Neighbourhood Planning

Topic Notes for Town and Parish Councils

3. Step by step guide to preparing Neighbourhood Plans and Orders

Neighbourhood Plan Exhibition

The Cottingham Neighbourhood Plan aims to be a community led, locally relevant and widely influential guide for the future development of Cottingham

Join us on:
Friday 19th September (12pm-6pm)
Saturday 20th September (10am-4pm)
Cottingham Civic Hall, Market Green
to view and comment on the work undertaken so far and to discuss the process with experts and professionals who are helping to guide the process.

Woodmansey Neighbourhood Development Plan

Have Your Say

EAST RIDING OF YORKSHIRE COUNCIL

November 2015
East Riding of Yorkshire Council has prepared a series of topic notes on Neighbourhood Planning for Town and Parish Councils in the East Riding. The notes cover a range of topics and together aim to answer the key questions Town and Parish Councils may have in relation to Neighbourhood Planning in the East Riding.

The topic notes can be found on the East Riding of Yorkshire Council’s dedicated Neighbourhood Planning webpage at:

http://www2.eastriding.gov.uk/environment/planning-and-building-control/east-riding-local-plan/neighbourhood-planning/

A summary of each note is provided below.

### Summary of Neighbourhood Planning topic notes

| Note 1 - Introduction to Neighbourhood Planning | Explains what Neighbourhood Plans and Orders are and provides information on the different types of Plans and Orders, the role of Town and Parish Councils in Neighbourhood Planning and examples of Neighbourhood Plans in the East Riding. |
| Note 2 - Neighbourhood Planning and the East Riding Local Plan | Provides further information on the East Riding Local Plan and explains the relationship between Neighbourhood Planning and the Local Plan. |
| Note 3 - Step by Step Guide to preparing Neighbourhood Plans and Order | Explains in detail the process for preparing a Neighbourhood Plan or Order. The role of East Riding of Yorkshire Council and Town and Parish Councils is explained. |
| Note 4 - Undertaking Environmental Assessments | Considers environmental assessments and when they are required. Explains the process for requesting a Screening Opinion from East Riding of Yorkshire Council. |
| Note 5 - Guide to community consultation and engagement | Considers community consultation for Neighbourhood Plans and Orders. Provides advice and best practice on how to involve the community in the preparation of Plans and Orders. |
| Note 6 - Support and Funding | Explains the support offered by East Riding of |
for Town and Parish Council's Yorkshire Council to Town and Parish Councils and provides up to date information on sources of funding.

| Note 7 - Further Information | Includes sources of further information on Neighbourhood Planning. |

These notes should not to be regarded as definitive legal advice. It is the responsibility of Town and Parish Councils to obtain their own independent legal advice in relation to their responsibilities under the Localism Act (2011).

This note (Topic Note 3) explains in detail the process for preparing a Neighbourhood Plan or Order, including the role of East Riding of Yorkshire Council and Town and Parish Councils in this process. Key information within this note has been included within a green box.

A glossary of key terms for Neighbourhood Planning has been set out in East Riding of Yorkshire Neighbourhood Planning Topic Note 1.

**East Riding of Yorkshire Council contact details**

For information in relation to Neighbourhood Planning in the East Riding please contact:

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Contents Page

How is a Neighbourhood Plan or Order prepared?........................................................................5
What should Town and Parish Councils consider before starting to prepare a Neighbourhood Plan or Order? .................................................................................................................................5
What are the basic conditions? ........................................................................................................5
Stage 1. Town or Parish Council submit an application to designate their Neighbourhood Area.................................................................................................................................10
Stage 2. Approval of the Neighbourhood Area.............................................................................14
Stage 3. Preparing the draft Neighbourhood Plan or Order .........................................................16
Stage 4. Pre-Submission Consultation and Publicity ..................................................................16
Stage 5. Submission of the Neighbourhood Plan or Order .........................................................19
Stage 6. Checking and publicising the Neighbourhood Plan or Order and appointing the Independent Examiner ..................................................................................................................22
Stage 7. Independent Examination .............................................................................................25
Stage 8. Independent Examiner's Report .....................................................................................26
Stage 9. Local Community Referendum .......................................................................................29
Stage 10. East Riding of Yorkshire Council makes (adopts) the Plan or Order .................33
Stage 11. Implementing and Monitoring the Plan or Order ........................................................33
Where can Town and Parish Councils find further information about preparing a Neighbourhood Plan or Order? .................................................................................................................................35
Appendix A - Neighbourhood Area Application Form ..................................................................36
Appendix B - Preparing a Neighbourhood Plan or Order - Summary of Key Steps.. 37
How is a Neighbourhood Plan or Order prepared?

