



Basildon Borough Council

Neighbourhood Planning Support Policy

October 2020

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1. Executive Summary

The neighbourhood planning regime was introduced by the Localism Act 2011 (amending the Town and Country Planning Act 1990) as a tool for local people and businesses to better guide the development and future of the places where they live or trade.

Neighbourhood planning is not a legal requirement; but it is a right which communities can choose to use. The decision to prepare a Neighbourhood Development Plan or Neighbourhood Development Order is one that only a Local Council (including Town, Parish and Village Councils) or a community group or organisation proposing to form a Neighbourhood Forum can make. Basildon Borough Council is not involved in this plan making process, however they are legally obliged as the local planning authority to provide support to these bodies through the statutory stages of neighbourhood planning.

Basildon Borough Council has prepared this Support Policy to manage expectations and to provide clarity on the level of 'advice and assistance' the Council will provide to Local Councils and Neighbourhood Forums at the various stages of the neighbourhood planning process. This is in addition to the decision-making responsibilities set out in legislation that the Council is required to undertake.

2. Introduction

Neighbourhood planning provides a powerful set of tools for local people and businesses to shape the development and growth of their local area. They are able to choose where new homes, shops and offices should be built, have their say on what infrastructure should be provided, and grant planning permission for new buildings they want in their area.

Basildon Borough Council, as a local planning authority, has a statutory duty to assist Local Councils and communities in the preparation of Neighbourhood Development Plans (NDPs) and Neighbourhood Development Orders (NDOs) and to take them through a process of examination and referendum.

To manage expectations and to ensure that the Council supports all Local Councils and communities proposing to produce NDPs and NDOs in a fair and equitable way, the Council has produced this Neighbourhood Planning Support Policy.

3. Outcomes and Priorities

The following high level, strategic goal of the Support Policy has been identified along with the key priority for achieving that goal.

Outcome: Basildon Borough Council, as the local planning authority, fulfills its statutory responsibilities for neighbourhood planning under the Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004 (as amended), and in accordance with the National Planning Policy Framework and the Planning Practice Guidance.

Priority: The Council will provide advice and assistance to Local Councils and designated Neighbourhood Forums in the preparation of neighbourhood development plans and orders.

Council Promises

The following table identifies how this Support Policy contributes to the delivery of the three corporate promises.

Corporate Promises	Levels of Impact			
	High	Medium	Low	None
Strong, safe and healthy communities with access to quality homes	✓			

Vibrant town centres and a thriving economy for everyone			✓	
Enhanced local environment and increased pride in our borough	✓			

4. Context

The neighbourhood planning regime was introduced by the Localism Act 2011 (amending the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004) as a way for local people and businesses to better guide the development and future of the places where they live or trade. Neighbourhood planning is not a legal requirement, but it is a right which Local Councils and local communities can choose to undertake, should they wish to.

Who can produce a neighbourhood development plan or neighbourhood development order?

In August 2012, Local Councils (including Town, Parish and Village Councils) and new unelected ‘Neighbourhood Forums’ were given powers to prepare NDPs and NDOs in the Neighbourhood Planning (General) Regulations 2012.

In areas without a Local Council, local people and businesses will need to decide which organisation or group should produce the NDP or NDO. The organisation or group will need to apply to the local planning authority, in this case Basildon Borough Council, to be designated as a ‘Neighbourhood Forum’. Those making an application will need to demonstrate that they have met certain conditions set out in the relevant legislation, such as having a written constitution and having a membership at least 21 individuals who work, live and/or are elected members for the local authority in the neighbourhood area.

In neighbourhood areas which include part or all of the administrative area of a town, village or parish council, the Local Council is the only organisation responsible for neighbourhood planning. However, Local Councils should work with other members of the community who are interested in, and affected by, the NDP or NDO.

Basildon Borough Council cannot produce an NDP or NDO. Instead, it is the Council’s role to provide support to Local Councils or Neighbourhood Forums and guide them through the statutory stages of neighbourhood planning.

