NEIGHBOURHOOD PLANNING ENGLAND

Introduction

1) The legislation which governs the planning system provides different opportunities for land owners/occupiers, the public and parish councils to be involved before a local planning authority makes decisions about planning applications and more generally about the development in its area. In practice, the planning system is not easily accessible to the public, leaving a local community to have little involvement in how its area is developed.

2) Chapter 3 of the Localism Act 2011 ('the 2011 Act'), amended the Town and Country Planning Act 1990 ('the 1990 Act') and the Planning and Compulsory Purchase Act 2004 ('the 2004 Act') to introduced a new right for a local community to shape the development permitted in a particular 'neighbourhood' area. The new right is known as 'neighbourhood planning'. Neighbourhood planning can result in the establishment of a neighbourhood development plan (NDP) or a neighbourhood development order (NDO). A NDP will form part of the local planning authority's statutory development plan to which planning applications are subject. A NDO grants planning permission for development specified in the order, or for development of any class specified in the order. A NDO or NDP will only be made they are in general conformity with the planning authority's local development plan, is subject to an independent examination and a referendum in which more than 50% of those who vote are in favour.

3) If an area has a parish council, the 1990 Act provides for the parish council to take the lead role in neighbourhood planning. In areas which have no parish council, the 1990 Act provides for a 'neighbourhood forum', representing those living or working in an area to take a lead role in the neighbourhood planning. The 1990 Act provides a body is a neighbourhood forum if the planning authority is satisfied that the forum meets certain conditions. These include that the forum has a written constitution and that it was established for the purpose of promoting or improving the social, economic and environmental wellbeing of the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions

or other businesses in the area) and that its membership must include a minimum of 21 individuals each of whom live or work there (whether for a business carried on there or otherwise), or who is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned.

4) The amended 1990 Act and the Neighbourhood Planning (General) Regulations 2012/637 ('the 2012 Regulations') which came into force on 6 April 2012 set out the process which may result in the making of a NDO and NDP. This note explains the neighbourhood planning from the perspective of a parished area in which the parish council is the statutory body which takes the lead role.

5) There are six basic steps to Neighbourhood planning.
   a) Neighbourhood area is identified and designated.
   b) Parish Council prepares a draft plan or order.
   c) Local planning authority checks plan/order for conformity with the basic procedural requirements.
   d) Independent Check of draft plan/order takes place including, possibly, a hearing for oral evidence. This ensures the plan/order has regard to national policies and is in general conformity with strategic policies in the local development framework. It also checks that the plan or order would not breach EU obligations.
   e) The local planning authority decides what action to take in the light of the recommendations of the Independent Check. If the basic conditions are satisfied, a referendum must be held.
   f) A local referendum is held. If 50% of those who vote are in favour, the planning authority must make the plan or order unless such action would breach EU obligations or the European Convention on Human Rights.

Outcomes from Neighbourhood Planning

6) Using a NDP a community can, through the parish council, identify areas where it would find development acceptable or welcome together with controlling the type of development to take place there. Once made, the NDP becomes part of the local planning authority's local development plan which informs and controls the local planning authority's decisions.

7) A neighbourhood development plan—
   a) must specify the period for which it is to have effect,
   b) must not include provision about development that is excluded development (see paragraph 23 below), and

c) must not relate to more than one neighbourhood area.

8) Only one neighbourhood development plan may be made for each neighbourhood area.

9) A NDO is an extremely forceful way for a community, through the parish council, to control development in its area. Under a NDO the community can grant planning permission for new buildings they want to see go ahead. A NDO may allow, for example, new homes and offices to be built without the developers having to apply for separate planning permission.

10) S. 61J(1) of the 1990 Act provides that a NDO may relate to -
   a) all land in the neighbourhood area specified in the order,
   b) any part of that land, or
   c) a site in that area specified in the order.

11) Pursuant to s. 61J(4) a NDO may not grant planning permission for any development in any particular case where planning permission is already granted for that development in that case and it may not relate to more than one neighbourhood area.

12) Under s. 61L(1) Planning permission granted by a neighbourhood development order may be granted —
   a) unconditionally; or
   b) subject to such conditions or limitations as are specified in the order.

   The conditions that may be specified include—
   c) obtaining the approval of the local planning authority who made the order but not of anyone else; and
   d) provision specifying the period within which applications must be made to a local planning authority for the approval of the authority of any matter specified in the order.

