the size of the area covered by the plan and the complexity of what is likely to be proposed. Your costs are likely to be reduced where local skills and expertise are tapped into.

Alternatively, sponsorship by one or more local companies, businesses or stakeholders may meet all or part of the costs. The government has suggested that land-owners and developers may be suitable sponsors. However, you may wish to consider what perception will be created in the wider world of a plan being paid for by a private company that may 'benefit' from the plan's proposals.

For reasons of propriety, local plans prepared by District and Borough Councils are fully funded by the local authority themselves.

No money will be available from Stevenage Borough Council (unless through the locality funds awarded to all borough councillors for use in their wards) except for the costs of the examination and any subsequent referendum (see chapter 4).



Preparing your budget will require some careful thought. You may want to stage your work over the five years that you will exist in order to spread your costs and leave time to replenish your funds for the next stage of work. Remember, the Borough Council can provide you with advice but it cannot do the work for you: it is your plan.



Your costs in preparing a neighbourhood plan will vary, depending upon how much work you need, or decide, to do. They can be broken down into those expenses that you are required by law to incur and those that you may choose to avoid:

- ✓ Strategic Environmental Assessment Screening: £5,000
- ✓ Consultation: £5,000 - £10,000\*
- ✓ Maps: £1,000 - £5,000
- ✓ Strategic Environmental Assessment (if required): £10,000 - £30,000\*
- ✓ Appropriate Assessment (if required): £15,000\*
- ✓ Sustainability Appraisal: £10,000 - £15,000\*\*
- ✓ Other evidence studies (if required): £4,000 - £15,000
- ✓ Capacity building: £1,200 - £3,000
- ✓ Printing and/or web-site: £1,000 - £3,000
- ✓ Legal advice and representation: £1,500 - £5,000
- ✓ Contingency & miscellaneous expenses: Approx. 10% - 20% of budget

(\*costs estimated by the Department for Communities and Local Government in its impact assessment of Neighbourhood Plans and Community Right to Build, January 2011)

(\*\* if you are required to complete a Strategic Environmental Assessment then the Sustainability Appraisal could be completed within the SEA process – see Chapter 3 for more details)

We can only give estimates as to how much this work may cost (at 2012 prices unless otherwise stated). We suggest that if you employ any consultants that you ensure they charge you a pre-agreed fixed fee, with full or last partial payment only payable on receipt of the final piece of work.

We suggest that you prepare a budget for five years (or whatever shorter period you believe that it will take you to complete your neighbourhood plan), so that you can plan out what you will need to spend and when.

You may not need a chartered accountant to prepare your budget or maintain your accounts but someone with book-keeping skills would be helpful to you. What arrangements you make for financial record keeping or accounting is a matter for you. Be aware that a lack of financial transparency may undermine public confidence in the management of the Forum.

## How do you prepare a communications strategy?

A neighbourhood plan should be community led, with local people and/or businesses in the driving seat. The plan depends on strong local leadership and participation to be successful.

If the community are not supportive of the idea of a neighbourhood plan or its contents, right from the start, then it will be extremely difficult to produce a document that properly reflects their priorities and aspirations, and ultimately gets their support at a referendum.

The wider community must therefore be informed of your intentions and given the chance to get involved from the beginning.

This could be achieved by holding an initial public meeting to explain the intentions of developing a neighbourhood plan and to recruit community volunteers to join your Neighbourhood Forum (see below).

You could also write to local groups and businesses to notify them of your intentions and to identify the level of interest these groups may have in taking part in the neighbourhood plan (or maybe sponsoring it).

We suggest that the Forum considers appointing a steering committee to take charge of document preparation. The key to keeping the community on board is good publicity and communications at the beginning and throughout the process. We suggest that you identify the answers to the following questions when you prepare your communications strategy:

- **Why?** What are you trying to achieve? Are you communicating facts? Seeking open opinions and views? Wanting comments on specific proposals?
- **When?** What is the right time to ask these different types of questions?
- **How?** What is the best way of getting the type of answers that you are seeking? Public meetings? Mail-shots? E-mails? 1-2-1 meetings?
- **Where?** If you are going to hold meetings, where are you going to hold them? And at what time of day?
- **What?** How will you use the information that you gather? How will you analyse qualitative as well as quantitative responses?

Other important questions to ask yourself are: what is my audience? How much do they understand what we are doing? Can we use technical or non-technical language? What are the questions I would like to be asked?

We suggest that as a point of principle you should not consult people unless their input is going to genuinely influence the contents of the neighbourhood plan. Do not ask people questions to which you do not want to know the answer.

You can use this information to inform your communication strategy. This should set out how and when you mean to communicate with the wider community and other stakeholders.

Different ways of getting messages out to the community include:

- 'Walk and talk' with interested parties
- Writing or e-mailing all those that may have previously expressed an interest
- Putting up posters
- Delivering flyers/leaflets
- Using IT – Forum website, social media, e-mails
- Putting notices in Forum newsletters or magazines
- Contacting the local media



Public meetings are only one way of getting the community involved. Don't be afraid to use new and innovative means to talk to the people in your neighbourhood. Not everyone engages in the same way, so using a variety of methods is likely to bring you a broader response.

The Borough Council has produced a Statement of Community Involvement about how it will involve people in planning decisions. This is on our web-site [[Stevenage.gov.uk](http://Stevenage.gov.uk)] and you may find it helpful in giving you some ideas.

We also produce a corporate Communications Strategy and a Participation Strategy. Again, these are on our web-site and may provide you with useful information. These are relatively lengthy documents.

Your communications strategy need not be so long, but it should demonstrate that you have given some thought to how you are going to involve the local community. This will help you as you go through the plan-making process and help us to understand what you plan to do.

## **What is a skills audit? How does it relate to preparing a capacity building strategy?**

You will need to consider the full range of skills, knowledge and experience that you will require to produce the neighbourhood plan. Do you have the necessary skills? You do not necessarily need a professional town planner on-board, but you need to ensure that you can satisfactorily complete all of the statutory processes properly - or the independent examiner (see part 4) may find your plan 'unsound'.

The role of the chairperson of the Forum will be key. A good chairperson is worth their weight in gold and will ensure that everything works smoothly. A poor chairperson will hobble the project. You will probably already have a chairperson if you are contemplating applying for Neighbourhood Forum status. But you should bear in mind that the skill-set necessary to be a successful chairperson when a group is being set-up may not be the same as the skill-set needed for a successful chairperson once the actual planning work begins.

We suggest that you undertake a skills audit of your team members, identifying every individual's skills and interests (which may not be the same thing) and the amount of time they have available to work on your neighbourhood plan. Remember that some people are seasonal workers (teachers or agricultural workers for instance) or have particular busy periods during which they would not be able to work on the plan (for example, accountants tend to be particularly busy during audits and at their financial year-end).

Identify also those skills that people have an interest in learning and their willingness to spend time acquiring those skills.

Once you have completed your skills audit you can compare it against the tasks that you have identified in your work programme need undertaking (and the skills that they require). You should then be able to identify the skills gaps that you have i.e. what you need to know against what you actually know.

This should provide you with enough information to identify whether you need to take on consultants to undertake certain tasks for you or whether you can devise a capacity building strategy to give your own team members the skills that you need. Your capacity building strategy should show your skills audit and your identification of the skills gaps. It should also demonstrate how you plan to plug those gaps: for example, learning 1-2-1 from a skilled practitioner, focussed reading, distance learning, on-line courses, short or extended training courses, etcetera...).

## **Any tips on organisation?**

As you move onwards from this point to organise yourselves, you will need to ensure that not only do you have the right skills, but that your team is effective. Even if you have all of the skills that you need, if the Forum is large it will not be effective if everybody tries to be involved in the whole process.

For this reason, we suggest that you form a steering committee of no more than 12 members. They should have oversight of the entire plan-making project and ensure that the project keeps to the milestones set in the project plan. The members of the steering committee will need to have the necessary co-ordinating and management skills to keep other people 'on track', coupled with a degree of tact and diplomacy to avoid frictions.

If the membership of your Forum is large enough, you may wish to consider organising working groups or sub-committees of the steering committee. To these groups can be delegated specific tasks, which in turn can be delegated to identifiable individuals working to set timetables. By managing work in this way, the load is spread so that no-one person is overwhelmed.

There is advice available to you from various bodies and organisations which should be able to help you identify what skills may be missing from your team (see section 7). This advice may NOT be free and you may have to pay a fee.

### **How much planning legislation do you need to know?**

This is not entirely clear. However, it is reasonable to assume that – as the neighbourhood plan is going to become a part of the statutory development plan for your area and will be used to determine planning applications – a reasonably high level of knowledge will be necessary.

Local plans prepared by local councils, like the Borough Council, are prepared by professionally qualified and experienced town planners. Usually they will have undertaken a minimum of four year's professional training and subsequent Continuing Professional Development.

Plainly, government does not expect Neighbourhood Forums to have that level of professional planning knowledge, experience or expertise.

You need to remember that it is the Forum's responsibility to produce a robust and sound plan – it is not the responsibility of the Borough Council. We can offer you advice and information but the neighbourhood plan is your responsibility alone.

It is suggested that a basic understanding of the theory, aims, intentions and principles underpinning local development plan-making should be held by the Forum. This should be coupled with a good understanding of best practice guidance covering neighbourhood plan-making and an excellent understanding of the current legislation and relevant case law (i.e. decisions made in the courts and by the Planning Inspectorate which interpret the law).

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### 3. Preparing your neighbourhood plan

#### **We have our permission to become a Neighbourhood Forum. What do you do now?**

Let us quickly recap.

- You are a properly constituted group that shares common views.
- You hold an Annual General Meeting and other meetings of all your membership.
- You have at least three elected and accountable officers (usually a chairperson, secretary and treasurer).
- You have identified the broad issues that you want to tackle.
- You have identified the area for which you wish to prepare a neighbourhood plan.
- You've held preliminary talks with local people and stakeholders.
- You've got some basic 'facts at your fingertips' and some thoughts about how you might tackle the planning issues that concern you.
- You have been recognised by the Borough Council as the Neighbourhood Forum for your discrete part of the town.
- You are now in a position to begin neighbourhood plan-making proper.
- Your work programme has already identified the tasks you want to undertake and the timescale within which you intend to complete them.

What you do is a matter for you, but we would suggest that certain key tasks are essential to your work:

- ✓ deciding upon a vision and objectives
- ✓ completing a Strategic Environmental Assessment screening
- ✓ undertaking a full Strategic Environmental Assessment (*if required*)
- ✓ formally consulting the community on your final draft plan
- ✓ considering whether you want to finally revise the draft plan in the light of public consultation
- ✓ sending your final draft plan to us for assessment prior to Examination

#### **What is a Strategic Environmental Assessment ?**

Strategic Environmental Assessment (SEA) is a way of including environmental considerations into plans. It ensures that environmental issues are fully integrated and addressed at the earliest appropriate stage of decision making.

SEA is a key component of sustainable development, establishing important methods for protecting the environment and extending opportunities for public participation in decision making.

Not all plans require a SEA to be completed but it will be necessary to 'screen' (or assess) a plan to ensure that it complies with European and national laws.

As a result of this 'screening' it may be determined that your plan might have significant environmental effects. If this is the case, a SEA will be required. You will need to develop a SEA at the start of your plan-making process. We suggest that you seek expert professional advice about SEA. Getting your screening assessment wrong could catch you out at Examination.

## **What is the difference between SEA and Sustainability Appraisal ?**

There is no legal requirement to undertake a Sustainability Appraisal (SA) on a neighbourhood plan but Government guidance suggests that it is advisable. The findings of a SA can inform your decisions on the contents of your neighbourhood plan.

A SA looks at the possible economic, social and environmental impacts of an emerging plan, and should result in a plan that has the least negative impact possible on an area.

If completed, a SA will need to be incorporated in your plan-making process from the very beginning. It is important that the appraisal is started when work starts on the plan, so that emerging ideas, content and policies can be assessed, in order to inform the final plan.

Government guidance also encourages that both SEA and SA processes are undertaken together through a single process. This might save you time and money.

## **Do we have to undertake an Appropriate Assessment ?**

Appropriate Assessment (AA) considers the wider impacts of emerging policies and plans on European sites of ecological importance. Appropriate Assessment will also only be relevant to your plan-making in very rare circumstances.

There are no such European sites within Stevenage Borough, but the scale (and possibly the location) of development that you propose may have an impact upon the Ramsar<sup>1</sup>-designated site adjacent to the Rye Meads sewage works in East Hertfordshire District near Hoddesdon, which serves the town's sewerage needs.

## **How do you know what to complete?**

You will not be able to rely on the work undertaken by the Borough Council on SEA, SA or AA of its own local plan, especially if your proposals differ

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<sup>1</sup> Ramsar sites are wetlands of international importance, designated under the Ramsar Convention.

quantitatively or spatially from those of the local plan. The Borough Council will not be able to undertake this work for you.

At the end of the process, when your plan is under Examination, it may be determined that these appraisals and assessments should have been completed. This might be because it is unclear how the plan arrived at certain decisions, or how it impacts on local issues of sustainability. This would lead you to revisit the structure of the plan and may cause significant delay. It may also increase the risk of a legal challenge at adoption.

We suggest that you appoint experienced sustainability consultants as one of your first decisions after being awarded Neighbourhood Forum status.

### **What information do we need?**

In order to help produce the vision and objectives for the area, you will need to get a clear picture of the community's characteristics and understand what are the issues affecting the area. Of course, you already have an idea of the issues that concern you and you, therefore, already have some basic facts and figures. You can undertake this stage BEFORE you submit your Neighbourhood Forum application if you so wish.

The government is keen that evidence gathering is 'proportionate', although the term is not defined in planning legislation. Our suggestions are set out below. You may wish to do less evidence gathering than this, but if you do so your plan may be at risk of being found 'unsound' at examination if the examiner feels that you have not properly understood the issues in your neighbourhood or your proposals are ill-justified.

'Community profiling' will involve gathering statistical data to help build up a social profile of the community. 2001 Census data is currently the most comprehensive and widely used data source. 2011 Census data will only start to be released at district level from September 2012 onwards. It may be 2013 or 2014 before data is released at electoral ward or super-output area levels.

The Hertfordshire Local Information System web-site ([hertslis.org/](http://hertslis.org/)) is one of the best sources of collated data for the local area. However, you should be aware that information to fit your neighbourhood plan area exactly may not be available and you may have to 'best fit' information.

Alternatively, of course, you could consider undertaking original primary research to gather a social profile for your specific neighbourhood plan area. This can be time-consuming and expensive. We suggest that you talk to Borough Council officers if you are interested in this as an option.

Other useful, local data may be available from the Borough Council's Local Plan Annual Monitoring Report (available on the web-site) and/or the Council's Policies, Performance and Priorities team.

It may also be useful to undertake an audit of all of the area's principal physical assets and take note of their condition. This might include community centres,

shops, schools, religious institutions, pubs, GP surgeries, business premises, parks and open spaces, playing fields, sports facilities, trees, woodland, footpaths etc...

Please be aware that some of these properties do not lie in the public realm (viz, you are not entitled to free, unfettered access) and that you will need permission to enter on to private property.

A photographic record might be helpful to you. However, be conscious that whilst you are generally free to take photographs of anything from a public place, some individuals can be extremely affronted by such innocuous and lawful activity. Please be aware of when you are in a public place and when you are on private property when taking photographs: if you are on private property ALWAYS obtain the landowner or occupier's permission first.

This photographic audit could be carried out by the Neighbourhood Forum, together with other volunteers, for example by organising a walk.



An audit of locally important facilities may help to clarify the local issues. Facilities that are important to the community should be identified – they might be commercial premises, such as pubs.

You may also want to know of any unimplemented planning permissions for major developments within your plan area, major planning applications yet to be determined or unexpired allocations made in the Local Plan. The Borough Council's Planning service will be able to assist you with this. This may help to shape your understanding of what development opportunities and challenges you face in the short term.

They will also hold records of how many and what type of permissions have historically been granted in your plan area. This will inform you what development pressures exist within your neighbourhood and whether they are intensifying, decreasing or changing over time. In turn, this may be helpful to you in determining whether you want to promote or deter certain types of development.

If there are areas of undeveloped land within your plan area, you may want to know who owns them. The Borough Council may already hold this knowledge in its Planning or Estates service delivery units. Alternatively, this information can be obtained on-line from the Land Registry for a fee at [landregistry.gov.uk/wps/portal/Property\\_Search](https://www.landregistry.gov.uk/wps/portal/Property_Search). If the Borough Council is not already aware of the land-owners intentions for their land, you may wish to contact the land-owners and ask them about their aspirations.

It will also be important to gather information from any existing plans, strategies or studies that have a bearing on the community. These could include:

- ✓ Stevenage Borough Council planning documents, including the Stevenage District Plan 2004 (as amended 2007) and the emerging Local Plan 2013 available at [stevenage.gov.uk/planning/planning-policy/](https://www.stevenage.gov.uk/planning/planning-policy/)
- ✓ Conservation Area Management Plans, if all or a part of your plan area includes one of the Borough's seven Conservation Areas
- ✓ Stevenage Biodiversity Action Plan, Amenity Tree Management Strategy, Open Spaces Strategy, etc...
- ✓ The Sustainable Community Strategy 'Our Town – Our Future' available on [stevenage.gov.uk/content/15953/33537/20596/Stevenage-2021.pdf](https://www.stevenage.gov.uk/content/15953/33537/20596/Stevenage-2021.pdf)
- ✓ Strategic Housing Land Availability Study, Strategic Housing Market Study, Rye Meads Water Cycle Study, etc...
- ✓ Stevenage Urban Transport Plan and other strategies and studies produced by Hertfordshire County Council
- ✓ Studies produced by other infrastructure providers, such as water companies, the Environment Agency, Network Rail and Train Operating Companies

It will also be important for the Neighbourhood Forum to establish contacts, and have initial discussions with, a range of stakeholders to understand whether there are any other aspirations for the area that have not yet been developed into a plan or strategy.



