

Royal Borough of Windsor and Maidenhead

Guide to neighbourhood planning and key milestones

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For more information about this guide or if you have any questions, please contact the Planning Policy Unit on 01628 79 6172, email planning.policy@rbwm.gov.uk, or write to Planning Policy, Town Hall, St Ives Road, Maidenhead SL6 1RF.

Introduction

The Royal Borough of Windsor and Maidenhead (“the Borough Council”) is a vanguard in neighbourhood planning. The Borough Council is committed to supporting local groups who wish to produce neighbourhood plans to shape development in their areas, along with the strategic policies in the Borough Local Plan.

This protocol outlines and provides clarity on the roles of the Borough Council and qualifying bodies in regards to producing neighbourhood plans. The aim of the document is to explain the procedures that qualifying bodies can expect at different milestones during the process, on the way to bringing a neighbourhood plan in to legal force. It also gives guidance about the relevant regulations in the Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012.

The document firstly explains the general support that the Borough Council can provide to local groups in order to help them get started, and technical and professional advice available. It then provides details of the statutory responsibilities of the Borough Council in relation to neighbourhood planning, and the help that it will offer at various milestones during the process.

A “qualifying body” as referred to throughout the document, is a parish or town council, or a designated neighbourhood forum.

General support to Neighbourhood Plans

The Borough Council will:

- Maintain an up to date neighbourhood planning webpage that summarises the powers available under neighbourhood planning and the key stages to developing neighbourhood plans.
- Provide a link officer in the Borough Council for each local group preparing a neighbourhood plan, who will act as the main point of contact and give technical and professional advice on neighbourhood planning and related matters, upon request.
- Make information available on local case studies on the Borough Council’s website as they emerge.
- Provide information on the website relating to funding, resources and skills, as opportunities emerge.
- Offer, via the link officer, to attend one meeting a month for each neighbourhood plan to give technical and professional advice

Furthermore, upon request, the Borough Council will:

- Offer appropriate and relevant technical and professional advice to communities to help them to understand neighbourhood planning.
- Explain to qualifying bodies where it is with its own plan-making activities (and specifically the production of the Borough Local Plan).
- Share appropriate and relevant information and evidence on plan-making
- Provide electronic and, where possible, physical maps showing neighbourhood areas and other planning designations.

- Provide appropriate and relevant technical and professional advice, through the link officers, on how best to involve and engage the local community and how to communicate with partners and statutory consultees.
- Provide technical and professional advice on information and evidence gathering, in relation to plan-making.
- Provide as much support as resources allow for community planning events.

The link officer for each neighbourhood plan is shown in the table below

Neighbourhood Plan	RBWM link officer (s)
Ascot, Sunninghill and Sunningdale	Philip Hylton
Bisham	Ian Bellinger
Bray	Sarah Ball/Laura Rheiter
Central Windsor	Henry Smith
Datchet	Laura Rheiter
Eton and Eton Wick	Henry Smith
Horton and Wraysbury	Charlie Fulcher/Laura Rheiter
Hurley and the Walthams	Phillip Gill/Ian Bellinger
Maidenhead and Cox Green	Henry Smith
Old Windsor	Charlie Fulcher
West Windsor	Henry Smith

Milestones

As a qualifying body progresses with its neighbourhood plan, it will need to submit documents to the Borough Council at certain points in the process. The Borough Council will then make sure that the neighbourhood plan complies with relevant regulations to either proceed to the next stage or suggest any necessary changes.

To help qualifying bodies with their work, outlined below is a list of milestones to follow on the way to achieving a successful neighbourhood plan.

Those milestones in blue are recommended targets. These are not mandatory, but are encouraged to help progress neighbourhood plans.

Those milestones in red are more formal milestones, where the regulations require certain steps to be produced.

If you have any queries at all about any of these, then please do not hesitate to contact your link officer.

1) Establishment stage

- **Neighbourhood Area designations (9 neighbourhood areas designated in the Borough at the time of writing)**

What is this about?

Before a neighbourhood plan can be submitted to the Borough Council, the neighbourhood area within which the plan is to be prepared must be formally designated by the Borough Council.

What do we need to do as a qualifying body?

An application needs to be made to the Borough Council to designate a neighbourhood area. This will contain

- a map showing the proposed neighbourhood area
- a statement explaining why this area is considered appropriate to be designated as a neighbourhood area
- a statement explaining that the organisation or body making the area application is capable of being a qualifying body (parish or town council or prospective neighbourhood forum).

What will the Borough Council do?

The Borough Council will carry out a statutory six week consultation on the proposed neighbourhood area, before making a decision on whether or not to designate the neighbourhood area, taking account of any representations received.

Relevant regulations – Neighbourhood Planning Regulations, para 5.