13) Under s. 38B(1)(b) of the Planning and Compulsory Purchase Act 2004 (for a NDP) and s. 61J(2) of the 1990 Act (for a NDO) it may not grant planning permission for any development that –
   a) consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1 of the 1990 Act (mineral working);

b) consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description;
c) falls within Annex 1 to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (heavy industry, asbestos, etc.);
d) consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008),
e) is prescribed development or development of a prescribed description, or
f) is development in a prescribed area or an area of a prescribed description.

To date no developments or areas have been prescribed under (e) or (f) above.

How Should Parish Councils Approach NDPs and NDOs?

14) The first thing to remember is that the Government and local planning authorities expect a Neighbourhood Development Plan or Neighbourhood Development Order to provide for some development. A NDP or NDO which effectively seeks to exclude any development in the area is very unlikely to be accepted. Similarly any development proposed should be sustainable in the long term. The Government state "The purpose of planning is to help achieve sustainable development. *Sustainable* means ensuring that better lives for ourselves don't mean worse lives for future generations. *Development* means growth." All proposals for NDPs and NDOs will be judged against this background.

15) The start point for any NDP or NDO should be the National Planning Policy Framework (see NALC Legal Briefing L07-12). This 65 page document sets out the Government's planning policies for England and how these are expected to be applied. It was published by the Department for Communities and Local Government in March 2012 and can be found at the following link: National Planning Policy Framework

16) In practice a parish council is likely to need expert assistance in putting together a proposal that meets all the requirements. Consideration should be given at a very early stage to employing a planning consultant. Details of planning consultants can be obtained from the Royal Town Planning Institute (RTPI) at the following link: Planning Consultants

17) Although the proposal will be put forward by the parish council it will be done on behalf of the community at large and it is important that the wider community is involved in all

stages of the process. The final official stage will be a referendum that has to obtain approval from at least 50% of the votes cast. Communication with and support from local residents and businesses throughout the process is vital.

18) Similarly the proposal has to be realistic in its aims and engaging with a range of possible developers throughout the process will help to ensure this. However, the planning consultant (if one is appointed) should be an independent expert advisor who will be able to demystify the policy and process for both the parish council and the community without the proposal being skewed to the desires of a particular developer.

Designating an area for neighbourhood planning

19) S. 61F(1) of the 1990 Act confirms that a parish council is a "relevant body" qualified to apply to the local planning authority to designate an area as a 'neighbourhood' area. In any such application, the area may include the whole or any part of the area of the parish council. Pursuant to S. 61F(2), if the area which is the subject of an application includes the whole or any part of the area of another parish council, the parish council's application can only proceed if the other parish council have given their consent. Pursuant to s. 61F(4), if a neighbourhood forum makes an application to the planning authority to designate an area as a neighbourhood, such application cannot relate to the whole or any part of the area of a parish council.

20) Article 5 of the 2012 Regulations confirms that when a parish council submits an application to the local planning authority to designate an area as a neighbourhood it must include—
   a) a statement to confirm it is the parish council for the area (which if the area includes all or part of an area of another parish council will include that other council's consent);
   b) a map which identifies the area to which the area application relates; and
   c) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area.

21) In accordance with Article 6, as soon as possible after receiving a parish council's application for designation of an area, the local planning authority must publicise on their website and in such other manner as it considers is likely to bring the application to the attention of people who live, work or carry on business in the area to which the application relates—
   a) a copy of the area application;

b) details of how to make representations; and
c) the date by which those representations must be received, being not less than 6 weeks from the date on which the area application is first publicised.

22) Pursuant to s. 61G(4) of the 1990 Act, in determining the parish council's application, the planning authority must have regard to—
a) the desirability of designating the whole of the area of a parish council as a neighbourhood area, and
b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.

23) Under s. 61G(5) if the local planning authority refuse the application and decide that the area specified in the application is not suitable to be designated as a neighbourhood area then they must arrange for some or all of that area to be included in another designated (or to be designated) neighbourhood area.

24) Under s. 61G(7) the areas designated as neighbourhood areas by the planning authority must not overlap with each other. Pursuant to s. 61G(6), the planning authority may, in determining any application, modify designations already made; but if a modification relates to the area of a parish council, the modification may be made only with the council's consent.

25) Article 7(1) of the 2012 Regulations requires a local planning authority to publish on their website (and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area) —
a) the name of the neighbourhood area;
b) a map which identifies the area; and
c) the name of the parish council which applied for the designation.