Pitching a tent and inviting people to 'drop in' is one way of stimulating community interest. Offering people maps or models to design their neighbourhood is a way of sparking a debate. But be aware that some people may need help understanding cartographic material.



We suggest that it would be a good idea for the Forum to talk to:

- ✓ Local community groups and community centre management teams
- ✓ Local businesses, GPs, religious groups, head teachers
- ✓ Local landowners, estate agents and developers
- ✓ Officers at Stevenage Borough Council
- ✓ Officers at Hertfordshire County Council
- ✓ Representatives from other organisations, e.g. Environment Agency, English Heritage, Natural England

The data you accumulate will be your baseline data. This will give you economic, social and environmental data on your plan area at the outset (or baseline). In turn, this will provide you with a reference point against which to compare your plan proposals and future observations or results.

If a SEA and Appropriate Assessment is required, it is a statutory requirement to consult with:

- the Environment Agency
- English Heritage and:
- Natural England.

Your appointed consultants will be able to advise you on the processes and procedures in place for this. If you decide to undertake a Sustainability Appraisal, you could also seek advice from the above statutory consultees.

## **We have lots of information. What do you do with it?**

It is now important to analyse all of the factual information that you have gathered. How does it all relate together? What is it telling you? Does it confirm the information that you gathered and the views that you formed before you applied for Neighbourhood Forum status? How do you reconcile data that may seem to point in different directions? What if the data is inconclusive?

Most of the data that you will have gathered thus far will be empirical and quantitative in nature. Most analysis will, thus, be mathematical in nature.

You will need to analyse any studies and decide what repercussions they have for the neighbourhood. Most studies will already have drawn their own conclusions: are they rational and reasonable? Has the study demonstratively used deductive reasoning? (i.e. worked from facts to conclusions; rather than worked backwards from a pre-determined conclusion and selectively sifted 'facts' to justify that conclusion ~ called inductive reasoning).

You will need to understand what implications the plans and strategies of others have for your plan. There is no point in playing King Canute, ignoring the plans of others and carrying on regardless. To do so will undermine the credibility of your plan. To what stage have their plans evolved? Do they

involve the use of land or buildings? Do they have planning permission? Do they need planning permission?

Getting the analysis correct will help shape your vision and objectives. Therefore, it is important that you get it right. There may be more than one conclusion that can be drawn from a given range of facts: the weight and precedence to be given to facts will vary from person to person and from perspective to perspective.

Strengths	Weaknesses
Strong sense of community Clear direction for future agreed amongst residents Good mix of housing and people	Pub not financially viable Shop-keepers have different priorities
	Young people need homes they can afford in neighbourhood Not a preferred area for home-buyers
Opportunities	
Borough Council review of assets – sites may become available GPs want to move to modern surgery Developer willing to build brownfield homes Borough Council willing to invest in housing refurbishment & improved on-street parking	GPs new surgery may mean move out of neighbourhood Lack of suitable new housing sites New homes unlikely to be affordable Planning applications for new housing falling

A SWOT analysis, such as the example above, is a useful way of summarising and tabulating your data to identify what issues you need, or want, to tackle in your neighbourhood plan. You seek to identify current positives and negatives together with your understanding of the good and bad things that are likely to happen in the future.

It is, therefore, important not to become obsessive about seeking a single ‘right answer’. By the same token you will have to recognise that the Forum’s views are not the only legitimate or reasonable views that might exist. How do you reconcile them? You need to ensure that you draw reasonable and robustly defensible conclusions from your analysis.

As you sift and analyse your data, some questions for you to ask yourselves as a Neighbourhood Forum include:

- ✓ What are our strengths as a community?
- ✓ What do we do well?
- ✓ What do we do badly?
- ✓ What can we improve or change in the community?
- ✓ What facilities do we have?
- ✓ What are we missing?

- ✓ What opportunities exist in the area?
- ✓ What are the threats?
- ✓ What are the barriers? (environmental, physical, financial)
- ✓ Where do we want to take our community in the future?

At this point, you may wish to undertake a SWOT analysis: Strengths, Weaknesses, Opportunities, Threats. Conventionally these take the form of a simple matrix like the one on the preceding page.

## How do we decide on our vision and objectives?

Hopefully, the facts and your analysis and interpretation of them should allow you to draw up a vision statement for your community, which forms the headline 'point of principle' for your neighbourhood plan.

As the neighbourhood plan will ultimately form part of the development plan (assuming it passes the Examination and referendum), it makes sense for the vision to cover the same time period as that of the Borough Council's emerging Stevenage Borough Local Plan, which runs up until 2031.

We suggest that the Neighbourhood Forum draft a vision statement, setting what it will be like to live and work in the area in 2031. It is important that the vision is, on the one hand, both aspirational and inspirational but, on the other hand, also realistic and deliverable.

A typical neighbourhood plan vision statement might include topics such as:

- ✓ What the area will look like
- ✓ What facilities there will be (e.g. parks, shops, schools)
- ✓ What the social and economic outlook for the area will be

Using the example of the SWOT analysis above, a vision statement derived from that might read:

By 2031 to become the best neighbourhood in Stevenage, with a strong sense of community, a good mix of people and homes coupled with a range of local facilities within walking distance to support the whole community.

Moving beyond the vision, your objectives will be more specific and will set out how the vision will be achieved. For each element of the vision, there may be one or a number of objectives, depending on the different priorities of the community. Again using the example above, some objectives might be:

1. To build approximately 100 new homes over the next decade, offering a range of home types, including flats, small houses and larger family homes in an improved public realm.
2. About one-third of all new homes shall be affordable, of which about a half shall be available for affordable rent.
3. New housing provision will be made for elderly people to remain within the neighbourhood.
4. To retain, as far as is practicable, a community pub/shop/post office within the neighbourhood shopping centre.
5. To provide a new general practitioners' surgery on one of the surplus sites released by the Borough Council.

Be aware that you are not allowed to incorporate policies on what the government terms 'excluded matters'. Essentially, these are proposals to do with minerals, waste management/disposal or any nationally important infrastructure projects. You may not include policies on waste or minerals matters nor may you make any proposal which conflicts with policies and proposals contained within the adopted Waste or Minerals Local Plans.

You need to remember that you must stay within what the Planning Acts allow you to do as a plan-making organisation. You cannot use the plan to take away development rights and freedoms that the government has given to everyone. So, for instance, you cannot use your plan to control shop-ownership (forbidding a change from a local retailer to a national chain-store) or changes of use within the same use class (such as from a post office to an internet café).

If you are unsure what the Planning Acts allow you to do, we suggest that you seek professional advice from an authoritative source.

You also need to acknowledge the willingness of stakeholders to invest and undertake the activities that you wish of them. There is little value in committing a party to a particular course of action that they have no intention of following.

## **What is 'optioneering' and is this the time for us to do it?**

Note that, at this point, you are primarily seeking to identify the basic principles that will underpin your plan. Details will follow at the next stage.

However, if you wish to do so you may choose to consult upon alternative options at this stage. This is often now called 'optioneering'.

The most likely things upon which you may wish to offer your community the opportunity to comment upon in terms of alternative options are allocations of land for new development or redevelopment. These are usually the most contentious part of any new plan.

To use the example above again, to achieve objective 5 you will need to identify one of several parcels of land being made available by the Borough Council as the site for the new GP surgery.

It is up to you how you go about this identification process, but we suggest that you would wish to work closely with the GPs and the Borough Council in these circumstances.

Let us assume that there are three sites which are objectively suitable: you may wish to consult the community at this point about which of the three sites they feel is best. You will need to produce maps (see section 2 above) and we suggest that you produce a SWOT analysis of each site.

Do not consult upon options which are not really open to you. All options must be viable, practicable and deliverable: any choices that are on offer must be genuinely available to the community. If, in this example, the GPs had already made their choice of which site they will develop, there is no point in consulting upon the options that they have already rejected.

### **What else do we need to do at this point?**

You should publish any relevant SEA, Appropriate Assessment or Sustainability Appraisal of your vision and objectives. This need not be unduly detailed or complex as you will carry out a more detailed appraisal when you publish your final draft plan. You will need to make these available for comment too.

If you decide to undertake optioneering, you will need to include in your overall Sustainability Appraisal an individual appraisal of each (site) option. Optioneering will, therefore, make appraisal a lengthier and more expensive process. You should allow time and money for this.

If required, you need to publish your SEA, Appropriate Assessment and Sustainability Appraisal of your vision, objectives and any options you wish to consult upon, at this point. These documents should be informing your vision, objectives and options. Failure to publish them at this point may mean that the Examiner finds your plan unsound.

You may also want to publish your evidence base ~ all of the information above and your analysis of what it means. This helps to demonstrate that your vision and objectives are well founded in facts.

However, it is important to remember that the government requires that the ambitions of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans, therefore, must be in 'general conformity' with the strategic policies of the local plan. The term 'general conformity' is only loosely defined and should be taken as meaning "does not stray too far from, or offer a contrary position to..."



Thus if, for instance, one of the local plan's strategic policies were to say of your neighbourhood "*Main Street shall remain an area of mixed uses, including shops, homes and offices*" your neighbourhood plan should not propose that "*Main Street will become a housing area, with other - existing - uses being extinguished over the life-time of this plan.*" This proposal could not be said to be in general conformity with the strategic policy.

To help you in making this judgement, we will set out clearly our strategic policies for the area in the emerging local plan. Neighbourhood plans should reflect these policies and you should plan positively to support them.

Neighbourhoods will have the power to promote more development than is set out in the strategic policies of the local plan - but not less.

Outside these strategic elements, neighbourhood plans will be able to shape and direct development in their area, subject to the presumption in favour of sustainable development. Remember that when a neighbourhood plan is made, the policies it contains take precedence over existing policies in the local plan for that neighbourhood, where they are in conflict.

In line with government wishes, if our local plan and your neighbourhood plan are being prepared at the same time, we will leave it to you to prepare all of the non-strategic policies for the neighbourhood.

Check for conformity with strategic policies in emerging planning documents. It is important to talk to us, before you go out to consultation. Once you have drafted a vision and objectives, together with options (if you choose to do so), you must check that they are in 'general conformity with' (i.e. don't stray too far from, or offer a contrary position to) the strategic policies of the emerging Local Plan. We suggest that you seek the views of Borough Council officers at this point.

Before consulting on your vision and objectives, we suggest that you should ensure that they are approved by a simple majority of the membership of your group. This is probably most easily done at an Annual General Meeting or a Special General Meeting.

### **So, now we need to check our draft vision, objectives and options with the community?**

Yes. Before progressing, it is essential to check that the community supports your draft vision, objectives and, if you have included them, options. Your communications strategy and your work programme will already have determined how you are going to do this.



A more formal event might be most appropriate for business stakeholders and public bodies. Businesses often prefer breakfast meetings.

There are a number of ways in which this community endorsement can be sought, including the following mechanisms for asking people for feedback:

- ✓ Delivering copies to all households and/or businesses
- ✓ Meetings with local interest groups
- ✓ Holding public meetings or drop-in events
- ✓ Taking out an advert in a local newspaper or providing a press release that signposts where the vision and objectives can be found
- ✓ Publishing information in a Forum newsletter/magazine
- ✓ Making a copy available on your Forum web-site
- ✓ Placing posters in the windows of shops, community buildings and/or libraries (and possibly also the Borough Council's Customer Service Centre) but do NOT engage in fly-posting

We suggest that you use comments forms (hard copy or on-line) asking the questions to which you want the answers. But also always allow a free-form write-in box, so that people can make whatever comments that they want.

Always set a deadline for people to have comments back to you ~ and preferably stick to it. If you accept late comments you may open yourself to a subsequent legal challenge on grounds of fairness and transparency (“If I had known you were accepting representations after the deadline, I would have made comments. That’s unfair”).

## How do we handle these comments?

Before you start the public consultation, you will need to determine how you are going to gather and analyse the responses. This will largely now be qualitative data (opinions rather than facts),

We suggest that you keep the originals of all of the comments that you receive and that you draw-up a consultation report (we suggest in a tabular or matrix format) demonstrating how you have dealt with all of the comments and what changes you have decided to make as a consequence.

Following this analysis, amendments to the vision and objectives can be made before moving on to developing the detailed content of the plan.

Again, we suggest that the Forum holds a meeting of the membership to make a formal decision to amend the vision and objectives, and on the results of any optioneering exercise.

You may find that some of the feedback you receive from the community doesn’t really relate to neighbourhood planning, e.g. concerns over litter, parking, anti-social behaviour, etc...

Whilst this may not be a subject for the neighbourhood plan, it will still be an important issue for the community and will, therefore, need to be dealt with via an alternative route. The Forum may wish to develop a separate action plan to deal with these wider issues.



Carefully go through all of the representations that you receive and ensure that you respond to each one and to all of the points that they make.

## How do we develop our vision into planning policies?

Once the vision and objectives have been drafted and agreed, you can start to think about the detailed content of the neighbourhood plan.

The detailed content will include policies and a proposals map. The plan might be accompanied by a Sustainability Appraisal and, we would suggest, a consultation summary report.

The Government is clear that the intention of neighbourhood plans should be to set out policies on the development and use of land in a neighbourhood area.

The draft policies that are included within your neighbourhood plan should be based on:

- ~ your analysis of the information assembled during evidence gathering;
- ~ your Sustainability Appraisal results; and
- ~ what the community and stakeholders told you during consultation on your vision and objectives

How you handle the results of your optioneering exercise, if you decided to hold one, is up to you. People will have a reasonable expectation that if you offered them a choice, that you will listen to them. But you should also bear in mind that planning is not a popularity contest ~ it is an objective, fact-based, regulatory system. Your decisions should not appear arbitrary or based on transient opinion.

Your policies should essentially seek to achieve your vision and objectives. For each objective that has been agreed, the Neighbourhood Forum should consider what policies could be put in place to try and achieve them. The Planning Advisory Service [PAS] provides some useful advice on how to frame policies (see section 7 for contact details).

Although this advice is specifically framed to assist district councils with their local plans, the basic principles are equally applicable to neighbourhood plans. [Please note that PAS do not provide 1-2-1 advice to the general public].

Policies fall into one of two categories:

- ✓ Site-specific policies, which will probably identify or allocate sites for particular types and scales of development (e.g. new homes, employment, etc...)
- ✓ Generic policies, which apply across the plan area (e.g. local design standards or parking policies)

Formatting policies can be important. Wording such as “*development will be permitted...*” is generally regarded as clearer and more certain than wording such as “*development will be given favourable consideration...*”. Also, because of the presumption in favour of sustainable development, policies should generally be written with a positive phraseology i.e. “*development will be*

*permitted if...*” rather than a negative phraseology “*development will be refused unless...*”

The aim of policies is to provide accuracy, clarity and certainty to all those that read them. They should also be capable of being used in the making of development management decisions. If your policy is badly phrased or uncertain in its interpretation, the Examiner may reject it.

## What does a good site-specific policy look like?

Site-specific allocations, such as housing sites, will need to meet the necessary statutory requirements. For instance, any new housing sites will need to meet the three tests set by the government for Strategic Housing Land Availability Assessments (SHLAA) i.e. suitable, available and achievable. This will provide the information on which your plan-making judgement can be made about whether a site can be considered deliverable, developable or not currently developable for housing development.

Most obvious sites will already have been assessed through the Borough Council's SHLAA process, but new sites may emerge. Any new site will need to be capable of satisfying the Examiner that it meets the SHLAA tests.

These site-specific policies may also identify sites to be protected or enhanced, but may not include national-level designations (such as Areas of Outstanding Natural Beauty) or those for which the Borough Council are responsible (such as Conservation Areas).

All site-specific policies must be shown, accurately, on an Ordnance Survey-based proposals map at a recognised and appropriate scale.

Today, most policies are written in a positive, conditional style.

Below is an example of a conditional, positively worded site-specific policy:

Planning permission for 15 new homes west of Sturgeon Lane, as shown on the proposals map, will be permitted subject to:

- ❖ At least 35% of the new homes being affordable; and
- ❖ development on the Cornfield Avenue frontage being no more than 3 storeys or 7.5 metres in height; and
- ❖ the use of red stock brick on all frontages, coupled with pitched slate roofs consistent with the neighbourhood; and
- ❖ the retention of the four hornbeams and the 2 cypresses west of the Priory Brook.



You need to ensure that your policies are achievable. The Neighbourhood Forum should ensure that site-related policies have been drawn up only as the result of negotiations with the relevant landowners or site promoters.

## What does a good generic policy look like?

Remember that not all development that happens in your neighbourhood will come from an allocation. Most development is either 'householder' development (small domestic proposals) or, if it is a larger development, is a 'windfall' (i.e. not previously anticipated). Generic policies are, therefore, necessary to deal with such proposals.

However, you do not need to 'reinvent the wheel' ~ the Borough Council's emerging local plan will contain generic policies on most topics and they are adequate for the determination of planning applications in most instances. Only if you feel that local plan policies are inadequate need you consider drawing up your own generic policies.

Below is an example of a generic policy:

Planning permission for residential development on unallocated sites will be granted where:

- ❖ The site is on previously developed land or is a small underused urban site; and
- ❖ There is good access to local facilities; and
- ❖ the proposed development would not overburden existing infrastructure; and
- ❖ the proposals meet housing stock demand in the neighbourhood.

