

Neighbourhood Planning Toolkit

Designation of a Neighbourhood Area

The neighbourhood plan will only be used to assess planning applications where proposed development lies within a designated neighbourhood area, therefore, the parish will have to submit an application for an area to the local planning authority, Dover District Council, for formal consideration and designation. This is the first stage of producing a neighbourhood plan.

In most circumstances a neighbourhood area shares the same administrative boundaries as the qualifying parish. However the parish can choose to cover a smaller, more focused area or adjacent parishes may agree to work in partnership to produce a joint plan, just as long as the identified neighbourhood area is justified with a statement explaining why the area is appropriate. This statement should include any techniques, criteria or discussions to demonstrate evidence to support the selection of the neighbourhood area, accompanied with a map identifying the area and a statement referring to the capability of the parish as the qualifying body.

Upon receiving an application for a neighbourhood area, Dover District Council will publicise it and once a 6-week consultation period has ended, Dover District Council will publicise its decision. Unless there are clear planning reasons explaining why the area isn't considered suitable, like the inclusion of significantly important economic or environmental infrastructure, Dover District Council should approve the neighbourhood area. If Dover District Council considers an area is wholly or predominantly business-led, it should be designated as a Business Area.

Constructing a Draft Plan

The plan needs to be based on a broad consensus among the community therefore wide community engagement is particularly important. In order to make the process as open, transparent and democratic as possible the aim should be to inform everyone in the community and relevant stakeholders, and ensure everyone has the opportunity to participate by publicising the plan and organising stakeholder events.

When constructing a plan the qualifying body will need to:

- Prepare an evidence base. To create visions, objectives and planning policies which will affect the profile of a neighbourhood, auditing and other forms of data collecting needs collating to establish the current profile of the neighbourhood. By identifying the strengths, weaknesses, opportunities and threats of the neighbourhood, this will inform issues to be addressed by the neighbourhood plan.
- Draft the vision and objectives for the area. Outline the aspirations for the area over the life of the plan, or in a period to coincide with the Core Strategy/Local Plan, considering challenges to be addressed.
- Focus the objectives and explain how the plan will achieve these through planning policies. When a neighbourhood plan is brought into force, development proposals will be determined in accordance with neighbourhood plan policies. These policies should enable the delivery of the neighbourhood objectives and can be supported by more detailed

guidance for example on design and layout of housing to help inform decision making in-line with neighbourhood plan policies. Policies can be generic and/ or allocate specific sites for development and safeguarding and specify specific requirements in relation to sites. These policies must comply with Local Plans and national planning guidance.

- Consult widely with the community on the draft plan. Community engagement will ensure better understanding of the neighbourhood, garner support, produce better outcomes and meet statutory requirements for consultation. If the plan is produced without an open and engaging consultation it may cause conflict later in the planning process and may fail statutory requirements.
- Consider whether the plan should be accompanied by additional studies. On-going discussions and engagement with Dover District Council should inform the parish if the neighbourhood plan needs to be accompanied with additional documents. The final draft plan will need to be accompanied by a sustainability appraisal report.

It may be helpful to draw up an action plan for preparing a neighbourhood plan which identifies key stages, actions and an indicative timetable. It could identify available resources and likely costs, determine specific responsibilities for co-ordinating different aspects of the process and identify risks to the project alongside actions to mitigate them.

Submission & Independent Examination

A formal consultation period of 6-weeks is required prior of submission on the Neighbourhood Plan and the accompanying Sustainability Appraisal. This will involve publication in a manner which informs local people and local businesses including details on the plan, where it can be viewed, how to make comments and the deadline of the consultation period. There are statutory consultation bodies such as Kent County Council and the Environment Agency which will need consulting but it is advisable to consult with neighbouring local and parish councils, significant landowners, local businesses and community organisations and the wider public. Once the consultation period has closed a brief report should be produced summarising received comments and any modifications to the plan as a result.

Following amendments from the formal consultation period the plan can be submitted to Dover District Council for checking legal compliance. Submittal of the plan will need accompanying by a plan showing the Neighbourhood Area, a statement explaining how the plan is legally compliant and a consultation statement detailing the processes and outcomes of the formal 6-week consultation period. When Dover District Council is satisfied with its checks they will formally publicise the plan for at least 6-weeks allowing local people and local businesses within the Neighbourhood Area to submit further comments to Dover District Council who will pass them onto the independent examiner.

The independent examiner will be appointed by Dover District Council and agreed with the qualifying body. The examiner must be appropriately qualified and experienced, commonly a planning inspector. The examination is conducted by written representations including comments made during the consultation period but if necessary a public hearing may be held to examine an

issue in more depth or ensure fairness. The examiner will only consider if the plan meets basic conditions set out by law which are:

- Appropriate regard to national policy;
- Contribution to achieving sustainable development;
- General conformity with the Local Plans strategic policies;
- Compatible with human rights requirements, and;
- Compatible with EU obligations (the examiner may request further information if they think the plan may transgress European directives).

Once the examination is over the examiner will issue a report to Dover District Council and the qualifying body either recommending progression to a referendum, possibly subject to alterations, or the plan should not progress to referendum explaining the reasons why the plan fails to meet the basic conditions. If the recommendation is that the plan should proceed to a referendum, the examiner is required to give advice on the referendum area and may include people outside the boundary of the Neighbourhood Area.

Referendum

Once the examiner has given recommendation for the plan to proceed to a referendum, Dover District Council will organise a referendum. 28 working days before the referendum date, Dover District Council will publish information about the Neighbourhood Plan and 25 working days before the referendum date, they will give notice a referendum is taking place and give the date of the poll.

The question asked at the poll is:

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

If more than 50% of votes are in favour of the Neighbourhood Plan, Dover District Council will bring it into force.

In the case of a Business Area, two separate referendums will be held: the first for residents and the second for non-domestic rate paying businesses. Each business will have one vote. The referendums will be considered separately and if the results conflict e.g. businesses vote in favour but residents vote against, Dover District Council will decide whether to bring it into force.

Bringing into force & Monitoring

Once a Neighbourhood Plan is brought into force, it forms part of Dover District Councils statutory Local Plans. As a result, development proposals located within the Neighbourhood Area will be determined in accordance with the Neighbourhood Plan, unless material considerations indicate otherwise.

Once a plan is brought into force it would be helpful to monitor its progress in delivering the communities objectives with elements of the plan requiring active interventions from the

community, councils, and other organisations and stakeholders. The Neighbourhood Plan may require modifications within its lifespan because of changes to the basic conditions e.g. changes to national policy, so reviews of the plan would help keep it up-to-date.