26) Pursuant to s. 61G(9) of the 1990 Act, if the planning authority refuses the parish council's application, it must give reasons for refusing. Under Article 7(2) of the 2012 Regulations, the planning authority must publish on their website (and in such other manner as they consider is likely to bring the refusal to the attention of people who live, work or carry on business in the neighbourhood area) -
a) a document setting out the decision and a statement of their reasons; and
b) details of where and when that document can be inspected.

27) Under s. 61H(1) of the 1990 Act whenever a local planning authority designates (or modifies the designation of) a neighbourhood area, it must consider whether it should designate the area concerned as a business area. This designation as a business area can only be made if the planning authority considers that the area is wholly or predominantly business in nature.

28) S.61G(8) of the 1990 Act requires a local planning authority to publish a map setting out the areas that are for the time being designated as neighbourhood areas. The map must state which neighbourhood areas (if any) are designated as business areas.

Procedure for a Neighbourhood Development Plan (NDP) or a Neighbourhood Development Order (NDO).

29) The procedures for the making of a NDP or a NDO are very similar except for the consultees. The procedure for making an NDO is set out in the 1990 Act. S. 38(1) of the 2004 Act applies most of that procedure to the making of an NDP. The detailed procedure for an NDP is found in Articles 14 to 20 of the 2012 Regulations and that for an NDO is found in Articles 21 to 27 of those Regulations. The procedure is as follows.

Submitting a proposal

30) The 2012 Regulations require that before submitting a NDP or NDO proposal to the local planning authority, the parish council must—

a) publicise in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area—
details of the proposals;
   i) details of where and when the proposals may be inspected;
   ii) details of how to make representations; and
   iii) the date by which those representations must be received, being not less than 6 weeks from the date on which details of the proposals are first publicised;

b) consult with the appropriate bodies (see Annex 1); and

c) send a copy of the proposals for a NDP or NDO to the local planning authority.

31) When a NDP or a NDO proposal is submitted to the local planning authority it must include—

a) a map which identifies the land to which the order proposal relates;

b) a “consultation statement” (which means a document which—
   i) contains details of the persons and bodies who were consulted about the proposal;

ii) explains how they were consulted;
iii) summarises the main issues and concerns raised by the persons consulted; and
iv) describes how these issues and concerns have been considered and, where relevant, addressed in the proposal)

c) the proposed NDP or NDO;
d) a statement explaining how the proposed neighbourhood development order meets the basic conditions in paragraph 8 of Schedule 4B to the 1990 Act; and
e) in respect of an NDO only an archaeological statement (where the parish Council considers it appropriate) defined in Annex 2.

Action by the Local Planning Authority (LPA).

32) Under s. 61O of the 1990 Act a local planning authority must have regard to any guidance issued by the Secretary of State in the exercise of any function under any provision relating to neighbourhood development orders.

33) As soon as possible after receiving a NDP or NDO proposal which includes each of the documents referred to above, the local planning authority must—
a) publicise on their website and in such other manner they consider is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area—
i) details of the proposal;
ii) details of where and when the proposal may be inspected;
iii) details of how to make representations;
iv) a statement that any representations may include a request to be notified of the local planning authority's decision; and
v) the date by which those representations must be received, being not less than 6 weeks from the date on which the proposal is first publicised; and
vi) notify any consultation body which is referred to in the consultation statement submitted in accordance with the Regulations that the order proposal has been received.

34) In respect of an NDO only, where the LPA adopts a screening opinion (or the Secretary of State makes a screening direction) that the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location, then as soon as possible after receiving the NDO proposal the LPA must publicise the information described in paragraph 33(a) above and the environmental statement

submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 by giving notice—

a) by site display in at least one place on or near the land to which the order proposal relates for not less than 21 days; and
b) by publication of the notice in a newspaper circulating in the locality in which the land to which the order proposal relates is situated.

Independent Examination.

35) Under paragraph 7 of schedule 4B of the 1990 Act, if the LPA is satisfied that the NDO or NDP proposal complies with the basic requirements above then it must submit the proposal for independent examination.

36) The LPA may appoint a person to carry out the examination, but only if the parish council consents to the appointment. If no appointment is then made by the LPA then the Secretary of State may make an appointment.

37) The person appointed must be someone who, in the opinion of the person making the appointment—

a) is independent of the parish council and the LPA,
b) does not have an interest in any land that may be affected by the proposal, and
c) has appropriate qualifications and experience.