## What else do you need to know about policy writing?

You should note that the law requires that if there is any conflict between one of your policies and any other statement or information in the plan, the conflict will be resolved in favour of the policy.

Importantly, you will also need to be satisfied that the operation of your policies, in combination with those in the Borough Council's local plan, will achieve your objectives.

Neighbourhood Forums should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the local plan, when added to nationally required standards.

In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the overall development plan at

serious risk, and – in the government’s terms – “*should facilitate development throughout the economic cycle*”.

## Do we need a Proposals Map?

Yes. For site-specific policies, the neighbourhood plan will need to include a proposals map showing proposed precise site boundaries. The proposals map forms a part of the statutory neighbourhood plan and is generally resorted to as the definitive source to resolve any conflict between the written text of the plan and the map.

You must produce an accurate and definitive Ordnance Survey-based proposals map to accompany the written text of your neighbourhood plan.

It is, therefore, necessary to ensure that the proposals map is accurate ~ once it is approved it will be impossible to alter it.

All site-specific policies must be shown, accurately, on an Ordnance Survey-based proposals map at a recognised and appropriate scale. Your proposals map must cover the WHOLE area of your plan: there must be no areas omitted nor none added.

You must not reproduce designations from the local plan on your proposals map. The area surrounding your neighbourhood should be greyed out in line with Ordnance Survey requirements. An appropriate watermark must be applied.

Once again, the Borough Council is unable to help you by supplying Ordnance Survey maps. See section 7 for contact details of potential suppliers.

A fee is payable to the map supplier at the time of purchase. Contact the Ordnance Survey or go to the Planning Portal web-site [‘planningportal.gov.uk/planning/applications/plans’](http://planningportal.gov.uk/planning/applications/plans).

## What do we have to do to finalise our neighbourhood plan?

Before you finalise your policies and proposals map, you will need to ensure that your work has been informed by any SEA, Appropriate Assessment or Sustainability Appraisal.

At this stage, you will also need to produce a report on the Sustainability Appraisal process (and SEA and Appropriate Assessment if necessary), explaining why the policies included in the plan are the most appropriate ones.

Check for conformity with strategic policies in the Local Plan. Once you have finalised the proposed policies, you must check that they are in ‘general conformity with’ (i.e. don’t stray too far from, or offer a contrary position to) the strategic policies of the local plan.

If there has been continued liaison with the Planning Policy team at Stevenage Borough Council, there should not be an issue with a lack of conformity.

## **Do we need to undertake another round of community consultation?**

Yes. You have now reached the final stage at which you can directly influence the contents of the plan. Before finalising the plan, the Neighbourhood Forum should check that residents, businesses and other parties are happy with the content of the plan.

Any completed SEA, Appropriate Assessment and Sustainability Appraisal report should also be made available for comment.

You must now publicise the existence of your plan “*..in a manner that is likely to bring it to the attention of people who live, work or carry on business in the... area*”. You must tell people how to respond to this publicity and how to make representations by a specified date (not less than six weeks).

You must consult all of the government’s list of statutory consultees. You must also submit a copy of the plan to the Borough Council.

The statutory consultees are:

- ✓ Hertfordshire County Council
- ✓ East Hertfordshire and North Hertfordshire District Councils
- ✓ All nine community and parish councils adjoining Stevenage Borough (namely Aston, Datchworth, Graveley, Great Ashby, Knebworth, Langley, St Ippolyts, Walkern and Wymondley)
- ✓ Environment Agency
- ✓ Natural England
- ✓ English Heritage
- ✓ The Homes and Communities Agency
- ✓ Network Rail Infrastructure Limited
- ✓ The Highways Agency
- ✓ Telecommunications operators
- ✓ Electricity and gas suppliers
- ✓ Water and sewerage providers
- ✓ NHS Hertfordshire
- ✓ East and North Hertfordshire General Practitioner Commissioning Consortium
- ✓ Voluntary bodies active in the neighbourhood

- ✓ Bodies which represent the interests of different racial, ethnic, national, religious or business groups in the neighbourhood
- ✓ Bodies which represent the interests of disabled persons in the neighbourhood

You must consult all of these bodies. If you have identified other groups that may be interested in your plan, you should also consider consulting those groups too.

The Neighbourhood Forum should also consult with any adjacent Neighbourhood Forum(s) in Stevenage.

For the full names and addresses of all of the above organisations, please ask the Planning Policy team at the Borough Council.



This is the last round of public consultation on your plan. You must meet the legal requirements or risk your plan being found unsound by the independent Examiner.

Your communications strategy and your work programme will already have determined how you are going to carry out this consultation. There are a number of ways in which this community endorsement can be sought, including the following mechanisms for asking people for feedback:

- ✓ Meetings with local interest groups
- ✓ Holding public meetings or drop-in events
- ✓ Taking out an advert in a local newspaper or providing a press release that signposts where the plan can be found

- ✓ Publishing information in a Forum newsletter/magazine
- ✓ Making a copy available on your Forum web-site
- ✓ Placing posters or other display materials in the windows of shops, community buildings and/or libraries (and possibly also the Borough Council's Customer Service Centre) but do NOT engage in fly-posting

### **Is this a more formal process than your last consultation?**

Yes. You are now gathering views not only to assist you in finalising your plan but also to assist the Examiner when s/he looks at your plan (see chapter 4) and decides whether it can proceed to referendum and adoption.

We suggest that you use write-in comments forms (hard copy or on-line). This should ask people a series of questions to identify whether they are supporting, commenting upon or objecting to individual policies (i.e. one form per policy) and why. It will help the Examiner to know the following information:

- ❖ Name and address of the person completing the form
- ❖ Whether they are acting on someone else's behalf
- ❖ If so, the name and address of the person making comments
- ❖ Contact details (name, address, telephone, e-mail)
- ❖ Policy upon which they are making representations
- ❖ Whether they are supporting, commenting upon or objecting to the policy
- ❖ Reason for support/comment/objection
- ❖ The specific change that they would like to see made (if objecting)
- ❖ Whether they consider that the fault to which they object (if any) means that the neighbourhood plan does not conform with:
  - The strategic policies of the local plan
  - The National Planning Policy Framework
  - Relevant European Directives
  - Neighbouring neighbourhood plans

The law requires a deadline of at least six weeks for people to have comments back to you. You must publicise the end date for the consultation period. We strongly suggest that you stick to that deadline without wavering.

If you accept late comments you may open yourself to a challenge on grounds of fairness and transparency ("If I had known you were accepting representations after the deadline, I would have made comments. That's unfair").



## What do we do with these comments?

Before you start the public consultation, you need to be aware of what the statutory requirements are that cover this stage of the process. You are now gathering views not only to assist you in finalising your plan but also to assist the Examiner when s/he looks at your plan (see stage 4) and decides whether it can proceed to referendum and adoption.

We suggest that you keep the originals of all of the comments that you receive. We also suggest that when you draw-up your consultation statement you do it in a **table**, demonstrating how you have dealt with each objection and what changes you have decided to make as a consequence.

You will need to draw-up a consultation statement, demonstrating how you have dealt with all of the comments you have received and what changes you have decided to make as a consequence.

You will need to record details of the people and bodies that you consulted; and how you consulted them.

You will also need to summarise the main issues and concerns raised; and how you have addressed them.

You do not need to be concerned with expressions of support; or general comments (unless they can more accurately be described as objections): the Examiner is only going to be interested in investigating objections.

We would suggest that your table should record:

- ❖ Name of the person
- ❖ Policy upon which they are making representations
- ❖ Summary of reason for objection and an outline of the change that they would like to see made
- ❖ Whether they consider that the fault to which they object means that the neighbourhood plan does not conform with:
  - The strategic policies of the local plan
  - The National Planning Policy Framework
  - Relevant European Directives
  - Neighbouring neighbourhood plans
- ❖ Your response to the points made
- ❖ What action (if any) you propose to take.

Your analysis of the objections should allow you to determine what amendments to the neighbourhood plan you might wish to suggest to the Examiner (see stage 4).

You should keep any such changes to the minimum.

Hopefully, all of the community engagement that you have already undertaken, and your own closeness to the community, should ensure that you have fully anticipated the community's concerns and no such changes are necessary.

Again, we suggest that the Forum holds a meeting of the membership to make a formal decision to confirm the responses to the representations received and any minor amendments to the plan which it wishes to recommend to the Examiner.

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## 4. Getting your neighbourhood plan adopted

### How do we get our neighbourhood plan examined?

Once you have resolved how you wish to respond to the responses and representations you have received and determined what minor changes you might want to suggest to the Examiner, you should send your neighbourhood plan to:

The Planning Policy Unit,  
Stevenage Borough Council,  
Daneshill House  
Danestrete  
SG1 1HN

The documentation that you must send to us comprises:

- ✓ The final full text of the neighbourhood plan
- ✓ The Ordnance Survey-based proposals map
- ✓ A consultation statement
- ✓ Copies of the full representations that you received
- ✓ Where your plan is likely to have a significant effect on a European site (*either alone or in combination with other plans or projects*), the information submitted in accordance with Regulation 102a of the Conservation of Habitats and Species Regulations (2010)
- ✓ A statement explaining how the plan:
  - is in conformity with national policies and advice contained in guidance issued by the Secretary of State
  - contributes to the achievement of sustainable development
  - is in general conformity with the strategic policies contained in our local plan
  - does not breach, and is otherwise compatible with, European Union obligations
  - meets prescribed conditions and prescribed matters.

We suggest that you supply us with two hard copies and one electronic copy of each.

We also suggest that you supply us with:

- ✓ The schedule of all the proposed minor changes that you wish to suggest to the Examiner
- ✓ If completed, a copy of the SEA and Appropriate Assessment
- ✓ If an SEA is not completed, the Screening Statement
- ✓ If completed, a Sustainability Appraisal of the final draft plan
- ✓ A list of any documents that make-up your evidence base
- ✓ Your original letter from the Borough Council confirming your designation as a Neighbourhood Forum
- ✓ Your application to become a Neighbourhood Forum and the map of the proposed neighbourhood area that you submitted
- ✓ A statement of whether you consider – should the plan be found ‘sound’ at Examination – that the area for the referendum (see below) should be limited solely to the area of the neighbourhood plan or whether it should be a larger area and, if so, what you feel that larger area should be
- ✓ Copies of the Forum’s resolutions at key stages since you received your authority to become a Neighbourhood Forum
- ✓ Contact details for the Chair and Secretary

You are handing your plan over to the Borough Council, seeking our agreement to formally submit the plan for independent Examination.

You should be aware that your plan documentation needs to be in order. If it is not, your plan will not be permitted to proceed any further. The Borough Council will conduct a detailed check of your documentation. If your documents are not in order it will have no choice but to stop the plan.

It is worth making the point that the Borough Council’s role at this point is to determine whether you have done enough, and correctly, to agree to allow your plan to proceed to Examination.

This is largely a procedural judgement and not one based upon the merits of the contents of the plan (the Borough Council may be an objector to your plan and may be on the list of individuals and organisations wishing to make representations to the Examiner, but that is an entirely separate judgement).

If your neighbourhood plan straddles the boundary between the Borough Council and one or more of our neighbouring district councils, you will also have to apply to each of them to have your plan submitted for Examination. You should check with those councils what needs they have of your application materials, as they may vary from the Borough Council’s requirements.



## What checks will the Borough Council apply?

The Borough Council will need to be satisfied that:

- (1) The plan has been prepared by an officially approved Neighbourhood Forum; and
- (2) All of the statutorily required information has been submitted and is in order; and
- (3) The plan is not a repeat proposal, which is defined as:
  - ~ Either a plan which is the same as, or similar to, a plan which the Council has refused within the previous two years; **or**
  - ~ A plan which is the same as, or similar to, a plan on which a referendum has been held and where 50% or less of those voting voted in favour of the plan; **and**
  - ~ the Council considers that there has been no significant change in either national guidance or the strategic policies of the local plan.

The law requires that, if the Borough Council is not satisfied that the Forum's proposals meet criteria 1 or 2, it must refuse to submit the plan for examination and tell you in writing the reasons why your application has been refused.

Similarly, the law requires us to decline to consider the plan if we believe that criterion 3 is not met: again, we will write to you and tell you why your submission has been declined.

There is a subtle, but quite deliberate, distinction made by the law between 'refusing' a plan and 'declining' a plan. If a plan is refused under criteria 1 or 2 above it may be two years (under criterion 3) before you can re-submit it.

For that reason it is worthwhile ensuring that your paperwork is in order before handing it over to the Borough Council: once we have it, there is no going back!

If the Borough Council is happy that your submission documentation and your neighbourhood plan meets criteria 1 - 3, we will formally write to you to tell you that your plan will proceed to independent Examination.

The Examination is the next step towards getting your plan adopted.

## Who will appoint the independent Examiner?

Examinations of local plans, old-style structure plans and regional spatial strategies have always been conducted by members of the Planning Inspectorate (a quango), appointed by the government.

However, it is Stevenage Borough Council's statutory duty to decide who to appoint to undertake an Examination of your neighbourhood plan. This person

need not be a member of the Planning Inspectorate but should be someone who:

- ~ is independent of both the Borough Council and the Neighbourhood Forum
- ~ does not have any interest in any land within the neighbourhood plan area and who
- ~ has appropriate qualifications and experience

If your plan passes the tests prescribed by law, we will write to you suggesting a name or names of people we believe meet the criteria to be an Examiner.

We will supply you with some details of the individual(s) that we suggest, confirming that they are independent of the Borough Council and have no interest in any land within your plan area. We will also set out a short biography of the individual(s) concerned, including their qualifications and experience ~ see Appendix 2 for examples.

This should provide you with enough relevant information to be able to make an informed judgement.

We will ask you to confirm in writing that you agree to the appointment of a named individual to the role of the Examiner.

We suggest that your response should be the subject of a formal resolution of the Forum. If you refuse to accept (all of) the suggested candidate(s), we will expect you to give valid reasons for your rejection.

You and the Borough Council need to be of the same mind as to the identity of the Examiner. The law requires that you must agree to the appointment of a named individual as the Examiner of your neighbourhood plan.

If we are unable to reach agreement, the Secretary of State for Communities and Local Government will appoint a person of her/his choice to be the Examiner.

Once appointed, the Examiner will write both to you and to us to confirm what arrangements s/he wishes to be put in place for the Examination. We will publish confirmation of the appointment of the Examiner and the arrangements that they have put in place on our web-site within 14 days of our receipt of the Examiner's letter.

## What paperwork will the Examiner get?

Whatever arrangements the Examination wishes to put in place, s/he will need a range of paperwork in order to carry out their duties. The Examiner will get all of the materials that you have supplied us with, namely:

- ✓ The final full text of the neighbourhood plan

- ✓ The Ordnance Survey-based proposals map
- ✓ A consultation statement
- ✓ Copies of the full representations that you received
- ✓ Where your plan is likely to have a significant effect on a European site (*either alone or in combination with other plans or projects*), the information submitted in accordance with Regulation 102a of the Conservation of Habitats and Species Regulations (2010)
- ✓ A statement explaining how the plan:
  - is in conformity with national policies and advice contained in guidance issued by the Secretary of State
  - contributes to the achievement of sustainable development
  - is in general conformity with the strategic policies contained in our local plan
  - does not breach, and is otherwise compatible with, European Union obligations
  - meets prescribed conditions and prescribed matters.

And, if you supplied it to us:

- ✓ The schedule of all the proposed minor changes that you wish to suggest to the Examiner
- ✓ If completed, a copy of the SEA and Appropriate Assessment
- ✓ If an SEA is not completed, the Screening Statement
- ✓ If completed, a Sustainability Appraisal of the final draft plan
- ✓ A list of any documents that make-up your evidence base
- ✓ Your original letter from the Borough Council confirming your designation as a Neighbourhood Forum
- ✓ Your application to become a Neighbourhood Forum and the map of the proposed neighbourhood area that you submitted
- ✓ A statement of whether you consider – should the plan be found ‘sound’ at Examination – that the area for the referendum (see below) should be limited solely to the area of the neighbourhood plan or whether it should be a larger area and, if so, what you feel that larger area should be
- ✓ Copies of the Forum’s resolutions at key stages since you received your authority to become a Neighbourhood Forum
- ✓ Contact details for the Chair and Secretary

If we have not done so already, at this stage we will publish this information on our web-site. No other information will be supplied to the Examiner unless s/he asks for it. Ordinarily, we will add any additional paperwork on our web-site when it is supplied to the Examiner.

## How will the Examiner work?

Within 30 days of her/his receipt of the paperwork, the Examiner will write to the Borough Council and the Neighbourhood Forum setting a date for the delivery of her/his report.

The main function of the Examination is to check that your neighbourhood plan conforms with:

- ✓ The strategic policies in the local plan
- ✓ The National Planning Policy Framework
- ✓ Relevant European Directives
- ✓ Neighbouring neighbourhood plans

With the benefit of the paperwork above, s/he will determine whether, in their view, your neighbourhood plan meets those statutory tests. The Examiner will work methodically and logically, reading all of the objections that you received during your final consultation - identifying which comments relate directly to the four issues above – and how you responded to those objections.

The Examiner will usually only consider written representations during the Examination. S/he will usually work remotely.

In the unlikely event that the Examiner decides that an oral hearing session is necessary, s/he will organise a public hearing at an appropriate local venue<sup>3</sup>. S/he will write to all of those parties from whom s/he wishes to hear evidence, advising them of the time and date of the hearing and the questions that s/he wishes to have answered. As you are the plan-making body, it is likely that you will be invited to attend and contribute to the debate.