- **Neighbourhood Forum designations (1 neighbourhood forum designated in the Borough at the time of writing)**

What is this about?

In unparished areas of the Borough, a neighbourhood forum will need to be designated, consisting of a minimum of 21 individuals. This will give authorisation for the designated neighbourhood forum to prepare a neighbourhood plan for a specific neighbourhood area.

What do we need to do as a qualifying body?

An application needs to be made to the Borough Council for neighbourhood forum status. This will contain:

- a map showing the neighbourhood area that the forum relates to
- the name of the proposed neighbourhood forum
- its written constitution
- contact details of at least one member of the proposed neighbourhood forum
- a statement explaining that the proposed neighbourhood forum:
 - has been established for the express purpose of promoting or improving the social, economic and environmental well-being of the area
 - is open in its membership to people living and working in the area, and those elected as borough councillors for the area
 - includes a membership of at least 21 people who live and work in the area, and those elected as borough councillors for the area

What will the Borough Council do?

The Borough Council will carry out a statutory six week consultation on the proposed neighbourhood forum, before making a decision on whether or not to designate the neighbourhood forum, taking account of any representations received.

Relevant regulations – Neighbourhood Planning Regulations, para 8.

2) Preparing the neighbourhood plan

- **Producing a vision document**

What is this about?

A recommended first step towards producing a neighbourhood plan is to first produce a vision document. The aim of this document is to set out what the neighbourhood plan intends to achieve for the neighbourhood area. This vision could be based on evidence collected from consultation exercises with local people, or on data which the qualifying body has put together.

What do we need to do as a qualifying body?

Once the vision document is produced, it is recommended that this vision is consulted on with the local community, to see whether or not it accurately reflects the wishes of people living and working in the neighbourhood area. Consultation responses received can then be used to amend this vision.

What will the Borough Council do?

The Borough Council will provide appropriate and relevant technical and professional advice, through the link officers, to help the qualifying body produce a vision for their area.

- **Producing options to deliver the vision**

What is this about?

Once the vision has been out to consultation and amended based on the responses received, the next recommended stage is to produce an options paper. The purpose of this is to identify a number of ways by which the vision can be effectively delivered, either through a range of policies or projects.

What do we need to do as a qualifying body?

The options paper will then need to be consulted on, to help decide which option is most appropriate to take forward. Thorough consultation at this stage will help to prove later on to the independent examiner that the wishes of the community have been incorporated in developing the neighbourhood plan.

What will the Borough Council do?

The Borough Council will provide appropriate and relevant technical and professional advice, through the link officers, to help the qualifying body produce the options paper.

3) Draft neighbourhood plan stage

- **Meeting the “basic conditions” for a neighbourhood plan**

What is this about?

Neighbourhood plans must meet what are known as “basic conditions” as set out by the Localism Act.

These conditions include being in general conformity with the strategic policies of the local plan, having appropriate regard to national policy, and contributing to sustainable development.

What do we need to do as a qualifying body?

It is recommended to discuss proposals as early on as possible with the Borough Council, to flag up any potential issues.

When a draft neighbourhood plan has been prepared, the Borough Council will help to check that it meets these basic conditions.

What will the Borough Council do?

Delegated authority for responding on behalf of the Borough Council to draft plans will be given to the Head of Planning and Property Services, together with the Lead Member for Community Partnerships and Neighbourhood Planning, and the Lead Member for Planning and Property. A Borough Council officer will advise, in the form of a planning policy appraisal, as to whether the draft neighbourhood plan meets the basic conditions. Advice will be given to the group as to what changes are needed if any.

Considering that one of the basic conditions for the neighbourhood plan is to contribute to sustainable development, the Borough Council link officer will help the qualifying body to demonstrate that their neighbourhood plan has undertaken an effective appraisal/review/assessment of sustainability. The nature of this appraisal will depend upon the scale of the plan’s aims and objectives.

At this stage, the proposals will also need to be screened to help decide whether or not a Strategic Environmental Assessment (SEA) is necessary. The screening will essentially decide whether or not the proposals in the plan pass a threshold of having a “significant environmental effect”. The link officer will also advise on the requirements of a Habitats Regulations Assessment, if this is relevant.

Relevant regulations – Localism Act, Schedule 10, para 8 (2)

- **Pre-submission consultation and publicity**

What is this about?

Prior to submitting a plan proposal to the Borough Council, a statutory six week consultation must be carried out with the local community.

What do we need to do as a qualifying body?

The qualifying body must themselves publicise the draft neighbourhood plan for six weeks for people who live, work or run businesses in a neighbourhood area to make comments on it. Statutory consultation bodies (Natural England, English Heritage and the Environment Agency) must also be consulted with at this stage. Any comments received must be considered and integrated as deemed appropriate.

What will the Borough Council do?