38) The Secretary of State or another local planning authority may enter into arrangements with the LPA for the provision of the services of any of their employees as examiners to include requiring payments to be made to the Secretary of State or other planning authority.

39) Under paragraph 8 of schedule 4B of the 1990 Act the examiner must consider if it is appropriate to make the NDP or NDO:

a) having regard to national policies and advice contained in guidance issued by the Secretary of State;
b) having special regard to the desirability of preserving any listed building in the relevant area or its setting or any features of special architectural or historic interest that it possesses; and
c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area,
d) and that the making of the NDP or NDO:
    i) contributes to the achievement of sustainable development,

ii) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

iii) does not breach, and is otherwise incompatible with, EU obligations, and

40) all prescribed conditions are met in relation to the NDP or NDO and prescribed matters have been complied with in connection with the proposal.

41) Paragraph 9 of schedule 4B of the 1990 Act states that the general rule is that the examination of the issues by the examiner is to take the form of the consideration of written representations. But the examiner must hold a public hearing to hear oral representations about a particular issue:

a) in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue or to ensure that a person has a fair chance to put a case, or

b) in such other cases as may be prescribed.

42) If a hearing is held the following persons are entitled to make oral representations:

a) the parish council,

b) the local planning authority,

c) where the hearing is held to give a person a fair chance to put a case, that person, and

d) such other persons as may be prescribed.

43) It is for the examiner to decide how the hearing is to be conducted, including:

a) whether a person making oral representations may be questioned by another person and, if so, the matters to which the questioning may relate, and

b) the amount of time for the making of a person's oral representations or for any questioning by another person.

44) As soon as possible after the appointment of a person to carry out an examination under paragraph 7 of Schedule 4B to the 1990 Act, a local planning authority must send the following to the person appointed—

a) the proposal;

b) the documents submitted to the LPA (see paragraph 26 above);

c) any environmental statement submitted;

d) if the proposal is one to which the Conservation of Habitats and Species

45) Regulations 2010 applies (significant effect on a European site or a European offshore marine site), the information submitted in accordance with those Regulations;

46) any other document submitted to the local planning authority by the qualifying body in relation to the proposal; and

47) a copy of any representations which have been made to the local planning authority.

Referendum

48) The detailed arrangements to be made by a principal authority for a referendum are set out in *The Neighbourhood Planning (Referendums) Regulations 2012 ("the Referendum Regulations").* The following sets out the general procedure to be followed by the principal authority in conducting the Referendum for a NDP or NDO.

49) Schedule 1 of the Referendum Regulations specifies the question to be asked in a Referendum:
    a) in respect of a NDP:
    b) Do you want [*insert name of local planning authority*] to use the neighbourhood plan for [*insert name of neighbourhood area*] to help it decide planning applications in the neighbourhood area?
    c) In respect of a NDO
    d) Do you want the type of development in the neighbourhood development order for [*insert name of neighbourhood area*] to have planning permission?

50) Regulation 4 of the Referendum Regulations requires that no less than 28 days (ignoring a Saturday or Sunday, Christmas Eve, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England, and any day appointed as a day of public thanksgiving or mourning in England) before the date on which the referendum will be held, the proper officer of the principal authority must ensure the information statement and the specified documents are:
    a) published on its website; and
    b) made available during the referendum period for inspection—
        i) at its principal offices; and
        ii) where the principal authority controls any premises which are open to the public in the referendum area, at such of those premises as the authority considers appropriate having regard to the desirability of ensuring a geographical distribution of premises where the statement and documents are made available, provided that in all cases they are available at least at

one such premises. The information statement and the specified documents published must, as far as reasonably practicable, remain available throughout the referendum period in the form in which they were originally published.

c) The information statement must specify:
   i) that a referendum will be held;
   ii) the date on which the referendum will be held;
   iii) the question to be asked in the referendum;
   iv) a map of the referendum area;
   v) where the referendum area is not identical to the neighbourhood area, a map of the neighbourhood area;
   vi) a description of persons entitled to vote in the referendum;
   vii) the referendum expenses limit that will apply in relation to the referendum and the number of persons entitled to vote by reference to which that limit has been calculated;
   viii) that the referendum will be conducted in accordance with procedures similar to those used at local government elections; and
   ix) the address and times at which a copy of the specified documents can be inspected.

d) The specified documents are:
   i) the draft neighbourhood plan or neighbourhood development order;
   ii) the report made by the independent examiner;
   iii) a summary of any representations submitted to the independent examiner
   iv) a statement that the draft NDP or NDO satisfies the local planning authority that it meets the basic conditions; and
   v) a statement that sets out general information as to town and country planning (including neighbourhood planning) and the referendum, which is prepared having regard to any guidance issued by the Secretary of State.