Any such session will be held in public. Parties not invited to the hearing session will not be permitted to participate in the discussion but may listen to the debate.

Usually a hearing session will take the form of a relatively informal round table discussion, led by the Examiner. Adversarial cross-examination will not usually be acceptable in a round table hearing session. If, however, the Examiner feels that it is in the best interests of the adequate examination of a particular case or there is a need for a person to have a fair chance to put their case, s/he may allow questioning by another participating party.

In rare circumstances, perhaps where the issues are particularly contentious or there is a need to present detailed and complex evidence in a cogent and yet challengeable way, the Examiner may allow a more formal hearing session in court-room style. This will involve the interested parties: being treated as expert witnesses; being subjected to cross-examination by the other parties; and allowing for each party to sum up their arguments.

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<sup>3</sup> This may be the Borough Council's offices in Danestrete; or a community hall or other suitable facility within the neighbourhood.

Occasionally, such formal hearing sessions may involve the use of planning solicitors or barristers to act as advocates and conduct the cross-examination.

The Examiner will organise for her/himself any necessary unaccompanied visits to see the neighbourhood and the location of any site-specific policies. Occasionally, the Examiner may ask relevant parties<sup>4</sup> to accompany her/him on a site visit, to answer any questions that s/he still has after reading the written evidence.

## **At the end of the Examination, what happens?**

When the Examiner has completed their assessment of the issues, s/he will prepare a written report. S/he will make the report available in both hard copy and electronic formats to the Borough Council and to the Neighbourhood Forum. The Examiner will not issue the report to any other party.

The Borough Council will publish the Examiner's report on its web-site at the earliest opportunity after its receipt from the Examiner. People will be able to download copies of the report or ask for hard copies.

We will also take steps to make the existence of the report known to as many people as possible within the neighbourhood: in doing this we may enlist the help of the Neighbourhood Forum.

There will be no further opportunity for comments by either the general public or the Forum at this stage.

## **What might the Examiner's report say?**

Her/his report must address the statutory tests. It is entirely up to the Examiner what format their report takes and how long or short it is. However, it will address each of the tests and come to a clear conclusion about whether your plan is sound against each of those tests.

The report will conclude with one of the following alternative reasoned recommendations:

- ❖ the draft neighbourhood plan should proceed to a referendum;
- ❖ the draft neighbourhood plan should proceed to a referendum, but only subject to certain specified modifications;
- ❖ the draft neighbourhood plan should be refused.

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<sup>4</sup> Usually, this would include a representative from the Forum; a representative from the Borough Council; the land-owner; and/or any other affected or interested party who has made representations.



Where modifications are recommended, detailed proposals for changes will be set out. All modifications will be limited to those matters necessary to ensure that your neighbourhood plan conforms with:

- ✓ The strategic policies in the local plan
- ✓ The National Planning Policy Framework
- ✓ Relevant European Directives
- ✓ Neighbouring neighbourhood plans

The Examiner may express a view about whether s/he thinks that their proposed modifications necessitate a new Sustainability Appraisal. Where the Examiner believes that the plan, with or without modifications, does not and cannot meet the four statutory tests, s/he is not allowed by law to recommend that it should be submitted to a referendum.

Where a referendum is recommended, the Examiner may advise that the area of the referendum is widened beyond the neighbourhood. This will be based upon her/his reading of the evidence and the importance of the issues raised. Again, reasons will be given for any such recommendation and the extended area identified on an Ordnance Survey-based map to a recognised scale.

### **So, now you go straight to the referendum?**

No. The Borough Council has to formally consider the Examiner's report and the recommendations made within it. We will aim to do this within 90 days of our receipt of the Examiner's report, although this may be dependent upon the municipal calendar.

The law requires that we consider each of the recommendations (and the reasons for them) and decide what action to take in response to each recommendation. In essence, the Borough Council needs to be satisfied that the Examiner has come to the right judgements in respect of the tests and in terms of any recommendations for modifications.

We may choose to accept or reject the report's recommendations and we can make modifications of our own if we wish, irrespective of the Examiner's recommended modifications.

However, any modifications that we make are limited to ensuring that the plan meets the statutory tests identified above. If we believe that the plan does not meet the statutory tests, and could not be modified to do so, we are required to refuse the plan.

We will assess whether a Sustainability Assessment is required due to any changes that we propose: if so, we will undertake this ourselves at our own expense.

We may extend the area of the referendum beyond the area of the neighbourhood plan, if we wish to do so, to include other areas (whether or not

those areas fall wholly or partly inside the Borough). We will publish an Ordnance Survey-based map of any extended area.

## **What happens if you don't agree with the Examiner's report?**

All decisions about how the Borough Council responds to the Examiner's report will be taken in public at our Executive. We will give written reasons for all of our decisions.

Once the decision has been taken we will write to the Neighbourhood Forum (and anyone else that the government requires us to contact) to advise you of our verdict.

If we have made a decision (other than about the area for the referendum) which differs from that recommended by the Examiner and the reason for the difference stems (wholly or partly) from one or more of:

- ❖ New evidence
- ❖ New facts
- ❖ A different view taken by us as to a particular fact

we will write to the Neighbourhood Forum (and anyone else that the government requires us to contact) to advise you of our decision and invite representations.

We will set a deadline for you and others to send comments to us (usually a period of 6 weeks from a stated date) and, at the end of that period, we will formally consider at our Executive the views that we have received and determine how we intend to react to them.

If we consider it appropriate to do so, we may arrange for a new Examination and Examiner's report.

The area for the referendum is not open to representations either by the Neighbourhood Forum or anyone else.

In most instances, however, it is likely that we will simply accept the Examiner's recommendations.

If the plan (with or without modifications) meets the statutory tests and is not refused, the Borough Council will resolve that a referendum (or referenda) will be held.

## **How will the referendum be arranged?**

The law requires that a referendum is required to gauge community support for the neighbourhood plan if the Borough Council resolves that the plan should proceed to that stage. The Borough Council's Electoral Services team will make the necessary arrangements for this to happen and the Council will bear

the full costs of the referendum. We will contact you to advise you of what arrangements are being put in place for the referendum to occur.

The referendum will be open to any individual on the Electoral Register who is eligible to vote in the neighbourhood (the area covered by the plan). If the Borough Council has resolved to extend the referendum area, voting will also take place in those adjacent areas.



People will have the chance to vote on your neighbourhood plan. You will need to persuade more than half of those that vote to support your plan before the Borough Council can legally adopt it.

If your neighbourhood plan area has been wholly or partly designated as a business area, a parallel identical referendum will be held for non-domestic ratepayers (businesses) in the referendum area on the basis of 'one business, one vote'.

Otherwise, people who live outside the plan area, or who are not on the Electoral Register within the plan area, will not be able to vote in the referendum.

The Borough Council will make tailored arrangements for your plan, as circumstances suggest. However, there are some basic principles that we are likely to follow, subject to government restrictions (which are currently in draft form).

The English electoral tradition is for voting to be held on a Thursday and we anticipate that this will be the voting day that we will use for any local referendum. We may organise the vote by postal vote, by voting at polling stations or by a combination of the two depending upon the size of the

neighbourhood area, the economics of the arrangements and any regulations that the government may set out.

If a referendum could reasonably be held at the same time as another referendum or a Borough, County Council or European Assembly election the Borough Council will make arrangements for the votes to be held simultaneously.



Voters will be asked a straightforward yes/no question about whether they want your plan adopted.

We will publish an information statement on our website at least 28 days before the referendum. The information statement will include:

- the date on which the referendum will be held;
- the question to be asked in the referendum;
- a map of the referendum area;
- where the referendum area is not identical to the neighbourhood area, a map of the neighbourhood area;
- a description of persons entitled to vote in the referendum;
- the referendum expenses limit;
- confirmation that the referendum will be conducted in accordance with procedures similar to those used at local government elections;
- the address and times at which a copy of relevant documents can be inspected.

The relevant documents that we will make available for inspection are:

- the draft neighbourhood plan;
- the report of the independent examiner;
- a summary of representations;
- a statement that we are satisfied that the draft plan complies with legislation;
- general information on town and country planning and the background to the referendum, prepared having regard to any guidance issued by the Secretary of State.

The law requires that the referendum question should be:

*“Do you want Stevenage Borough Council to use the neighbourhood plan for [insert name of neighbourhood area] to help it decide planning applications in the neighbourhood area?”*

Counting of the votes cast is likely to take place on the next working day after the vote has occurred. A majority of votes (over 50% of those voting) in favour of your plan is sufficient for it to succeed.

The result will be announced on our web-site that same day unless there are unforeseen complications. We will write to the Neighbourhood Forum to confirm the referendum result.

In Business Areas two separate referenda will be held in parallel: one will be for residents and a separate referendum for businesses. The outcome of the business and residents' referenda will be considered separately.

If both are in favour of the plan it will be adopted. If both reject the plan it won't be adopted.

Where the two outcomes conflict with each other, the decision about whether or not to adopt the plan will rest with us.

## **Our plan has not received 50+% support. What happens next?**

Hopefully this will not happen because of all of your community engagement throughout the plan-making process. If, however, the plan receives the votes of less than 50% of the voters at the referendum, it will not be able to advance any further. The Borough Council will formally resolve at its Executive not to adopt the plan and it will not become a part of the statutory development plan for your neighbourhood. We will not use it as the basis for determining planning applications.



In the, hopefully unlikely, circumstance that your plan is rejected and you decide to re-shape it, you need to be careful to ensure that it is not a repeat proposal that will fall foul of the Regulations<sup>5</sup>.

You should be aware that we may decline to submit your new plan for Examination if we consider it to be the same as, or similar to, the plan on which the referendum has been held and there has been no significant change in either national guidance or the strategic policies of the local plan.

### **At what point will the Borough Council adopt our neighbourhood plan?**

If your plan has received the support of more than 50% of voters at the referendum, Stevenage Borough Council will formally resolve to adopt your neighbourhood plan as soon as reasonably practicable.

Our constitution requires that documents that will form part of the statutory development plan for the Borough must be adopted by a vote of the whole Council. We would normally expect to be able to adopt the plan within 90 days of the referendum result but this will be dependent upon the date of the next scheduled Council meeting.

### **What will happen if there is a legal challenge to our plan?**

You should be aware that there will be an 84 days period for legal challenge to the Borough Council's decision to adopt your plan. Any application for what is called 'judicial review' can only be made on a point of law (i.e. that there is some procedural error) and not on a planning judgement.

If a challenge is made, it is likely that any challenger will seek what is called 'interim relief' from a judge: this will mean that the operation of all or a part of the plan may be suspended pending a full court hearing.

To get a formal hearing in the High Court could take up to a year; a decision could take another 3 - 4 months. A judge's legal decision is binding upon all parties. Should either party proceed to the Appeal Court or the Supreme Court, any legal challenge could take several years to finally resolve. The ultimate decision, at whatever point in the legal process it comes, could uphold the plan in its adopted form; or it could over-turn it in whole or in part.

The costs of fighting any legal battle over your neighbourhood plan (including any award of costs to the challenger) will be wholly borne by the Borough Council. It is unlikely that the Borough Council will involve you in any legal challenge: you will not be personally liable for any costs associated with a legal challenge.

A judicial review is relatively unlikely, but you should be aware that town planning is becoming a more litigious area and that challenges are becoming ever more common.

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<sup>5</sup> Town and Country Planning, Neighbourhood Planning (England) Regulations 2012

Once the neighbourhood plan has been adopted, it will become part of the statutory development plan against which relevant planning applications will be determined.

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## 5. Implementing your neighbourhood plan

### Once adopted, what notice will you - or anyone else - take of our neighbourhood plan?

District Councils in Hertfordshire (like Stevenage Borough Council) prepare general purpose local plans for the whole of their districts, whilst Hertfordshire County Council prepares plans for waste disposal and minerals extraction across the whole of Hertfordshire. Together these form the statutory development plan for Hertfordshire. Now that your neighbourhood plan has been adopted, it too will form a part of the development plan for your area.

The guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other “*material considerations*”, unless the proposed development will “*cause demonstrable harm to interests of acknowledged importance*”.

As planning permission must generally be granted in accordance with the development plan, your neighbourhood plan means that the Borough Council, the Planning Inspectorate and even the Secretary of State will have to take it into account when they determine planning applications in your neighbourhood.

Because the plan will help to shape development decisions in your neighbourhood, developers and prospective applicants for planning permission will need to take account of your plan, its policies and proposals. If they fail to do so, and propose something which is in conflict with your plan, their application is likely to be refused.

### Does the Forum now need to continue to exist?

No, once the plan is adopted the Forum could choose to voluntarily wind itself up. The government requires Neighbourhood Forums to be wound up after 5 years, whatever stage they have reached in the plan development process.

Neighbourhood Forums, unlike Parish Councils, are not statutory bodies and, therefore, have only a fixed term, rather than a permanent, existence. Also, not being statutory bodies they do not have the ability to levy a rate precept which would provide a regular and predictable income to, amongst other things, implement the neighbourhood plan.

The adoption of the plan should stimulate a debate within the Neighbourhood Forum about the future direction of the organisation. It was created for the purpose of writing and getting a neighbourhood plan adopted and, now that it has succeeded in that aim, it is legitimate to ask the question “What next?”

Whatever role the Forum sees for itself, if it decides to carry on, it will need to determine whether it needs to re-shape itself for its new role. The skills that are needed for the Forum’s new role could be radically different to those that were

needed to prepare the plan. We suggest that you consider undertaking a new skills audit at this point (see chapter 2).

Implementation and monitoring could be two potential new roles for the Forum. You could monitor the neighbourhood plan, to check that progress is being made against the community's objectives. If progress is not being made, you could lobby the Borough Council and other bodies to encourage them to implement your proposals.

## **Can't we be more pro-active about implementation?**

For the most part, the active implementation of your plan will rely on (i) private landowners and developers, on the one hand, making planning applications; and (ii) the development management function of the Borough Council, on the other hand, determining those applications in accordance with your plan.

You may wish to consider drawing up an implementation plan in conjunction with all of those stakeholders that can make a contribution to the achievement of the objectives of your plan. These might include:

- Landowners
- Estate agents
- Any developers active in the neighbourhood
- Infrastructure providers
- The Borough Council
- Hertfordshire County Council
- Councillors
- Environment Agency
- English Heritage
- Natural England
- Local community groups
- Local shop owners
- Other local business owners and/or their employees
- Local residents

You will already know who are the people and organisations to talk to, as you will have been talking to them throughout the development of your plan.

A costed, timed and phased implementation plan may prove helpful both in monitoring and in encouraging stakeholders to proceed with implementation. If you wish to take a more pro-active role in the implementation of your plan it is likely that you will need to own land and/or have money to spend.

## **Where would we get money from?**

As noted above, Neighbourhood Forums, unlike Parish Councils, are not statutory bodies and, therefore, do not have the ability to levy a rate precept which would provide an income that could be used for a pro-active implementation programme.



You could consider traditional local sources of fund-raising from the public (e.g. fetes, raffles, appeals, etc...), but these are unlikely to provide large sums of money. You may wish to approach local businesses for funding: as a general rule, they prefer to sponsor or contribute to specific projects that have a defined and visible outcome in the short- to medium-term.

Additionally, you may wish to consider what sources of charitable, government-sponsored or Lottery funding are available. There are an array of national and regional funds, administered by a wide range of bodies and organisations, often with quite clear and specific agendas that they follow. Each body will only fund certain types of projects (such as sports, or facilities for the elderly or bids that showcase culture), so you will need to select the bodies to which you apply quite carefully. They will only entertain bids if they meet certain criteria, which may vary from time to time.

All of these bodies will require a bid to be made, usually on a standardised application form, accompanied by some form of business case. There are usually more bids for funds than there are funds available, so you should be aware that you are bidding in a highly competitive market. Bids usually have to be made by a deadline and you may subsequently be asked to supply additional information. Accuracy, expertise, flair and imagination will be required if your bids are to be successful.

Some bodies have money freely available all year around; others run 'themed projects' on specific areas within their broader area of interest. Often these schemes run for, perhaps, only a few months before a new themed project begins. Timing is, therefore, crucial.

If you are successful in securing funding, you may be required to spend it within a specific timescale ~ which can sometimes be quite short. For this reason, fund-holders often prefer 'oven ready' projects (where all of the problems have already been de-risked by being identified and addressed; and all of the necessary permissions obtained) rather than speculative ones.

You may be able to gather money for an expensive project from a number of sources.

## **Does the Borough Council have any money we could get?**

If you have ~ as suggested in chapter 1 ~ involved one or more of your local councillors in the Neighbourhood Forum from the outset, they should have been able to raise the profile of your neighbourhood plan and the importance of its objectives within the Borough Council from the outset. They should now be your greatest ally in getting money for the projects which are important to you and your local community.

Each Borough Councillor has a 'local community budget' of £3,300 (2012) to spend on projects within their electoral ward (see section 2 for an explanation and map of wards). This has to fund a number of community-based projects over the financial year 1 April – 31 March. However, we would encourage you

to consider applying to your local Borough Councillors for a part of their local community budgets. See section 7 for contact details.

Every County Councillor has a locality budget worth £10,000 (2011), again to spend within their ward. There is an on-line application form for you to complete in order to bid for funds. Again, competition is likely to be fierce for such monies so it is advisable to talk to your councillor early-on. Contact details are available in section 7.

For both local community budget funding and locality budget financing, grants can be awarded only to community projects, organisations or local groups with a recognised legal status or an unincorporated association with its own bank account. You will be required to retain evidence of your expenditure for audit purposes and provide a brief evaluation showing how the funding was used.

You may also be able to obtain money from the Borough Council's Planning department for projects. Funding may be available from Section 106 planning obligations from developments in your neighbourhood or from the Community Infrastructure Levy (CIL).