The Borough Council will advise the qualifying body about different ways to publicise the plan, such as in libraries and community centres. The Borough Council will also publish the plan on their website. Through delegated authority as above, the Council will provide advice on any comments received and how best to integrate them in to the plan.

Relevant regulations – Neighbourhood Planning Regulations, paras 14 - 15

- **Publicising a plan proposal**

What is this about?

After the draft plan has been through its six week consultation, it will need to go through a further consultation process (including any changes that have been made since the pre-submission consultation) for another six weeks for any member of the public to comment on it.

What do we need to do as a qualifying body?

The draft neighbourhood plan, following any changes made as a result of the pre-submission consultation, needs to be sent to the Borough Council.

What will the Borough Council do?

The Borough Council will check that the neighbourhood plan still meets the necessary basic conditions, following any changes made to it after the pre-submission consultation, again through delegated authority. The Borough Council will then publicise the plan and carry out the six week consultation with statutory consultees.

At this point, the Borough Council will also appoint an examiner to carry out the independent examination. The qualifying body will be consulted on the decision over which examiner to choose.

Relevant regulations - Neighbourhood Planning Regulations, para 16

4) Examination and referendum stage

- **Examination and decision based on the examiner's report**

What is this about?

After the plan proposal has been publicised and comments received have been considered, the neighbourhood plan will be sent to the appointed examiner along with any associated documents. The Borough Council will organise the examination process. It is unlikely that there will be a public examination as is the case with a Local Plan, but instead representations will in most cases be considered in writing by the examiner.

After carrying out the examination, the examiner's report will be sent to the Borough Council.

What do we need to do as a qualifying body?

N/A

What will the Borough Council do?

The Borough Council will make a decision based on the recommendations of the examiner and under delegated authority, as to whether or not the neighbourhood plan should proceed to a referendum.

Relevant regulations - Neighbourhood Planning Regulations, para 17-18

- **Referendum**

What is this about?

Once the neighbourhood plan has passed its examination, a referendum will be held to decide whether or not to bring it in to legal force.

It is anticipated that the question in the referendum will be "Do you want the Royal Borough of Windsor and Maidenhead to use the neighbourhood plan for (insert name of neighbourhood area) to help it decide planning applications in the neighbourhood area?"

All those on the electoral register (at the date of the vote) within the referendum area are entitled to vote. All will receive a poll card telling them when and where to vote. There will be information about how to vote and what is being voted on. This information will also be on the Council website.

Should the referendum result in a majority "Yes" vote (i.e. over 50%) the Council will make the neighbourhood plan part of its statutory development plan.

What do we need to do as a qualifying body?

N/A

What will the Borough Council do?

The Borough Council will arrange for the referendum to take place and pay for costs related to it.

Relevant regulations - Localism Act, Schedule 10, paras 14 - 16

- **Bringing the plan in to force**

What is this about?

After the referendum, should more than 50% of voters vote “yes” to it, the Borough Council will bring the plan into force. Once a Neighbourhood Plan is brought in to legal force, it forms part of the statutory Development Plan for that area and decisions on whether or not to grant planning permission will need to be made in accordance with the Neighbourhood Plan.

What do we need to do as a qualifying body?

The qualifying body will then help deliver and monitor the progress of the neighbourhood plan.

What will the Borough Council do?

The Borough Council will bring the neighbourhood plan in to legal force, should it successfully pass the referendum. The plan will then become part of the statutory development plan for the Borough, and will be used to determine planning applications together with the strategic policies in the Borough Local Plan.

Advice received from the Department for Communities and Local Government is that, before the neighbourhood plan has been through referendum and brought in to force, any weight it could carry in the determination of a planning application remains a matter for the decision maker .

Relevant regulations - Neighbourhood Planning Regulations, para 19 – 20.

How might a neighbourhood plan look?

There is no set form that a neighbourhood plan must take. It can be comprehensive or focused on one or two issues only. It could be detailed, or simply set general principles to guide new development. This will depend on the wishes of the local community. It will also be influenced by the scope of existing policy in the Local Plan.