Making or Refusing of a NDP or NDO.

51) Where a local planning authority decides—
   a) to decline to consider a proposal under paragraph 5 of Schedule 4B to the 1990 Act (repeat proposal);
   b) to refuse a proposal under paragraph 6 of Schedule 4B to the 1990 Act (correct procedure not followed);

c) what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (examiner's recommendations to refuse, accept or amend a proposal);
d) what modifications, if any, it makes to the draft neighbourhood development order under paragraph 12(6) of Schedule 4B to the 1990 Act (modifications to ensure compliance with requirements or to correct errors);
e) whether to extend the area to which the referendum is to take place; or
f) that it is not satisfied with the proposal under paragraph 12(10) of Schedule 4B to the 1990 Act (non compliance with planning policies)

52) the Local Planning Authority must as soon as possible publish on their website and in such other manner as they consider is likely to bring the decision statement and, as the case may be, the report to the attention of people who live, work or carry on business in the neighbourhood area —
a) the decision and their reasons for it ("the decision statement"),
b) details of where and when the decision statement may be inspected, and
c) in the case of a decision mentioned in paragraph 36 (c) above, the report made by the examiner.

53) If the Local Planning Authority decide to make (passed by referendum) or refuse to make (non compliance with EU law or European Convention on Human Rights) the NDP or NDO proposed they must as soon as possible —
a) publish on their website and in such other manner as they consider is likely to bring the order to the attention of people who live, work or carry on business in the neighbourhood area—
    i) a document setting out their decision and their reasons for making that decision ("the decision document");
    ii) details of where and when the decision document may be inspected;
b) send a copy of the decision document to—
c) the parish council; and
d) any person who asked to be notified of the decision.

54) When the Local Planning Authority actually make a NDP or NDO they must as soon as possible—
a) publish on their website and in such other manner as they consider is likely to bring the order to the attention of people who live, work or carry on business in the neighbourhood area —
    i) the NDP or NDO; and

ii) details of where and when it may be inspected;

b) notify any person who asked to be notified of the making of the NDP or NDO that it has been made and where and when it may be inspected.

***Revoking a plan or order*.**

55) S.61M of the 1990 Act allows either the Secretary of State or a local planning authority (with the consent of the Secretary of State) to revoke a neighbourhood development order that they have made. The relevant party revoking the order must state the reasons for the revocation.

56) As soon as possible after revoking a NDP or NDO a local planning authority must—

a) publish on their website and in such other manner as they consider is likely to bring the order to the attention of people who live, work or carry on business in the neighbourhood area—

i) a document setting out a statement of the revocation and the reasons for it ("the revocation document"); and

ii) details of where and when the revocation document may be inspected;

b) give notice of the revocation to—

i) the parish council;

ii) any person who the authority knows to be the owner or tenant of any part of the land to which the order applies and whose name and address is known to the local planning authority (in the case of the revocation of a NDO only);

iii) any person the local planning authority notified of the making of the NDP or NDO; and

iv) any other person the local planning authority consider necessary in order to bring the revocation to the attention of people who live, work or carry on business in the area to which the revoked NDP or NDO related; and

c) cease to make the revoked NDP or NDO available on their website and at any other place where it was available for inspection.

Modifying a NDP or NDO.

57) S. 38 of the 2004 Act and s. 61M of the 1990 Act also allow a local planning authority at any time to modify by order a NDP or NDO that they have made for the purpose of correcting errors. This can only be done with the parish council's consent. A modification of a NDP or NDO is done by replacing the original with a new one containing the modification.

58) As soon as possible after modifying a NDP or NDO a local planning authority must:
   a) publish on their website and in such other manner as they consider is likely to bring the order to the attention of people who live, work or carry on business in the neighbourhood area—
      i) a document setting out details of the modification ("the modification document"); and
      ii) details of where and when the modification document may be inspected; and
   b) give notice of the modification to the following—
      i) the parish council; and
      ii) any person the authority previously notified of the making of the order or plan.