The Borough Council is required to '*allocate a meaningful proportion of levy revenues raised in each neighbourhood back to that neighbourhood. This will ensure that where a neighbourhood bears the brunt of a new development, it receives sufficient money to help it manage those impacts*'. This can include revenue contributions to the ongoing costs of management and maintenance of places and facilities.

Funds can only be passed directly to parish councils, NOT Neighbourhood Forums but, as a part of its duty to engage with affected communities in determining how CIL funds will be spent, the Borough Council may approach you for your views. We suggest that you contact Borough Council planning officers on this point.

The government has also begun to partially replace its taxation-funded Rate Support Grant to local authorities with the New Homes Bonus. This is based on how many new homes are built in the area of a local authority. You may be eligible, at the discretion of the Borough Council, for some of this funding.

### **Would you serve a Compulsory Purchase Order to assist us?**

The Borough Council has powers to compulsorily purchase land or buildings in the best interests of the planning of the area. However, this is a power that we use sparingly and only when acquisition by negotiation has failed.

If you need to buy land or buildings in order to enable a policy or proposal in your plan to be delivered, and you anticipate that a Compulsory Purchase Order (CPO) may be necessary, please talk to the Borough Council at the earliest opportunity.

If we decide to proceed with a CPO on your behalf, and we may not, we will expect you to indemnify us for all of the costs associated with the CPO. This will include the costs of land acquisition, staff time, legal costs, etcetera...

You should be aware that a CPO is not guaranteed success and the process, even if it is successful, may be lengthy and costly. We would urge you to use every endeavour to acquire voluntarily and only to see a CPO as a final recourse.

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## 6. Alternatives to a neighbourhood plan

### Is a neighbourhood plan the only solution?

No. If there are no broad-based land-use planning elements to local concerns you might wish to consider other alternatives. Depending upon what the community's interests are, any of the options below may be more appropriate than a neighbourhood plan.

If the community's concerns are that the planning regime in your neighbourhood is too restrictive and needs to be loosened you could consider preparing a **Neighbourhood Development Order**. This, effectively, extends what are called permitted development rights so that more types of development can happen in your neighbourhood without the need for express planning permission from the Borough Council.

If a local community organisation wants to promote particular types of development in the neighbourhood, such as a new Gypsy and Traveller site, it may be appropriate to use a **Community Right to Build Order**. This power allows specific development on specific sites to occur without the need to apply for express planning permission from the Borough Council. Any profits made as a result of Community Right to Build Orders must be distributed among the organisation's members.

If the concern is that assets and facilities that are important to the community are threatened with closure, the **Community Right to Bid** is designed to ensure that community organisations have a fair chance to bid to buy them. These facilities could include the neighbourhood shop or the last remaining pub in the area, the community centre, children's centre or a library.

If the local community feel that their issues are not with the planning or development process but rather with other problems: perhaps, parking, or litter, or anti-social behaviour. Or how often the grass gets cut on the local recreation ground, or how places are allocated at the local primary school. If this is the case, a **local community plan** – rather than a neighbourhood plan - may be the best way forward.

However, if planning issues are top of people's concerns, the neighbourhood plan offers communities an opportunity to include their own local planning priorities within the wider statutory town planning system.

### What is a 'Neighbourhood Development Order'?

Neighbourhood Development Orders grant planning permission for specific types of development in a particular area. This could be either a particular development, or a particular class of development (for example retail or housing).

A number of types of development are excluded from Neighbourhood Development Orders, however. These include Nationally Significant

Infrastructure Projects, development over a certain threshold, and development that would need an Environmental Impact Assessment.

It could be useful for Neighbourhood Development Orders to be linked to the neighbourhood plan for the area. For example, the plan could identify the need for a new GP surgery and a broad location. The Neighbourhood Development Order could then grant planning permission on a particular site or existing building where the GP surgery will be built.



Perhaps you see a Neighbourhood Development Order as a means of encouraging the conversion of offices into flats without the need for a developer to make an express planning application to the Borough Council?

## What do I need to do?

Neighbourhood Development Orders will grant planning permission, thereby getting rid of the need for a conventional planning application to the Borough Council. However, Neighbourhood Development Orders will have to meet some minimum standards, and be approved by the community, before they can come into force.

First, the draft proposed Neighbourhood Development Order must be passed to the Borough Council. We will check that it has been properly consulted upon, and that the development does not need an Environmental Impact Assessment.

Secondly, the draft proposed Neighbourhood Development Order will be assessed by an independent Examiner, who will check that it conforms to national and local planning policies. The independent Examiner will also check that the draft proposed Neighbourhood Development Order would not damage local heritage assets, such as Listed Buildings.

Thirdly, if the independent Examiner approves the Order, then a local referendum on whether the Neighbourhood Development Order should be adopted will be held. If a majority of those who vote in the referendum vote in favour of the Neighbourhood Development Order, then it will come into force.



Many of the processes that are required for a neighbourhood plan are also required for a Neighbourhood Development Order, and much of the advice in sections 2 – 4 above is equally applicable.

## **What is a ‘Community Right to Build Order’?**

The Community Right to Build gives local communities the power to decide what is built on a particular site in their area without the need to apply for planning permission.

Community Right to Build Orders will be a special type of Neighbourhood Development Order. Unlike Neighbourhood Development Orders and neighbourhood plans, however, any local community organisation, not just a Neighbourhood Forum, will be able to create Community Right to Build Orders.

To be eligible to develop a Community Right to Build Order in a particular neighbourhood area at least one half of a community organisation’s members must live in that neighbourhood area. The organisation must also exist to further the economic, environmental and social well-being of the area in question, and any profits made as a result of Community Right to Build Orders must be distributed among the organisation’s members.

Development brought about by Community Right to Build Orders will be small scale, and will not be able to take place if it would need an Environmental Impact Assessment.

Community Right to Build Orders will be adopted in the same way as Neighbourhood Development Orders, where, subject to the Order meeting certain minimum standards, a local referendum will ultimately decide whether the proposed development should go ahead.

Whilst it will be for communities to identify suitable land, sources of finance and secure support for their proposals, there will be help and guidance available, and advice from people who already have experience of taking forward community-led schemes.

## **Who will be able to use the new powers?**

The Community Right to Build is a means by which like-minded people from the local area come together, with a shared vision of what they want to achieve in their community and how they can go about it.

Community organisations are able to take forward new local developments without the need to go through the normal planning application process, as long as the proposals meet certain criteria and there is community backing in a local referendum.

Communities will be free to use property developers, should they wish to do so, or enter into partnerships such as with a housing association to manage their homes.

## **What developments can the powers be used for?**

A wide range of plans could be approved where a community agrees. For example additional housing or Gypsy and Traveller pitches to meet the demand of future generations, new shops where communities want to offer low rent deals to local convenience stores, or new sports facilities.

## **What do I need to do?**

If you're interested in a community-led development you should talk to your neighbours to get an idea about what sort of development the whole community would want to see.

You may also want to talk to the Borough Council, housing associations or other community groups. And you might find it useful to get advice from people who already have experience of taking forward community-led schemes. For details of who to contact go to section 7.

## **What is the 'Community Right to Bid'?**

The Community Right to Bid is designed to ensure that community organisations have a fair chance to bid to take over assets and facilities that are important to them if they are threatened with closure. These facilities could include their neighbourhood shop or the last remaining pub in the area, the community centre, children's centre or library.

The reason for closure of a community building or facility may affect the viability of a community ownership proposal: if, for instance, the business is generating insufficient income to cover its costs.

However, community ownership can allow the adoption of a different business model and, therefore, make the asset viable again (e.g. through the use of volunteers, access to charitable funding or community share investment, or through a more enterprising pattern of service provision) which would not be open to the current private or public sector owners/operators.

Not only will these powers help community groups to save facilities that are under threat, it is intended that this power should drive behavioural change, so that existing owners of assets that are important to communities – including public bodies – see selling or transferring that asset to a community group as a viable, positive option.

The Community Right to Bid builds on continuing local authority asset transfer activity, by extending the scope to private as well as public assets, and giving communities (i) the initiative to identify assets of community value and (ii) the time to prepare to bid for them on the open market.



Do you see your local bingo hall, snooker club or pub as an 'asset of community value'? Would you want to have the right to be able to bid to buy it if it became available for sale?

## How does the 'Community Right to Bid' work?

The Community Right to Bid entitles community groups to identify and nominate public or private assets of community value in their neighbourhood to be included by the Borough Council on its list of assets of community value.

The provisions also introduce a six month window of opportunity for community groups, once a listed asset comes up for sale, in order to give them time to organise and fundraise, so putting them in a better position to compete with other potential buyers. It is important to note that nominating land to go on the list will not commit the nominating organisation to bid for it if it is put up for sale.

Some types of asset will be excluded from being listed, such as residential properties.

## What do I need to do?

Voluntary and community organisations can nominate an asset to be included on a 'list of assets of community value' which the Borough Solicitor maintains.

If the owner of a listed asset then wants to sell the asset, a six month moratorium period will be triggered during which the asset cannot be sold. This period gives community groups some time to develop a proposal and raise the required capital to bid for the property when it comes onto the open market at the end of the moratorium period.



There are other alternatives to Community Right to Bid or Community Right to Challenge powers. If parks and open spaces are an issue for your local community, the Borough Council offers people the opportunity to get involved in 'Friends' groups that take on a degree of local control and a sense of ownership of such spaces. Talk to us if this is something that you would be interested in pursuing.

## What counts as an 'asset of community value'?

A building or piece of land will be deemed to have community value if:

- The use of the land or building currently, or in the recent past, furthers the social well-being or cultural, recreational or sporting interests of the local community
- This use of the land or building will continue to further the social well-being or interests of the local community
- The use of the land or building to further social well-being or interests of the community must be its principle use, not a secondary or ancillary use.

## How do we get land or buildings on the list?

You must write to the Borough Solicitor at Daneshill House, Danestrete to nominate an asset of community value. He will determine the format of the list, any modifications made to any of the entries on the list and any removal of an entry from the list.



- In Stevenage Borough a community nomination must come from a locally connected voluntary or community body. The nomination has to be made for land or buildings in the nominee's local area
- if the Borough Council deems that the asset has community value, it will add that asset to the 'assets of community value' list
- if the nomination is unsuccessful, the Borough Council will notify the nominee in writing and provide an explanation as to why the nomination was unsuccessful
- the Council will notify the landowner, the occupier and the community nominee of any addition of an asset to, or removal from, the list
- a landowner can ask us to review the inclusion of the asset on the list and there will be a process for an appeal to an independent body
- the Borough Council must also maintain a list of 'land unsuccessfully nominated by a community nomination'
- if land is included in the list of assets of community value it will remain on that list for five years.

### **Can we buy the asset of community value immediately?**

No. You can only buy an asset on the list when the owner comes to sell or dispose of their property. At this stage, they must inform us of their intention to sell. We will then notify the nominating community group and publicise in the local area that the asset has come up for sale, and amend the list to show this.

Locally connected voluntary or community bodies then have a period of 6 weeks to put forward their intention to bid for the asset. If such a group requests to be treated as a potential bidder within this initial period, the full window of opportunity period of 6 months will apply; if not, the owner may proceed with the sale at the end of the interim window of opportunity.

The full window of opportunity is designed to allow you time to put a bid together for the asset and will mean that the asset owner is unable to enter into a binding agreement to dispose of the asset until that period is over. During this period you will have to undertake fund-raising to make a commercially viable offer for the asset.

At the end of the 6 months' period, the landowner will be free to sell to any bidder: i.e. you will not have preference. You should be aware that there will be no obligation to sell to a community interest group at any time.

Sales may be permitted during the window of opportunity period by any owner to an eligible community interest group – thus offering community groups a 'right of first offer'. If more than one community interest group make a bid for an asset, it will be up to the asset owner to decide whom they will sell to.

## **So, by using the Community Right to Bid we can save valued local services?**

The Community Right to Bid scheme applies to physical assets only (that is, land and buildings), not services. Community groups are, therefore, able to nominate a building to be listed as an asset of community value, but not the service that operates from within that building.

For example, a post office is a contractual service and whilst community groups may be able to nominate the building from which the postal service operates, this would not guarantee the continuation of the post office service. But this could be something for the community to take on separately, if it so wished.

The Community Right to Challenge, also included in the Localism Act 2011, complements the Community Right to Bid by giving community groups the opportunity to express an interest in running services currently provided by local authorities, such as children's centres or libraries.

Communities seeking to buy a building or other land under the Community Right to Bid scheme will need to consider how they are going to access resources to maintain the asset. In the case of local authority services, such as children's centres or libraries, the prospect of a continuing income stream in the shape of a contract to deliver the service may, therefore, be very important.

You should also be aware that some types of land or buildings purchased under the Community Right to Bid will almost certainly have a restrictive covenant placed on them by the owner, which may limit how the property can be used, once it has been sold (for example, that a pub may not be used as a pub by the new owner).

## **What is a local community plan?**

Unlike Neighbourhood Development Orders, Community Right to Build, Community Right to Challenge and Community Right to Bid powers, a local community plan is an informal, non-statutory document that the community comes together to prepare.

Such a plan will not have statutory status or planning powers but it can address issues that a neighbourhood plan cannot: on-street parking, litter, anti-social behaviour, how often the grass gets cut on the local recreation ground, or how places are allocated at the local primary school.

These plans are akin to Village Appraisals and Village Plans. Advice is available from the Community Development Agency for Hertfordshire: contact details are given in section 7.

## **What do I need to do?**

Because a local community plan is a non-statutory document, what it looks like, how it is constructed, what issues it addresses and the level of community involvement are all up to you. However, you may find the advice in section 2



about getting organised and in section 3 about evidence gathering and community involvement helpful to you.

The production of a local community plan is unencumbered by the numerous [and, potentially, onerous] requirements set out in sections 2 - 5 above because the statutory spatial planning elements are not present.

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## 7. Support & advice

There are several sources of advice and support for local communities that are interested in preparing a neighbourhood plan. The Borough Council neither recommends any source, nor guarantees the quality or applicability of any advice that you might receive from external sources.

The Borough Council is obliged by law to provide some help to people to draw up their neighbourhood plans. This planning advice is free but may not be immediately available on demand due to limited staff resources.

### **Stevenage Borough Council**

Contact name: Richard Javes

Tel: 01438 242161

Email: [planningpolicy@stevenage.gov.uk](mailto:planningpolicy@stevenage.gov.uk)

Website: [stevenage.gov.uk/planning/ldf/](http://stevenage.gov.uk/planning/ldf/)

The Planning Portal is a government-funded web-based gateway to town planning services and advice. You may find useful information posted here or hyperlinks to other information sources. This entirely web-based service is free and is available 24 hours.

### **The Planning Portal**

Contact name: Aled Herbert

Tel: N/Av

Email: [feedback@planningportal.gov.uk](mailto:feedback@planningportal.gov.uk)

Website: [planningportal.gov.uk/wps/portal/portalhome/](http://planningportal.gov.uk/wps/portal/portalhome/)

The Community Development Agency for Hertfordshire is a member of the umbrella group, Action for Communities in Rural England (ACRE) and provides advice on, and has considerable experience of supporting and facilitating, community-led planning. There may be a charge for this service.

### **Community Development Agency for Hertfordshire**

Contact name: Emily Butterworth

Tel: 01707 695517

E-mail: [emily.butterworth@cdaforherts.org.uk](mailto:emily.butterworth@cdaforherts.org.uk)

Websites: [cdaforherts.org.uk/focus-areas/localism/community-led-planning/](http://cdaforherts.org.uk/focus-areas/localism/community-led-planning/) OR [acre.org.uk/our-work/community-led-planning](http://acre.org.uk/our-work/community-led-planning)

For councillors, the Planning Advisory Service offers consultancy and peer support, learning events and online resources on a wide-range of planning topics. There is much useful information freely available on their web-site but more tailored advice may have to be paid for. Advice is not provided on a 1-2-1 basis to members of the general public.

### **The Planning Advisory Service**

Contact name: Jackie Leask

Tel: 0791 787 0740

Email: [jackie.leask@local.gov.uk](mailto:jackie.leask@local.gov.uk)

Website: [pas.gov.uk/pas/core/page.do?pageId=1](http://pas.gov.uk/pas/core/page.do?pageId=1)

Town planning consultancies and specialist planning legal practices can provide a full neighbourhood plan-making service or can be used just to provide support on particular tasks (e.g. Sustainability Appraisal, legal advice, public consultation). This support will be fee-paying but should be readily available.

Directories of town planning consultancies and planning lawyers are published annually by a commercial company associated with the Royal Town Planning Institute for fees in the order of £10 each. They can be obtained from:

**Haymarket Business Media**

Contact name: Bryan Johnston

Tel: 01452 835820

Email: [dcshaymarket.com](mailto:dcshaymarket.com)

Website: [dcshaymarket.com](http://dcshaymarket.com)

Developers, landowners and local businesses may be interested in sponsoring and taking a leading role in neighbourhood planning. They may either help with meeting costs or, if they have expertise in planning, undertake some of the work themselves. This support may be partly or completely free.