Differences between Neighbourhood Development Plans and Neighbourhood Development Orders

A NDP establishes general planning policies for the development and use of land in a defined neighbourhood area. This can be the same as a parished area where one exists, but does not have to be. The NDP should support strategic development needs set out

in the area's corresponding Local Plan and plan positively to support local development. If successful at independent examination and referendum, the NDP will become part of the statutory Development Plan once it has been 'made' (brought into legal force) by the local planning authority, and it will be used to determine planning applications in its area.

A NDO can directly grant planning permission for specific types of development within a defined neighbourhood area. Permission could be full or outline and could have conditions attached. NDOs can be site specific, or grant more generalised development rights across the neighbourhood area. Where a neighbourhood development plan has made it clear that it wants to encourage development of a particular type, it will be easier for that development to go ahead if a NDO is in place; effectively transferring the decision-making power from the local planning authority to the NDO.

Relationship with Local Plans

NDPs are not an alternative to Local Plans. Local planning authorities must continue to prepare Local Plans that set the strategic context for development within the wider administrative area, where in different parts, the neighbourhood planning regime could also operate.

Neighbourhood plans are expected to support the delivery of strategic policies contained in the Local Plan or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

Aim of the Neighbourhood Planning Support Policy

Basildon Borough Council has prepared a Support Policy to manage the Council's legal obligations (Town and Country Planning Act 1990 (as amended)) to Local Councils and Neighbourhood Forums, in respect of supporting them through the neighbourhood planning process.

The Support Policy provides clarity on the level of 'advice and assistance' the Council will provide to Local Councils and Neighbourhood Forums at the various stages of preparing NDPs or NDOs. It does not change or otherwise affect the decision-making responsibilities set out in legislation that the Council must undertake.

Stages of Neighbourhood Planning

The stages for neighbourhood planning, as identified from the Neighbourhood Planning (General) Regulations 2012 and Planning Practice Guidance, are as follows:

Stage 1: Designating a Neighbourhood Area and if appropriate, a Neighbourhood Forum:

The first stage of preparing a NDP or NDO is to designate the neighbourhood area. The neighbourhood area is chosen by the Local Council or a group suitable of becoming a designated Neighbourhood Forum and must be submitted as an application to the local

planning authority. The local planning authority will then publicise the area application that has been made and determine whether to designate the area.

In areas where there is no Local Council, and there is the desire to prepare a NDP or NDO, a Neighbourhood Forum must be formed to lead and co-ordinate the plan-making process. The Neighbourhood Forum must meet certain conditions and submit a neighbourhood forum application to the local planning authority. The local planning authority will then publicise the application that has been made and determine whether to designate the group as a Neighbourhood Forum.

Stage 2: Preparing a draft Neighbourhood Development Plan or Order:

The Local Council or Neighbourhood Forum should engage with those living and working in the neighbourhood area and those with an interest in, or affected by, the proposals and develop a draft NDP or NDO. The preparation of the draft NDP or NDO should include gathering evidence, identifying and assessing options, and considering whether the NDP or NDO is likely to have any significant environmental effects.

Stage 3: Pre-Submission Publicity and Consultation

Once the draft NDP or NDO has been prepared by the Local Council or Neighbourhood Forum they must publicise it and invite representations as part of a consultation. Consultation responses should be duly considered and the draft NDP or NDO amended as appropriate, and a consultation statement or other proposals documents prepared.

Stage 4: Submission of the draft Neighbourhood Development Plan or Order:

Once the Local Council or Neighbourhood Forum has carried out a pre-submission consultation on the draft NDP or NDO and made any necessary changes it must submit the draft NDP or NDO to the local planning authority.

The local planning authority will check that the draft NDP or NDO meets the legal requirements and the 'basic conditions'. If it does, the local planning authority will then publicise the draft NDP or NDO and appoint an independent Examiner.