***Challenging a NDP or NDO*.**

59) Under s.61N of the 1990 Act a court may entertain proceedings for questioning a decision of the local planning authority or anything to do with a referendum only if:
   a) the proceedings are brought as a claim for judicial review, and
   b) the claim form is filed before the end of the period of 6 weeks beginning with the day on which the decision is published or the day on which the result of the referendum is declared (as applicable).

Conclusion

60) Neighbourhood planning provides an important tool for communities to play a major part in determining what their own area will look like and how it will change over time. Parish councils have been placed in the key position of being one body that can put proposals to the local planning authority (where there is no parish council a neighbourhood forum must be created for this task).

61) A Neighbourhood Development Plan will control (but cannot eliminate) development in the locality. A Neighbourhood Development Order goes a stage further and gives permission for a new development.

62) The Government have also given grants to four organisations (including NALC in association with CPRE) to provide independent advice to communities in planning for their neighbourhood. Those organisations are:

a) **The Prince's Foundation for the Built Environment**
Contact name: Sebastian Knox
Tel: 020 7613 8587
Email: sebastian.knox@princes-foundation.org
Website: http://www.princes-foundation.org/our-work/supporting-communities-and-neighbourhoods-planning

b) **Locality**
The Building Community Consortium
Contact name: David Chapman
Tel: 0845 458 8336
Email: neighbourhoodplanning@locality.org.uk
Website: www.buildingcommunity.org.uk

c) **CPRE in partnership with NALC**
Contact name: Nigel Pedlingham
Tel: 020 7981 2832
Email: Nigelp@cpre.org.uk
Website: http://www.planninghelp.org.uk/; www.cpre.org.uk; www.nalc.gov.uk

d) **RTPI**
Planning Aid
Contact name: John Rider-Dobson
Tel: 0203 206 1880
Email: info@planningaid.rtpi.org.uk
Website: http://www.rtpi.org.uk/planningaid/

63) As part of the above scheme NALC and the CPRE have jointly produced booklets on planning in general and neighbourhood planning in particular and these can be found in the Planning section of the NALC website.

64) The Government has produced a set of Frequently Asked Questions about neighbourhood planning and that can be found at the following link: Neighbourhood Planning FAQs

ANNEX 1 PRE SUBMISSION CONSULTEES.

Neighbourhood Development Order.

Any consultation body referred to in paragraph 2(1)(a) to (c) of Schedule 1 of the 2012 Regulations (statutory undertakings and neighbouring parish council or neighbourhood forum) whose interests the qualifying body considers may be affected by the proposals for a neighbourhood development order.

Where the parish council considers the development which is to be authorised under the proposed NDO falls within any category set out in the Table in paragraph 2 of Schedule 1, any consultation body mentioned in the Table in relation to each of those categories (e.g. English Heritage, Civil Aviation Authority, Secretary of State for Defence, Highways Agency, etc.).

Any person who the parish council considers to be an owner (21 days before the order proposal is submitted) of any of the land which is proposed to be developed under the order proposal; and a tenant of any of that land.

Neighbourhood Development Plan

Any consultation body referred to in paragraph 1 of Schedule 1 to the 2012 Regulations whose interests the parish council considers may be affected by the proposals for a neighbourhood development plan (local planning authority; statutory undertakings; representative bodies for groups within the neighbourhood; etc.).

ANNEX 2 ARCHAEOLOGICAL STATEMENT

Neighbourhood Development Order only.

An “archaeology statement” means a document which—

a) confirms that the information in relation to archaeology contained in the historic environment record for the neighbourhood area has been reviewed;
b) sets out the findings from that review for the area to which the order proposal relates; and
c) explains how the findings have been taken into account in preparing the order proposal,

but where no findings relevant to the neighbourhood area were identified in the review the archaeology statement need only confirm that the review took place; and explain there were no findings relevant to the neighbourhood area.

Other Legal Topic Notes (LTNs) relevant to this subject:

LTN	Title	Relevance
15	Legal Proceedings	Sets out the law in respect of Judicial Review.
58	Planning	Outline of the planning system.
59	The Rights of Local Councils to be Notified of Planning Applications and Decisions	Details power of local councils to make representations in respect of planning applications in their area.
60	Copies of Planning Documents	Details of documentation entitlement of Local Councils.
61	The Status of Parish, Town and Community Councils at Public Inquiries	Rights of Local Councils to be represented and participate at Planning Public Inquiries.
62	Planning Control over Agricultural Land and Buildings	Details when planning permission may be exempt.
77	Public Rights of Way	Details the creation, maintenance and stopping up of rights of way.

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