For free information about local businesses, which may or may not be interested in sponsoring or taking a leading role in your neighbourhood plan, please contact:

**Stevenage Borough Council**

Contact name: Liz Dand

Tel: 01438 242507

Email: [economicdevelopment@stevenage.gov.uk](mailto:economicdevelopment@stevenage.gov.uk)

Website: [stevenage.gov.uk/about-stevenage/regeneration-economic-dev/23901/](http://stevenage.gov.uk/about-stevenage/regeneration-economic-dev/23901/)

The Government has also already provided £3 Million to four national community support organisations. Currently their advice on neighbourhood planning will be free. Contact details:

**The Prince's Foundation for the Built Environment**

Contact name: Sebastian Knox

Tel: 020 7613 8587

Email: [sebastian.knox@princes-foundation.org](mailto:sebastian.knox@princes-foundation.org)

Website: [princes-foundation.org/ourwork/supporting-communities-and-neighbourhoodsplanning](http://princes-foundation.org/ourwork/supporting-communities-and-neighbourhoodsplanning)

**Locality**

The Building Community Consortium

Contact name: David Chapman

Tel: 0845 458 8336

Email: [neighbourhoodplanning@locality.org.uk](mailto:neighbourhoodplanning@locality.org.uk)

Website: [buildingcommunity.org.uk](http://buildingcommunity.org.uk)

**CPRE in partnership with NALC**

Contact name: Nigel Pedlingham

Tel: 020 7981 2832

Email: [Nigelp@cpre.org.uk](mailto:Nigelp@cpre.org.uk)

Website: [planninghelp.org.uk/](http://planninghelp.org.uk/); OR [cpre.org.uk](http://cpre.org.uk); OR [nalc.gov.uk](http://nalc.gov.uk)

**RTPI Planning Aid**

Contact name: John Rider-Dobson

Tel: 0203 206 1880

Email: [info@planningaid.rtpi.org.uk](mailto:info@planningaid.rtpi.org.uk)

Website: [rtpi.org.uk/planningaid/](http://rtpi.org.uk/planningaid/)

You can obtain maps for your application to become a Neighbourhood Forum and to form the basis of your proposals map from the Ordnance Survey or any of the other following sources, recommended by the Planning Portal. Please note that these companies are essentially web-based and do not encourage telephone contact. A fee is payable for the supply of maps.

**Ordnance Survey**

Contact name: N/Av

Tel: 08456 050505

E-mail: [customerservices@ordnancesurvey.co.uk](mailto:customerservices@ordnancesurvey.co.uk)

Website: [ordnancesurvey.co.uk/oswebsite/](http://ordnancesurvey.co.uk/oswebsite/)

**Emapsite**

Contact name: N/Av

Tel: 0118 973 6883

E-mail: [info@emapsite.com](mailto:info@emapsite.com)

Website: [emapsite.com/referral/planningportal/](http://emapsite.com/referral/planningportal/)

**Getmapping plc**

Contact name: N/Av

Tel: 01252 845444

E-mail: [sales@getmapping.com](mailto:sales@getmapping.com)

Website: [getmapping.com/webshop/web/business/getplanning/Login.aspx](http://getmapping.com/webshop/web/business/getplanning/Login.aspx)

**Stanfords Business Mapping**

Contact name: N/Av

Tel: 0845 880 3730

E-mail: [digital@stanfords.co.uk](mailto:digital@stanfords.co.uk)

Website: [geostore.com/stanfordsportal](http://geostore.com/stanfordsportal)

**Streetwise Maps Ltd**

Contact name: N/Av

Tel: 0118 978 3077

E-mail: [info@streetwise.net](mailto:info@streetwise.net)

Website: [streetwise.net/FT/Home.aspx](http://streetwise.net/FT/Home.aspx)

For information on Community Right to Build, Community Right to Challenge and Community Right to Bid contact any of the following for free advice:

**Community Development Agency for Hertfordshire**

See contact details above

**Asset Transfer Unit / Locality**

Contact name: N/Av

Tel: 0845 345 4564

E-mail: [info@atu.org.uk](mailto:info@atu.org.uk)

Website: [atu.org.uk/](http://atu.org.uk/)

**Confederation of Co-operative Housing**

Contact name: Nic Bliss

Tel: 0151 726 2228

E-mail: [info@cch.coop](mailto:info@cch.coop)

Website: [cch.coop/gateway/index.html](http://cch.coop/gateway/index.html)

**National Community Land Trusts Network**

Contact name: Catherine.Harrington

Tel: 020 7067 1191

E-mail: [catherine.harrington@housing.org.uk](mailto:catherine.harrington@housing.org.uk)

Website: [communitylandtrusts.org.uk/home](http://communitylandtrusts.org.uk/home)

**UK Cohousing Network**

Contact name: Alan Heeks

Tel: 01747 835835

E-mail: N/Av

Website: [cohousing.org.uk](http://cohousing.org.uk)

For advice on how to make a bid for the Borough Council's Local Community Budget funding to implement your neighbourhood plan development projects. This advice is free.

**Stevenage Borough Council**

Contact name: Colleen Murphy/Mandy Williams

Tel: 01438 242353/242913

Email: [localcommunitybudgets@stevenage.gov.uk](mailto:localcommunitybudgets@stevenage.gov.uk)

Website: [stevenage.gov.uk/local-community-budgets](http://stevenage.gov.uk/local-community-budgets)

For advice on how to make a bid for the County Council's Locality Budget funding to implement your neighbourhood plan development projects. This advice is free.

**Hertfordshire County Council**

Contact name: Michelle Cowin/Julie Tese

Tel: 01992 555602/556484

Email: [michelle.cowin@hertscc.gov.uk](mailto:michelle.cowin@hertscc.gov.uk)

Website: [hertsdirect.org/localitybudget](http://hertsdirect.org/localitybudget)



For advice on the possibility of obtaining Section 106 planning obligation monies or Community Infrastructure Levy funding for the implementation of your neighbourhood plan development projects. Please be aware that whilst this advice is free, it may not be immediately available on demand due to limited staff resources.

**Stevenage Borough Council**

Contact name: David Rusling

Tel: 01438 242270

Email: [planning@stevenage.gov.uk](mailto:planning@stevenage.gov.uk)

Website: [stevenage.gov.uk/planning/](http://stevenage.gov.uk/planning/)

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## Appendix 1: Glossary of planning terms

This section is not designed to provide an exhaustive, legally definitive or comprehensive anthology of all terminology used within the town and country planning process. Rather it is designed to provide short, non-technical summaries of the terms and acronyms most widely used in the preparation of development plans or in determining planning applications. More detailed and technical information can be sought from legally competent, authoritative and academic sources widely available in libraries and on the internet.

**Adoption:** The formal adoption, by Council, of a local plan (cf) or Development Plan Document (cf) following public examination (cf) and receipt of a positive report from the Planning Inspectorate (cf) is the final formal stage in the evolution of a statutory local plan. Once a plan is adopted it has full legal weight in the determination of planning applications.

**Allocation:** Formal identification of a land parcel for a specific use through a development plan (cf). Most commonly associated with housing allocations.

**Amenity:** A positive element, or elements, that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity.

**Ancillary use:** Where a building or plot of land is in a variety of uses (as defined by the Use Classes Order (cf)), the principal use will be the defined use of the land in planning law terms. For example, a furniture-making factory may have a production building, a storage building, offices, a staff restaurant and over-the-counter sales to the public. All of the other uses are ancillary to the predominant use of the planning unit ~ a factory falling within Use Class B2. If there is no one dominant use a mixed use will exist. Changes in the balance of uses in both instances may constitute a material change of use (cf) and, therefore, require planning permission (cf).

**Annual Monitoring Report (AMR):** This measures how the council is progressing with the timetable set out in the Local Development Scheme (cf). It also assesses the effectiveness of the various policies contained in the Development Plan Documents and monitors key indicators, such as house-building, employment land take-up, etc....

**Appeal:** Within a set time of a planning application being determined, or if the Council has failed to determine the application within the statutory timeframe, an aggrieved applicant may ask for a decision to be (re)considered by the Planning Inspectorate (cf). The appeal may be conducted (i) in writing, (ii) by an informal discussion led by the Inspector or (iii) by a formal public inquiry, with cross-examination of witnesses and perhaps barristers to present the respective parties' cases. The Planning Inspectorate decision is binding (but may be challenged by judicial review (cf)).

**Application form:** Each planning application must be accompanied by a formal application form. These forms follow a national standard and include the name and address of the applicant, the location of the development and details of the proposal. Must be accompanied by: a signed ownership certificate; a plan of the proposal at an appropriate and recognised scale; and usually by a variety of other information eg, Design and Access Statement (cf). May also be accompanied by an Environmental Impact Assessment (cf).

**Approved plans:** A plan at a recognised scale that shows the development permitted by a grant of planning permission (cf). Any significant variation in the built form from that shown on the approved plans may require a further planning application (cf) or may lead to enforcement action (cf), which could include the demolition of the offending buildings or cessation of the aberrant use(s). See also 'Decision Notice'.

**Betterment:** The issue of to whom the increase in the value of land or buildings accrues as a result of a planning decision: the issue being 'should a private individual benefit from a public decision'. This has bedevilled the planning system since 1947 and no satisfactory result has ever been achieved. Currently, Section 106 agreements (cf) and the Community Infrastructure Levy (cf) represent the nearest that the English planning system has to a betterment tax.

**Biodiversity:** The 1992 United Nations Earth Summit defined biological diversity or biodiversity as "*the variability among living organisms from all sources, including, 'inter alia', terrestrial, marine, and other aquatic ecosystems, and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems*". The term covers species diversity; ecosystem diversity; genetic diversity; and molecular diversity. Many industrial materials derive directly from biological sources. Biodiversity is also important to the security of resources such as water, timber, paper and food. As a result, biodiversity loss is considered to be a significant risk factor. Consequently, it is a pertinent consideration in planning matters. A Biodiversity Action Plan (BAP) for Stevenage was created in 2010.

**Blight:** The reduction, or perceived reduction, in value of a building or piece of land as the result of a planning decision.

**'Brownfield first':** A principle established by government in March 2000 (in PPG3) that says that brownfield land (cf) should be used for development before greenfield sites (cf) are used. One of the key principles that underpins sustainable development (cf) in UK planning.

**Brownfield land:** Land which has been previously developed. Often associated with urban land but equally relates to previously developed land in the countryside and the Green Belt (cf). May be contaminated by pollutants which require remediation before re-use and redevelopment occur. The precautionary principle (cf) may be applied to the need for, and scale of, remediation where former industrial land is to be re-used for housing.

**Brundtland Commission/definition:** The United Nations World Commission on Environment and Development, chaired by three-time Norwegian Prime Minister Gro Harlem Brundtland, whose 1987 report defined 'sustainable development' (cf).

**Building control/regulations:** An entirely separate and distinct regime from planning, with its own procedures, fees and decision-making process. Many forms of development do not require express planning permission but will require building control approval. The national Building Regulations ensure that buildings are safe, fuel and energy efficient, reduce CO<sub>2</sub> emissions and provide access for people with disabilities. Building Control exists in both public and private sectors (the latter being known as Approved Inspectors), with the two sectors competing for business. Local authorities are required to provide a Building Control service for use by the public.

**Call-in:** Some planning applications must be notified to the Secretary of State (cf) to give her/him the opportunity to 'call-in' an application for her/his own determination. The Secretary of State also has powers to call-in any application and may direct us to hand it over to her/him. The application is considered at a public inquiry by one or more members of the Planning Inspectorate (cf) who make recommendations to the Secretary of State, who decides whether or not to allow the application.

**Campaign to Protect Rural England (CPRE):** A registered charity with over 60,000 members and supporters. Formed in 1926, the CPRE claims to be one of the longest running environmental groups. CPRE campaigns using its own research to lobby the public and all levels of government. Credited with being a prime mover in the creation of the Green Belt (cf), National Parks, Areas of Outstanding Natural Beauty and the 'brownfield first' (cf) sequential test (cf).

**Capacity study:** A study designed to identify what capacity or 'headroom' there is for a particular form of development. Uses population projections and other statistical data/assumptions to identify whether there is a gap between the current amount of provision and the level of provision projected as being necessary (usually at some point in the future). Most commonly associated with retail capacity studies, where a developer wants to show that there is the capacity for a new store that will not undermine existing stores. But see also 'Urban capacity study'.

**Carbon emissions/footprint:** See 'Greenhouse effect'.

**Carbon neutral:** Has a nil-net effect on carbon emissions. See also 'Greenhouse effect'.

**Carbon offsetting/trading:** A reduction in emissions of carbon dioxide or greenhouse gases made to compensate for, or to offset, an emission made elsewhere. There are two markets for carbon offsets. In the compliance market, companies, governments, or similar buy carbon offsets in order to comply with caps on the total amount of carbon dioxide they are allowed to emit. This market exists in order to achieve compliance with obligations under the Kyoto Protocol (cf). In the voluntary market, individuals, companies, or governments

purchase carbon offsets to mitigate their own greenhouse gas emissions. Offsets are typically achieved through financial support of projects that reduce the emission of greenhouse gases in the short- or long-term. The most common project is renewable energy, such as wind farms, biomass energy (burning biological material from living, or recently living organisms or solid municipal waste), or hydro-electric dams. Other examples include large-scale tree planting schemes in Third World countries.

**Change of use:** Planning permission is usually required to change the use of a building or land to another use class (cf). Intensification of a use may constitute a change of use.

**Climate change:** See 'Greenhouse effect'.

**Code for Sustainable Homes:** A national standard for sustainable design and construction of new homes launched as an aspirational voluntary standard above the Building Regulations in December 2006. The code works by awarding new homes a star rating from 1 to 6, based on their performance against eight sustainability criteria which are combined to assess the overall environmental impact. Six stars are the highest achievable score, reflecting exemplary developments. Code level 3 compliance became mandatory in September 2010 for new-build residences, effectively making redundant the use of code levels 1 and 2. Currently, compliance with higher levels of the Code is voluntary.

**Community Infrastructure Levy (CIL):** A new means of securing planning obligations (cf), currently being introduced by the government. CIL will be secured by the creation of new DPDs (cf) by each LPA, which set out how the levy is calculated and apportioning sums of money towards various infrastructure projects, which may be wider than of local significance. CIL will be a flat-rate 'roof tax' and, therefore, more predictable than individually negotiated Section 106 agreements.

**Comparison shopping:** Shopping for non-essential items, generally of a higher value (such as furniture and electrical goods) but also extends to clothing, books, cosmetics, etc... Comparison shopping has traditionally been conducted in town centres, but since the 1980s has also been carried out in retail [warehouse] parks and, most recently, on-line. See also: 'Convenience shopping' and 'Town centres first'.

**Compulsory Purchase Order (CPO):** An Order issued by the government, or a local authority, for the enforced acquisition of land or buildings for public interest purposes. For example, for the construction of a major road or the redevelopment of certain brownfield sites. The purchasing authority needs to be capable of demonstrating that they have tried to acquire the property by negotiation before a CPO can be issued. Most CPOs are preceded by a CPO Inquiry conducted by a member of the Planning Inspectorate (cf), who will either confirm or reject the Order.

**Conditions:** Planning permission is usually granted subject to conditions, all of which must be complied with. Conditions should only be imposed when



permission would otherwise have to be refused. It is the responsibility of the developer to ensure that the terms of all conditions are met.

**Conservation Area:** A defined area, designated by a local council, which is to be preserved or enhanced because of its special architectural or historic interest. There are seven conservation areas in Stevenage, all of which have adopted management plans. A special planning regime operates in conservation areas.

**Conservation Area consent:** Alterations to buildings (including total or substantial demolition), advertising and trees cannot be undertaken in conservation areas (cf) without permission from the council. No planning fee (cf) is charged for such applications but pre-application discussions (cf) attract a flat fee.

**Convenience shopping:** Shopping for goods of an essential day-to-day nature, such as food, newspapers, tobacco, etc... Most convenience shopping today is conducted in out-of-centre supermarkets and superstores. See also 'Comparison shopping'.

**Decision notice:** The official document, issued by the Local Planning Authority (cf), Planning Inspectorate (cf) or the Secretary of State (cf), that grants or refuses planning permission. Development may not legally begin before the decision notice has been issued. Reasons for permitting or refusing development, and for any conditions (cf) imposed on a permission, are always given. In conjunction with the approved plans (cf), this is the definitive statement of the development that has been granted or refused permission.

**Delegation/delegated decision:** Decisions on planning applications where officers make decisions rather than an elected planning committee. The overwhelming majority of decisions are made in this way, provided that there are no complex issues, or the proposal is wholly acceptable in planning terms. It is also used for refusal when an application is clearly not in accordance with planning policies or practice. Decisions which would otherwise be made under delegated powers can be called-in by elected councillors for determination by the Planning & Development Committee, within 28 days of the application's appearance on the weekly list (cf) and where the application raises issues of local importance.

**Demolition:** Requires planning permission only in certain circumstances (such as homes), but planning permission is normally required to rebuild on the site. Demolition of listed buildings (cf) requires Listed Building Consent and special provisions apply in conservation areas (cf).

**Density:** In the case of residential development, a measurement of either the number of habitable rooms (any room used or intended to be used for sleeping, cooking, living or eating purposes i.e. NOT bathrooms, hallways, utility rooms) per hectare or the number of dwellings per hectare [dph]. With the increased emphasis on brownfield development (cf) over the last twenty years, housing densities have risen, leading to an increase in flatted developments and a reduction in terraced houses.

**Department for Communities and Local Government (DCLG):** Government department responsible for, *inter alia*, preparing primary and secondary legislation on town planning and for preparing guidance to direct and assist in the day-to-day interpretation and operation of the statutory town planning system, such as the National Planning Policy Framework (cf). Also determines called-in (cf) or recovered planning applications.

**Departure:** A proposed development that is not in accordance with the adopted development plan (cf), but for which the Local Planning Authority (cf) proposes to grant planning permission (cf) subject to no intervention from the government.