Stage 5: Independent Examination:

The local planning authority will submit the draft plan or order to the independent Examiner and arrange the examination. The independent examiner will consider whether the draft NDP or NDO meets the 'basic conditions' and other legislative requirements. They will make recommendations on whether any modifications should be made and whether the draft NDP or NDO should proceed to the referendum stage.

Stage 6: Referendum:

If the draft NDP or NDO is found to be satisfactory, with modifications as necessary, then a referendum will be arranged by the local planning authority¹. More than 50 per cent of the voters would need to vote in favour of the draft NDP or NDO in the referendum for it to proceed to the next stage.

Stage 7: Making the neighbourhood development plan or order (bringing it into force):

Subject to the results of the referendum the local planning authority must consider the NDP or NDO in relation to EU obligations and Convention rights. If it is compatible with EU obligations and doesn't breach Conventions rights, the local planning authority will bring the NDP or NDO into legal force and it will then form part of the statutory Development Plan for its area.

5. Support Policy Statement

The Council will provide the following specific support to Local Councils and Neighbourhood Forums at the various stages of the neighbourhood planning process, in addition to its statutory requirements:

General support (applicable during the neighbourhood planning process):

- *Offer a briefing session on neighbourhood planning to Local Councils, or members of the community who are interested in forming a Neighbourhood Forum;*
- *Provide contact details of key officers in the Council dealing with Neighbourhood Planning;*
- *Provide information relating to funding, resources and skills required;*
- *Allocate a dedicated officer to each Neighbourhood Area to maintain continued dialogue; and*
- *Provide advice on project plans prepared by the Local Council or Neighbourhood Forum.*

Stage 1: Designating a Neighbourhood Area or Designating a Neighbourhood Forum (applicable only in non-parished areas):

- *Set up and maintain a Neighbourhood Planning area/page on the Council's website;*
- *Advise on member requirements and governance arrangements.*

¹ All neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are postponed in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 until 6 May 2021. These provisions will be kept under review and may be amended or revoked in response to changing circumstances.

Stage 2: Preparing a draft neighbourhood development plan or order:

- Provide details and electronic copies of existing and emerging local planning policy;
- Provide electronic maps of Neighbourhood Area and relevant planning designations;
- Provide electronic copies of any existing relevant evidence base;
- Provide advice on the regulations and legislation;
- Advise what needs to be produced in order to comply with EU obligations
- Have a screening opinion process in place in relation to the Strategic Environmental Assessment Directive and advise on a Scoping Report where required;
- Provide links to useful guidance, websites and forums;
- Advise of necessary consultees; and
- Provide advice to ensure the draft plan or order complies with the Equality Act 2010.

Stage 3: Pre-Submission Publicity and Consultation

- Provide advice on the statutory consultation process/consultees;
- Provide advice on suitability of the plan in meeting the 'basic conditions'.

Stage 4: Submission of the draft neighbourhood development plan or order:

- Ensure that the submitted plan complies with all relevant legislation.

Stage 5: Independent Examination:

- Undertake final checks for legal compliance
- Supply Programme Officer for Examination

Stage 6: Referendum:

- Allocate a Project Officer for electoral services
- Verify the selection of the electoral base with the Local Council or Neighbourhood Forum

Stage 7: Making the neighbourhood development plan or order (bringing it into force):

- N/A

Basildon Borough Council will keep under review the level of advice and assistance it is able to offer to Local Councils and Neighbourhood Forums preparing neighbourhood

development plans or orders. This is to ensure that the Council's resources are fairly and equitably discharged should the demand for support from the Council increase significantly.

Additional support to Local Councils and Neighbourhood Forums, beyond what is specified above, may be available subject to resources. Requests should be submitted in writing to the Council, via the dedicated officer for the Neighbourhood Area.

Monday to Friday
10am to 5pm



Basildon Council
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