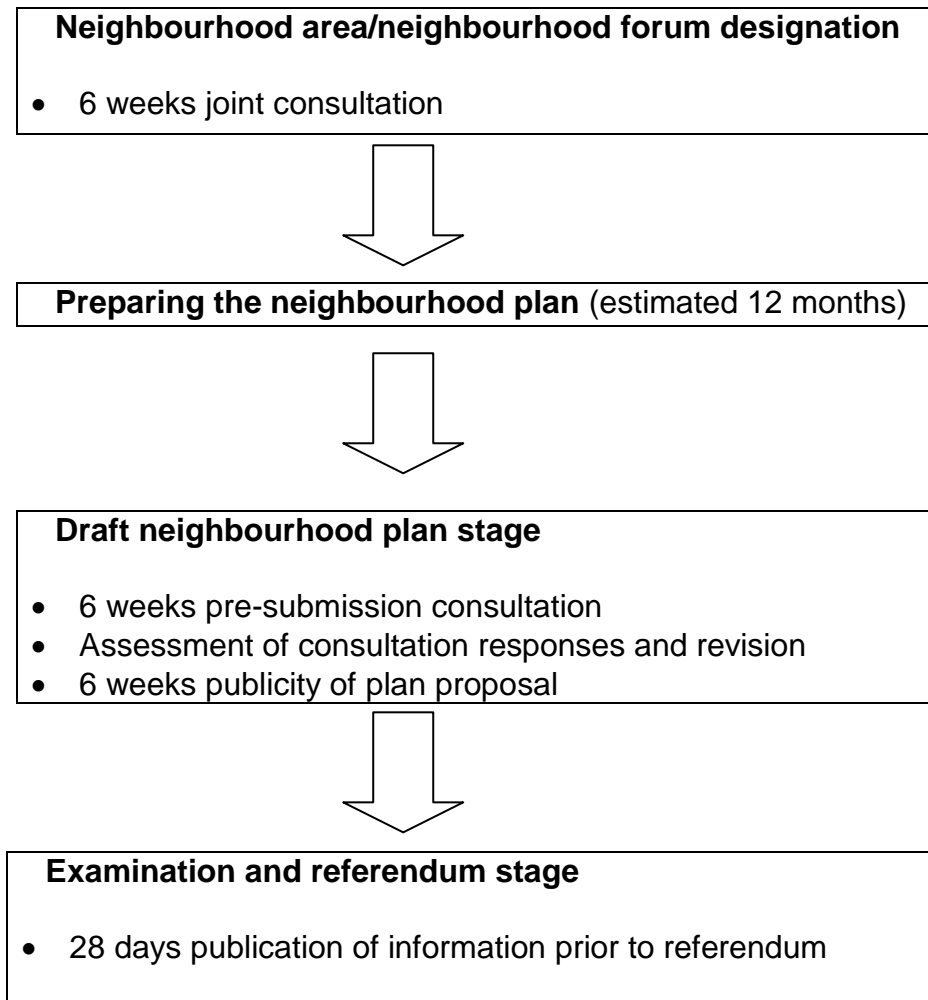
The following are some examples of different styles that a neighbourhood plan can take, with frontrunner examples that you can research:

- **Policies:** Plans can cover a single policy theme such as housing, or multiple policy themes. For examples see the Upper Eden Neighbourhood Development Plan, and the Exeter St James Neighbourhood Plan.
- **Allocations:** Plans may allocate sites for development for housing, employment and other uses, in line with the strategic policies in the Borough Local Plan.

- **Policies and Allocations:** Plans can contain both coverage of policy issues and allocation of development sites.

Indicative timescales

Neighbourhood plans can take different forms with varying approaches and levels of detail, and therefore some may take longer than others to produce. However based on the experiences of neighbourhood plans elsewhere, the diagram below gives an indication of how long the four stages in the process described above are expected to take.



Glossary

EVIDENCE BASE –The evidence upon which a development plan is based, principally the background facts and statistics about an area, and the views of stakeholders.

INDEPENDENT EXAMINATION – An examination of a proposed neighbourhood plan, carried out by an independent person, set up to consider whether a neighbourhood plan meets the basic conditions required.

NATIONAL PLANNING POLICY FRAMEWORK – The government policy document adopted in March 2012 intended to make national planning policy and guidance less complex and more accessible. The National Planning Policy Framework introduces a presumption in favour of sustainable development. It gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

NEIGHBOURHOOD AREA – The local area in which a neighbourhood plan or neighbourhood development order can be introduced.

NEIGHBOURHOOD DEVELOPMENT ORDER – An order introduced by a parish or town council, or a neighbourhood forum, as part of the neighbourhood planning process, which grants planning permission for a specific development or type of development that will fulfil the vision and policies of the neighbourhood plan for the neighbourhood area.

POLICY – A concise statement of the principles that a particular kind of development proposal should satisfy in order to obtain planning permission.

QUALIFYING BODY – A town or parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development order or neighbourhood plan to act in relation to a neighbourhood area.

REFERENDUM – A vote by the eligible population of an electoral area may decide on a matter of public policy. Neighbourhood plans and neighbourhood development orders are made by a referendum of the eligible voters within a neighbourhood area.

STRATEGIC ENVIRONMENTAL IMPACT ASSESSMENT – Environmental assessment as applied to policies, plans and programmes. Has been in place since the European Strategic Environmental Assessment directive (2001/42/EC).

Source:

Locality, Neighbourhood Plans Roadmap Guide

<http://locality.org.uk/resources/neighbourhood-planning-roadmap-guide/>