**Design & Access Statement:** Prepared by applicants for planning permission. Describes the development and explains how the design was arrived at, what local planning policies have been observed, how any public engagement has been reflected in the design, and how relevant principles of good design have contributed to the proposal. This document enables the lay public to understand how the finished proposal was arrived at, and acts as a check upon the quality of the decision-making process which led to that proposal by the developer concerned.

**Detailed application/'Details':** A planning application seeking full permission for a development proposal, with no matters reserved for later planning approval. Antithesis: outline application (cf).

**Development:** Defined in the 1990 Act as "*the carrying out of building, engineering, mining or other operations in, on, over or under land*" (known as operational development) or "*the making of any material change of use of any buildings or other land*". Not all development requires planning permission ~ see 'Permitted development'.

**Development Brief:** See 'Masterplan'.

**Development Management:** The new name for development control. The act of determining planning applications (and similar) in conformity with the development plan (cf) and material considerations (cf).

**Development Plan Document (DPD):** Statutory documents produced by LPAs (cf) that must be taken into account in determining planning applications (cf). Currently, planning permission (cf) must be granted in accordance with these documents unless material considerations (cf) indicate otherwise. Local plans must be subjected to examination (cf) by a member of the Planning Inspectorate (cf) before being adopted. The Stevenage Borough Local Plan will be the principal DPD in Stevenage.

**District Plan (SDP2R):** See 'Local Plan'.

**Ecology:** The scientific study of the relations that living organisms have with respect to each other and their natural environment. Variables of interest to

ecologists include the composition, distribution, amount (biomass), number, and changing states of organisms within and among ecosystems (cf).

**Ecosystems:** Ecosystems are functional units in a given area consisting of: (i) living things, (ii) the non-living chemical and (iii) physical factors of their environment, all linked together through (iv) the nutrient cycle and by (v) energy flows. Central to the ecosystem concept is the idea that living organisms interact with every other element in their local environment. Ecosystems are sustained by the biodiversity (cf) within them. Because the impact of development on ecosystems and biodiversity can be unpredictable, even when assessed through an Environmental Impact Assessment (cf), many people advocate the use of the precautionary principle (cf) when determining planning applications.

**Edge of centre:** A location that is within easy walking distance (often considered 200-300 metres) of the primary shopping area (cf).

**Enabling development:** Development that is usually contrary to established planning policies but which is exceptionally permitted because it has been demonstrated to be necessary to generate funds to enable the conservation of a Listed Building (cf) or its setting and where the indirect benefit of the enabling development clearly outweighs any direct harm that it would cause.

**Enforcement:** The investigation and resolution of alleged breaches in planning control, usually undertaking development without permission or failing to observe conditions (cf). An otherwise acceptable breach of planning control can be corrected by a retrospective planning application (cf). Formal enforcement action, which could include issuing of an Enforcement Notice to require the demolition of any offending buildings/structures or cessation of any aberrant use(s), may only be undertaken if the development would not be permitted and it is considered “expedient” to take action. Can ultimately lead to action in the County Court against the defaulting party if negotiation and service of an Enforcement Notice fails to remedy the breach of planning control.

**English Heritage:** Quango responsible for overseeing the historic built environment of England, advising local authorities on such matters and acting on behalf of the government (the Department for Culture, Media and Sport) in matters such as registering listed buildings (cf).

**Environment Agency (EA):** Quango, established in 1973, to protect and improve the environment and to promote sustainable development. Has a particular focus on climate change, water, land and air quality. Has roles as a regulator, operator, monitor and advisor. A key consultee.

**Environmental Impact Assessment (EIA):** Likely to be required for nationally defined large-scale developments. Undertaken by the developer when applying for planning permission, the EIA assesses the social, economic and environmental impacts of the development and identifies what remedial measures may be necessary to counter any negative impacts. Used as an informative to decision-making rather than a determinant of whether permission should be granted. An EIA was undertaken for Stevenage West.

**Environmental Information Regulations 2005 (EIR):** Provide a statutory right of access to environmental information held by public authorities. Covers information about air, water, soil, land, flora and fauna, energy, noise, waste, emissions and information about decisions, policies and activities that affect the environment. Very similar provisions to Freedom of Information (cf) but with some notable differences. One is that requests can be made verbally. The exemptions from publication that can be claimed are, in many cases, narrower in their scope and application. As with Fol, public authorities have 20 working days from the receipt of a request to provide the information.

**Examination:** See 'Public examination'.

**Express planning permission:** See '[Planning] permission' and 'Permitted development'.

**Fee:** Nationally set fees are required for a planning application to be determined. Locally-set fees are payable for pre-application discussions (cf) and advice. In both cases, the fees vary depending upon the scale and nature of the development being proposed. On average, planning application fees make-up about 4% of the total costs of development. The fee income is kept by the Borough Council and offset against the costs of providing the planning service. There are limited exemptions from paying planning application fees, including householder applications (cf) by registered disabled persons.

**Fossil fuels:** Carbon-rich fuel (coal, oil and natural gas) formed from the remains of ancient animals and plants. Their combustion is considered to contribute to the 'greenhouse effect' (cf).

**Freedom of Information (Fol) request:** The Freedom of Information Act 2000 creates a general right of access, on request, to information held by public authorities. On receipt of a freedom of information claim a public authority has two corresponding duties. First, a duty to inform a member of the public whether or not it holds the information requested, and second if it does hold that information, to communicate it to the person making that request. However, there are numerous exemptions. Some of these are absolute bars to disclosure; some are qualified. Most planning information is covered by the Environmental Information Regulations (cf), rather than Fol.

**Full application:** See 'Detailed application'.

**General Permitted Development Order (GPDO):** The Town and Country Planning (General Permitted Development) Order 1995 allows for the extension of, or changes to, a property without the need for express planning permission, within certain guidelines. This includes small domestic extensions which comply with pre-determined measurements.

**Grampian-type condition:** A negative condition (cf) imposed on a planning permission barring development from happening until a particular action on another piece of land not owned by the applicant has been performed (usually

highways works). Named after a court case in 1984 involving Grampian Regional Council.

**Green Belt:** Probably the most high profile, best-loved and most widely misunderstood part of the planning system. Green Belts are specifically designated (viz, they are not automatic and do not cover all countryside areas. Green field does not equal Green Belt) to prevent urban sprawl by keeping land permanently open. Green Belt does not have to be attractive; it does not have to be in agricultural or leisure use; it does not have to be greenfield (cf). Green Belt boundaries are set in local plans and should be set so that they can endure over the long-term (this means that land needs to be removed from the Green Belt to allow for longer-term development). The majority of Hertfordshire is in the Green Belt (but the bulk of East Herts District is not and there are parts of North Herts and Dacorum which also lie outside the Green Belt).

**Greenfield land:** Land which has not previously been developed (hence antithesis: brownfield land). Most commonly associated with land in the countryside but could equally apply to an undeveloped site within an urban area.

**Greenhouse effect:** A process by which thermal radiation from Earth's surface is absorbed by atmospheric greenhouse gases, and is re-radiated in all directions, including back towards the surface. As a result, the surface temperature is higher than it would be if direct heating by solar radiation were the only warming mechanism. Since the beginning of the Industrial Revolution, the burning of fossil fuels (wood, coal, gas, oil) has contributed to the increase in carbon dioxide in the atmosphere from 280ppm to 390ppm. If this process continues, many ecosystems (cf) will be damaged and become uninhabitable for Mankind. As a part of sustainable development (cf) there is a current drive towards reducing carbon emissions. Hence terms such as "reducing the carbon footprint" and "zero carbon homes" (cf).

**Headroom:** See 'Capacity study'.

**Highways Agency:** See 'Highway Authority'.

**Highway Authority:** The county council are the Highway Authority for Hertfordshire. They are charged with the statutory responsibility of adopting, maintaining, designing, making safe and constructing all roads, footways and public rights of way other than trunk roads and motorways – such as the A1(M) [which are looked after by the Government's Highways Agency]. A major consultee on planning applications and in the preparation of DPDs (cf).

**Homes and Communities Agency (HCA):** Quango that is the national housing and regeneration agency. Founded in December 2008, superseding English Partnerships and the Housing Corporation. Its role is to create opportunity for people to live in high quality, sustainable places. They provide funding for affordable housing, bring land back into productive use and improve quality of life by raising standards for the physical and social environment.

**Householder application:** A, generally smaller-scale, application to alter or enlarge a house, including works within the garden of a house which are not permitted development (cf). Nationally these form the majority (60%) of the applications received by LPAs: the Stevenage statistic is 46%.

**Infrastructure deficit:** Infrastructure is the basic physical and organizational structures needed for the operation of a society. The term typically refers to the technical structures such as roads, water supply, sewers, gas and electrical grids, telecommunications, etc... Hence, if it is perceived that there is a shortfall in the infrastructure provision, there is said to be an infrastructure deficit. The Hertfordshire Infrastructure Investment Study (2010), commissioned by all eleven local councils, identified the scale and nature of the infrastructure deficit in the county and the level and nature of the investment needed to remedy it.

**Inquiry:** See 'Appeal'.

**Judicial Review (JR):** A challenge to the High Court by any aggrieved and affected party against a [planning] decision made by, for instance, the council, the Planning Inspectorate (cf) or the Secretary of State (cf). Can only be made on points of law (viz, not planning judgments) and must be made "expeditiously" after the decision to be challenged has been made. This means that applications for JR must be made within 3 months, at most.

**Kyoto Protocol:** A United Nations sponsored protocol, signed in December 1997 and which came into force in February 2005, designed to reduce the four principal greenhouse gas emissions (cf 'Greenhouse effect'). The USA, Afghanistan, Andorra and South Sudan are the only countries that have declined to ratify the protocol. Countries are allowed to trade emissions with other countries to avoid reducing their own emissions. The protocol is due to end on 31 December 2012.

**Landbank:** A stock of land (for housing, for example) which has planning permission but has yet to be developed. Housebuilders commonly have considerable landbanks, which bolster their value on the Stock Exchange.

**Lawful Development Certificate (LDC):** A specialist type of application that determines: (i) whether the existing use of land or buildings is lawful for planning purposes or (ii) confirms that a proposal does not require express planning permission (cf). Often necessary to confirm that the use, operation or activity named in it is lawful when land or property is placed on the market for sale. A fee (cf) is charged for an LDC. Is not the same as a planning permission (cf). Sometimes used in enforcement cases (cf). Forms 4-5% of all applications in Stevenage.

**Listed Building:** A building or structure on the Statutory List of Buildings of Special Architectural or Historic Interest run by English Heritage (cf). Listing began in 1950 and currently protects 500,000 across England and Wales. By reason of their significance, Listed Buildings fall into three categories of descending importance: Grade I, Grade II\* and Grade II, of which the majority - over 90% - are Grade II. A listed building may not be demolished, extended or



altered without permission from the local planning authority (cf). No fee (cf) is charged for such Listed Building Consent but a flat fee is charged for pre-application discussions. Enabling development (cf) may be contemplated in order to secure the preservation of a Listed Building.

**Local Development Framework (LDF):** A document, prepared by LPAs (cf), comprising a number of different types of planning and plan-related documents, between 2004 and 2012.

**Local Development Scheme (LDS):** A project/programme document setting out milestones for the preparation of new plan documents. This is a statutory document.

**Local Plan:** A type of statutory DPD (cf) produced 1968 - 2004 and from 2012 onwards. Since December 2007 only certain policies and provisions of the Stevenage District Plan Second Review continue to have statutory force.

**Local Planning Authority (LPA):** A local authority charged by central Government with the statutory duty to prepare development plan documents (cf) and undertake other duties under the Planning Acts (cf). District Councils, sometimes styled as Borough or City Councils, have planning powers for all development in their administrative areas with the exceptions of minerals and waste. County Councils have planning powers for minerals and waste proposals within their administrative areas.

**Major application:** Involves any one or more of the following: (i) mineral deposits; (ii) waste development; (iii) a site for 10 or more new homes or where the site area for new homes is 0.5ha or more; (iv) the provision of a building or buildings where the floorspace to be created is 1,000m<sup>2</sup> or more; or (v) any other development carried out on a site with an area of 1 hectare or more.

**Masterplan:** A widely used and abused term. Usually applied to a comprehensive written and/or cartographic representation of a potential development scheme. Sometimes a masterplan may be SPD (cf) or it may be submitted with a planning application (cf). Alternatively, land-owners or developers often prepare masterplans to guide their own, or other party's, development. It is always best to inquire as to the status and intent of a masterplan in order to ascertain how much weight to place upon it.

**Material considerations:** Factors considered in the determination of applications for planning permission, alongside the statutory development plan (cf). Includes residential amenity, highway safety, traffic, noise, smell, design and appearance, conservation and listed buildings and any relevant planning comments made by consultees. In order to be material a consideration must relate to the use and development of land and to the planning merits of the development in question. Non-planning comments and the number of objections received are not material considerations. What is considered to be material may be subject to appeal (cf) and/or judicial review (cf) but the weight to be attached to a material consideration is solely for the decision-maker and will not be challenged by the courts.

**Minerals Local Plan/LDF:** A statutory long-term development plan framework for mineral extraction and associated development (such as railheads and storage facilities). Covers oil, coal, gas, sand, gravel, crushed rock and chalk. All minerals planning powers reside with county or unitary councils (i.e. not with district councils) ~ both plan-preparation and development management (cf).

**National Land Use Database (NLUD):** National database, compiled annually as a government initiative from various public sources (including local authorities), to provide information on the amount of brownfield land (cf) that may be available for development.

**National Planning Policy Framework (NPPF):** Succinctly sets out national government policy, advice and guidance. Until up-to-date local plans [or LDFs] are put in place, planning applications must be determined in accordance with the presumption in favour of sustainable development (cf) contained within the NPPF.

**Natural England:** Quango responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology and soils, are protected and improved.

**Neighbourhood plans:** Introduced in 2012 under the planning provisions of the Localism Act 2011. Parish Councils (or authorised Neighbourhood Forums in unparished areas) will be able to prepare statutory development plans (cf) against which planning applications will have to be assessed. Must be in general conformity with the strategic policies of the local plan (cf). After public examination (cf), if found sound (cf) must be subject to a local referendum before being adopted by the LPA (cf).

**Net migration:** Takes into account natural change in the population (births and deaths) and also those people who have moved into, and out of, the locality. Stevenage has seen net out migration in recent years as more people have moved out of the town than have moved into it: this is unusual as one would normally expect in-migrants to exceed out-migrants. A well accepted population projection model. See also: 'Nil-net migration' and 'Population projections'.

**Nil-net migration:** Takes into account natural change in the population (births and deaths) but not those people who have moved into, and out of, the locality. In this model in-migrants are mathematically forced to equal out-migrants. A controversial basis for population projection modelling. See also: 'Net migration' and 'Population projections'.

**Non-determination:** If the council fails to make a decision on a planning application within the set time, the applicant may appeal (cf) to the Planning Inspectorate (cf) who then make the decision, rather than the council.

**Objections:** Representations received by the Local Planning Authority (cf) or any other determining body in respect of either a planning application (cf) or a development plan (cf) which opposes all or part of the proposals. In order for the objections to be considered and given weight they must raise legitimate

planning matters (see 'Material considerations'). The number of objections received is not a legitimate ground for refusing planning permission (cf).

**Off-setting:** Where the negative impact of a development or activity in one location is off-set or traded against a positive impact or activity implemented elsewhere, usually to obtain a nil-net effect. Most widely used in carbon trading (cf) but now spreading to the fields of biodiversity (cf) and ecology (cf) more generally.

**Outline application:** An application for planning permission primarily designed to establish that a development is acceptable in principle, subject to subsequent approval of detailed matters (cf). Usually applies to major developments where it is either uncertain whether the proposal is in conformity with the development plan (cf) or where the scale of the development is such that it is inappropriate to be exact in every detail at the time of applying for planning permission.

**Out of centre:** In retailing terms, a location that is clearly separate from the primary shopping area of a town centre but not outside the urban area.

**Out of town:** In retailing terms, a location clearly outside the current urban boundary.

**Overbearing:** A term used to describe the impact of a development or building on its surroundings, particularly a neighbouring property, in terms of its scale, massing and general dominating effect.

**Over-development:** An often pejorative term describing an amount of development (for example, the quantity of buildings or intensity of use) that is considered excessive in terms of demands on infrastructure and services, or impact on local amenity and character.

**Overlooking:** A term used to describe the effect when a development or building affords an outlook over adjoining land or property, often causing loss of privacy.

**Overshadowing:** The effect of a development or building on the amount of natural light presently enjoyed by a neighbouring property, resulting in a shadow being cast over that neighbouring property.

**Performance targets:** Local Planning Authorities (cf) have nationally set performance targets to meet, principally revolving around the time taken to determine different types of planning applications (cf).

**Permitted development:** Building works and uses as defined by the General Permitted Development Order (cf) and Use Classes Order (cf) that can be undertaken without the need for express planning permission from the local planning authority (cf).

**Planning Acts:** The first Planning Act was in 1909 but the modern planning system was introduced by the Town and Country Planning Act of 1947. There

have been a series of further Acts over the succeeding years, with the main ones in use today being the four 1990 Acts, the Planning and Compulsory Purchase Acts of 1991 and 2004, the Planning Act of 2008 and the planning provisions of the Localism Act 2011. Supplementing the Acts are various circulars, statutory instruments (such as the Development Plans (England) Regulations), guidance notes, policy statements (cf), ministerial announcements and, from 1 April 2012, the National Planning Policy Framework (cf).

**Planning Advisory Service (PAS):** A part of the LG Group that advises Local Planning Authorities (cf) how to improve their planning service. Includes peer review, best practice notes, etc...

**Planning Aid:** A government-subsidised service, offered by the RTPI (cf), that provides free and independent advice and support to community groups and individuals unable to afford to employ a planning consultant.

**Planning application:** A planning application is necessary in order to secure express planning permission (cf) from the relevant Local Planning Authority (cf) for development (cf) that is not otherwise permitted development (cf). See also 'Application form'.

**Planning for Real:** A term broadly, and inappropriately, used to refer to any consultation method involving creative exercises (for example, the use of maps and model buildings) to engage the public in plan-making and place-shaping. The term is commercially copyrighted and licensed: it should not be confused with similar consultation methodologies not provided by the copyrighted owners of the term.

**Planning gain/obligations:** Securing the delivery of community benefits by legal agreement following negotiation with applicants for planning permission, without which any development would be unacceptable. May include the physical construction of facilities, the provision of land or the payment of a fee in lieu of on-site provision. The building of affordable housing and the payment of monies towards the provision of new school places are the most common examples. Also known as Section 106 agreements. May not be used to remedy existing infrastructure deficiencies: may only be used to meet the needs generated by the development being permitted. To be largely replaced by 2014 by the Community Infrastructure Levy (cf).

**Planning Inspectorate (PINS):** A quango that undertakes planning and enforcement appeals (usually against Local Planning Authority (cf) refusal of permission or non-determination of planning applications). Holds evidence-gathering, quasi-judicial examinations into both planning applications and local plans (cf) and DPDs (cf). PINS decisions on planning applications are binding on all parties except Government, but all of its decisions may be overturned by the courts on limited technical grounds following judicial review (cf).

**Planning Officers' Society (POS):** Body that represents senior professionals and managers of planning functions in the public sector serving the English

Local Planning Authorities (cf). Provides advice, best practice and training opportunities.

**Planning permission:** The consent given by the local planning authority (cf), the Planning Inspectorate (cf) or the Secretary of State (cf) for development (cf). Usually given with conditions (cf) and with a time limit for the beginning of development. May be subject to planning obligations (cf). Reasons for permission will be given on the decision notice (cf). Will be closely based on the information given in the planning application form (cf) and the ancillary information supplied by the applicant.

**Planning Portal:** A Government sponsored web-site from which much useful generic information about the statutory town and country planning and building control (cf) systems can be gathered. Most LPAs (cf) are connected to the Planning Portal via hyperlink, such that it acts as a 'one stop shop' for developers and the public wishing to gain access to the planning pages of their local authority's web-site. Many local authorities, including the Borough Council, offer electronic submission of planning applications (cf) and the payment of fees (cf) via the Planning Portal.

**Planning unit:** An identifiable parcel of land or (part of) a building usually identifiable by the coincidence of ownership, occupation and use to which a unique planning history (or permissions) attach. Can be a vexed question. A house would, for instance, usually be a planning unit. Its subdivision into two flats would create two new planning units and extinguish the previous planning history of the house.

**Population projections:** The principal basis of determining the future development needs of an area when preparing a development plan (cf). A number of different models of population projection are available, including net-migration (cf) and nil-net migration (cf). Alternatives to population-based projections are economic-derived models, although these are less widely used, projecting past performance, assessing affordable housing needs and policy-led models (in which planning policy constraints are overlaid, generally to constrain the housing requirement). The antithesis of using population projections or other demand-led projections as a basis for determining development levels is the urban capacity model (cf).

**Pre-application discussions/fees:** An opportunity for councils and developers to work together to achieve developments that deliver benefits to the community and the economy. These discussions are provided for a fee, for officer time, but in the long-term they can save time, costs and frustration and optimise the potential of a site.

**Precautionary principle:** If an action or policy has a suspected risk of causing harm to the public or to the environment, in the absence of a scientific consensus that the action or policy is harmful, the burden of proof that it is not harmful falls on those taking the action. The principle implies that there is a responsibility to protect the public from exposure to harm when scientific investigation has found a credible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will

result. Underpins much EU environmental policy but the application of the precautionary principle is not enshrined in UK planning law.

**Presumption in favour of (sustainable) development:** The Planning Acts (cf) have included a presumption in favour of development since 1947, as this was part of the post-war 'quid pro quo' that saw land and property owners' rights to develop their property as they wished nationalised without compensation. The presumption was amended to include the term 'sustainable development' (cf) following the work of the UN's Brundtland Commission (cf).

**Previously Developed Land (PDL):** See 'Brownfield land'.

**Primary Shopping Area (or Primary Shopping Frontage):** A designated area where the number of Use Class (cf) A1 shops is most concentrated in a town centre. Beyond the primary shopping area will lie secondary and tertiary shopping areas, where shop uses become more diluted by other A-use classes (such as pubs, restaurants, banks) and other town-centre type uses (such as assembly and leisure uses).

**Prior Approval:** A procedure where permission is deemed granted if the Local Planning Authority (cf) does not respond to the developer's application within a certain time. Often relating to telecommunication or agricultural developments.

**Public examination:** An interrogatory process led by one or more members of the Planning Inspectorate (cf), held to examine the soundness (cf) of a DPD (cf). For neighbourhood plans, appointed examiners need not be members of the Planning Inspectorate and their examinations will generally be conducted solely by way of written representations. Similar to an informal hearing: see 'Appeal'.

**Public [local] inquiry (PLI):** See 'Appeal'.

**Quango:** Quasi-Autonomous Non-Governmental Agency. Semi-detached agency of government, funded by – but nominally independent of direct - government control or influence. Examples include: the Planning Inspectorate (cf), the Environment Agency (cf) and English Heritage (cf).

**Refusal of planning permission:** The guiding principle in determining planning applications is that development should be permitted, having regard to the development plan (cf) and all other material considerations (cf), unless the proposed development will "*cause demonstrable harm to interests of acknowledged importance*". The person making the decision will issue a decision notice (cf) detailing the reasons for refusal. Within a set time, aggrieved applicants have the right to appeal (cf) against the refusal of planning permission.

**Retrospective planning application:** Occasionally a Local Planning Authority (cf) may receive, or in some enforcement cases (cf) encourage, those parties that have undertaken unauthorised development (cf) to submit a planning application (cf) to regularise the situation. Attempting to sell land or buildings



upon which unauthorised development has occurred can lengthen the process and reduce the price received.

**Royal Town Planning Institute (RTPI):** Professional body representing town and country planners. Members of the RTPI must have a qualification recognised by the body and suitable post-qualification practical experience. Members are required to continually update their professional knowledge and skills by undertaking (and keeping a record of) Continuing Professional Development throughout their careers.

**Satellite dishes:** Do not require express planning permission (cf), subject to certain caveats. Seek guidance from the Planning Portal (cf).

**Saved policies:** Policies within a development plan (cf) that the Secretary of State (cf) has allowed to continue to have legal force, following passage of the 2004 Act (cf), during the production of replacement Development Plan Documents. Approximately two-thirds of the policies of the District Plan Second Review are 'saved'. The non-saved policies – which replicated national and regional policies in force at December 2007 - are no longer in use.

**Secretary of State:** Head of the government's Department for Communities and Local Government (cf) or another government department.

**Section 106 agreements:** See 'Planning gain/obligations'.

**Sequential test:** The process of demonstrating that development is to occur on the most preferable location for the appropriate use. Most commonly associated with the 'town centres first' policy (cf) and the 'brown before green' test for housing development (wherein brownfield sites have to be used before greenfield ones).

**Site Notice:** Statutory notice posted on, or close to, a development site for at least 21 days, providing public notice of the existence of a planning application on the site. Usually accompanied by the publication of the same notice in a newspaper circulating in the locality.

**Soundness, tests of:** At a public examination (cf) held by one or more members of the Planning Inspectorate (cf), local plans (cf) will in future be checked against four tests of soundness [whether they have been positively prepared, are justified, effective and consistent with national policy] and whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements. Neighbourhood plans (cf) will be tested against fewer tests. These criteria are established in the draft National Planning Policy Framework (cf).

**Statement of Community Involvement (SCI):** This sets out the council's policy on involving the community in policy-making and major planning applications.

**Stop Notice:** Notice served by an LPA on a land-owner where there is a breach of planning control that requires to be stopped. Serving a stop notice

must follow an enforcement notice (cf). Does not come into force for three days and gives reasons why the stop notice is necessary.

**Strategic Environmental Assessment (SEA):** Required to be prepared for plans and policies under the terms of the European directive 2001/42/EC for "environmental assessment of certain plans and programmes". Undertaken in conjunction with the Sustainability Appraisal (cf). All but the least important of planning documents now have to be subject to SA/SEA.

**Strategic Flood Risk Assessment (SFRA):** Study to provide a reference and policy document to inform the local plan; and to ensure that the Council meets its legal obligation to keep new development (especially housing) from being built in areas of (serious) flood risk.

**Strategic Housing Land Availability Assessment (SHLAA):** Study to determine the availability and viability of possible future housing sites. Usually undertaken every year.

**Strategic Housing Market Assessment (SHMA):** Study to provide evidence on the types of housing that are needed to meet current and future demand in North Hertfordshire and Stevenage. Used to inform both the local plan (cf) and development management (cf) decisions. Usually undertaken every 2-3 years.

**Sui generis use:** A use in, and of, itself not falling within any Use Class (cf). Any change of use requires express planning permission (cf).

**Supplementary Planning Document (SPD):** There is no legal requirement to take these documents into account in determining planning applications, so their nature is to provide guidance to applicants wishing to develop land. The community will be involved in their preparation, but there is no independent examination of the document. Under the NPPF (cf) councils are discouraged from producing SPD unless it will speed up the development process and not add to the costs of development.

**Sustainability Appraisal (SA):** An assessment of the impact the proposals contained within a DPD would have on the environment, economy and society. It is carried out in conjunction with the Strategic Environmental Assessment (cf).

**Sustainable Development:** Although there are several definitions in use, the one most widely applied in planning is the definition of the Brundtland Commission "*Our Common Future*", the United Nations World Commission on Environment and Development, published in 1987. This states that sustainable development is "*development that meets the needs of the present without compromising the ability of future generations to meet their own needs.*" The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: *living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.* These principles have been considered through the development of the National Planning Policy Framework.

**Sustainable Homes:** See 'Code for Sustainable Homes'.

**Television aerials:** See 'Satellite dishes'.

**Temporary Stop Notice:** Served by an LPA on a landowner where a breach of planning control needs to be stopped immediately. Lasts for 28 days, during which the LPA must decide whether to issue an Enforcement Notice (cf). Must specify the activity to be halted. See also 'Stop Notice'.

**Third party rights of appeal:** The right of an aggrieved party, other than the applicant, to appeal to an independent body against the grant of planning permission by a Local Planning Authority (cf). There are third party rights of appeal in Eire but not in the UK. A judicial review (cf) of the decision (which could see the permission over-turned) or a complaint to the Local Government Ombudsman on the grounds of maladministration (which would not see the decision over-turned) are the usual means open to an aggrieved third party in the UK.

**Town and Country Planning Association (TCPA):** Founded by Sir Ebenezer Howard in 1899 to promote the idea of the Garden City, the TCPA is Britain's oldest charity concerned with planning, housing and the environment. Now a limited company with corporate and individual membership, it campaigns for the reform of the UK's planning system to make it more responsive to people's needs and aspirations and to promote sustainable development.

**'Town centres first':** A sequential locational test that developers and LPAs (cf) have to demonstrate has been followed in the placing of new shopping, leisure and office developments. The preferred order in the sequential test (cf) is: town centre; edge of centre; out of centre; out of town. Only if it can be clearly demonstrated that the development cannot be placed in a location higher in the preferential scale can the development be placed in a less favoured location lower in the hierarchy.

**Tree Preservation Order (TPO):** A means of securing the preservation of a single or a group of trees of acknowledged amenity value. A tree subject to a Tree Preservation Order may not normally be topped, lopped or felled without the consent of the Local Planning Authority (cf). Trees on publicly owned land are not usually subject to TPOs as LPAs are considered to exercise good land husbandry.

**Ultra vires:** A Latin term meaning an action (usually of a Local Planning Authority, the Planning Inspectorate or the Secretary of State) which it is outside the legal power of the decision-maker to take. In planning, usually refers either to the issuing of a permission (cf) or the imposition of one or more conditions. Whether something is *ultra vires* will be determined by the courts through a judicial review (cf).

**Unauthorised development:** Development that requires planning permission but which does not have it. Once unauthorised development comes to the attention of the Local Planning Authority (cf) an enforcement investigation (cf)

will be begun. Unauthorised development can be regularised by a retrospective planning application (cf) in some instances or it may be beyond the time limits for enforcement action (four years for operational development or ten years for a change of use or breach of a planning condition). A Lawful Development Certificate (cf) is sometimes applied for to regularise the situation.

**Urban capacity:** The identification of the potential of urban areas to accommodate new housing on brownfield sites (cf) at various densities, or by the conversion of existing buildings. Formerly a study produced by, or for, a Local Planning Authority (cf) area to fulfil the above role, superseded by Strategic Housing Land Availability Studies (cf) in November 2006.

**Urban fringe:** The transitional zone between urban areas and the pure countryside, often characterised by 'horsiculture' (small paddocks) and other private leisure uses. It can provide a valuable resource for the provision of sport and recreation, particularly in situations where there is an absence of land within urban areas to make such provision. Commercial agriculture can be difficult to pursue in the urban fringe due to human influences (trespass, damage, attacks on animals) from the urban area.

**Use Classes [Order]:** Government statutory instrument that sets out broad classes of similar uses. Currently there are 15 different use classes. Within each class, planning permission is not required to change from one use to another eg, changing from a butcher's shop to an internet café does not require planning permission as both fall within the same use class (A1 ~ shops). There are also certain changes of use from one class to another that do not require planning permission eg, from a pub (class A4) to a shop (class A1).

**Validation:** The initial process carried out by the Local Planning Authority (cf) upon receipt of a planning application. Checks are undertaken to ensure that all of the necessary information has been supplied with the application form (cf) and that the appropriate planning application fee (cf) has been paid. Only once this process has been completed will: an application be registered as valid; be given a unique reference number; allocated to a specific planning officer (known as the case officer) to process and determine; and be added on to the weekly list (cf). The necessary consultation letters will be sent out only after validation is completed.

**Washing over:** Where a designation covers a parcel of land, most commonly associated with Green Belt designations where they 'wash over' villages and small settlements.

**Waste Local Plan/LDF:** A statutory long-term development plan framework for managing and disposing of waste. All waste planning powers reside with county or unitary councils (i.e. not with district councils) ~ both plan-preparation and development management (cf).

**Weekly list:** A compendium of all new valid (cf) planning applications received by the Local Planning Authority (cf) in the preceding seven days. Gives limited details including the application reference number, the address of the

development, a brief description of the proposals and the name of the case officer. Available to view free of charge or to purchase.

**Weight:** The weight to be attached to an issue in the determination of a planning application is a matter for the decision-maker and will not usually be challenged by the courts. See also 'Material considerations'.

**White land:** Land which has no specific allocation or planning policy covering it. Generally considered a pejorative and archaic term today.

**'Yes':** The default response to planning applications according to the draft National Planning Policy Framework (cf). There has been a presumption in favour of development (cf) since 1947. Government statistics show that nationally 80% of all planning applications receive planning permission (cf); for major commercial applications the figure is 90%.

**Zero-carbon homes:** Homes that are specifically designed (or adapted) to release nil-net carbon emissions. See also 'Greenhouse effect'.

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## Appendix 2: Sample Examiner profiles

This section sets out some samples of the type of information with which we will supply you about prospective Examiner's for the examination of your neighbourhood plan. These are not real candidates.

### Candidate 1

#### A London Borough Council

##### Project Director

Led the production of a pilot neighbourhood plan for the Mayor of London and a London Borough Council.

Negotiated with the local community, stakeholders and the Council.

#### A South East District Council

##### Head of Spatial Planning

Assessment of housing applications for major urban extensions to small towns, as well as undertaking screening and scoping for EIA's.

Initiated and led project teams delivering the Council's Local Development Framework and Core Strategy and Infrastructure Delivery Plan, including Green, Social and Hard Infrastructure.

#### Previous employment history

**Chief Planner** – *An East of England Borough Council*

**Planning Policy Manager** – *An East of England District Council*

**Principal Planner** – *A South Eastern Borough Council*

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### Candidate 2

#### A South West Council

##### Head of Development Planning

Leading professional staff preparing the Core Strategy to deliver significant and very challenging levels of growth.

Working successfully in partnership with other planning authorities to tackle sub-regional planning issues and prepare joint planning policy documents

## **An English Unitary Council**

### **Local Development Plans Manager**

Establishing a Major Sites Team, to deliver development effectively on four sites, each accommodating more than 200 homes

Working proactively with elected members, developers and agents to carry out positive community engagement, renegotiating s106 agreements

Working collaboratively with the Environment Agency, Highways Agency and Natural England to unlock a 70ha allocated strategic employment site currently constrained by significant access, environmental and flood risk constraints.

Initiating and managing all engagement with the developer of a proposed new international airport.

### **Previous employment history**

**Head of Environment** – *An East of England District Council*

**Team Leader - Planning Policy** – *An East Midlands City Council*

**Principal Planning Officer** – *A Yorkshire City Council*

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## **Candidate 3**

### **A Welsh County Council**

#### **Team Leader**

Processing an application for a large-scale wind turbine farm within the Welsh uplands, with a predominance of peat and woodland, within 15km of a National Park and poor road access.

Led multi-Authority working group on green infrastructure planning and energy management strategy for entire county.

Also preparing guidance notes for officers on Conservation Area management

### **Previous employment history**

**Development Control Planner** – *A South of England District Council*

**Policy Planner** – *A South West Borough Council*

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