The Neighbourhood Planning Regulations 2012 set out the legal stages necessary to prepare a Neighbourhood Plan or Order. These stages, alongside a detailed explanation of what is involved at each stage, are included in this note.

There is no one size fits all approach to Neighbourhood Planning. The amount of time or number of steps required to prepare a Plan or Order will vary according to local circumstances. It will also depend on what the Town or Parish Council wish to address through their Plan or Order.

What should Town and Parish Councils consider before starting to prepare a Neighbourhood Plan or Order?

It is recommended that the very first step for Town and Parish Councils considering preparing a Neighbourhood Plan or Order is to get advice from East Riding of Yorkshire Council. This will help to establish whether Neighbourhood Planning is the best way to tackle the issues important to the community.

East Riding of Yorkshire Council is happy to discuss ideas Town and Parish Councils may have and whether Neighbourhood Planning is the best way of addressing their concerns.

An early meeting with a representative from the Forward Planning team at East Riding of Yorkshire Council is a useful way of scoping out the potential content of a Neighbourhood Plan or Order. It will help the Town or Parish Council to clarify what can be achieved through a Plan or Order and how East Riding of Yorkshire Council can help.

What are the basic conditions?

There are several stages involved in preparing a Neighbourhood Plan or Order, which includes Examination by an Independent Examiner and a Community Referendum.

It is important for Town and Parish Councils to consider from the outset the basic conditions a Neighbourhood Plan or Order must pass before it can proceed to the community referendum and be made (adopted) by East Riding of Yorkshire Council.

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Table 1 (below) summarises the basic conditions and what they mean for Neighbourhood Plans and Orders.

Table 1 - Basic Conditions

<table>
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<th>Basic Condition</th>
<th>Explanation</th>
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| Have appropriate regard to national planning policy and advice contained in guidance issued by Secretary of State | The National Planning Policy Framework (NPPF) sets out important national policy objectives and is available to read here:  
Guidance accompanying the NPPF is set out in the national Planning Practice Guidance (PPG). The PPG is also issued by the Secretary of State and is available to read here:  
http://planningguidance.planningportal.gov.uk/  
The NPPF is clear that Neighbourhood Plans and Orders should not promote less development than is set out in the development plan or undermine its objectives. The national planning policies of most relevance to a Neighbourhood Plan or Order will depend on the exact content of the Plan or Order.  
Ministerial Statements supplement national planning policy and can impact on the content of Neighbourhood Plans and Orders. |
| Be in general conformity with the strategic policies in the development plan | Neighbourhood Plans and Orders must align with the strategic policies in the development plan. For Town and Parish Councils preparing a Plan or Order prior to the adoption of the East Riding Local Plan, it would be advisable to:  
1. Ensure the Plan or Order is in general conformity with the adopted development plan (comprises the saved policies of the Joint Structure Plan and the |
<table>
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<th>Basic Condition</th>
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<td>relevant existing Local Plans) and be able to explain the rationale for any differences.</td>
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2. Be clear on how the Plan or Order fits with the strategic policies of the East Riding Local Plan and be able to explain the rationale for any differences. For clarity, the strategic policies of the East Riding Local Plan are all those contained within the Strategy Document.

**The strategic policies of the East Riding Local Plan are all of the policies contained within the Strategy Document.**

The Independent Examiner will consider the issues and reach a view on any competing priorities between the adopted and emerging plan when assessing the basic conditions.

The existing Local Plans and Join Structure Plan are available to read here:

http://www2.eastriding.gov.uk/environment/planning-and-building-control/current-strategic-plans/local-plans/

Neighbourhood Plans and Orders must not weaken the statutory protection afforded to listed buildings and Conservation Areas. Further information on Listed Buildings is available below:

East Riding of Yorkshire Council:

http://www2.eastriding.gov.uk/environment/planning-and-building-control/listed-buildings/

NPPF:


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| Have special regard to the desirability of preserving or enhancing the character or appearance of any Conservation Area | Neighbourhood Plans and Orders must not weaken the statutory protection afforded to Conservation Areas. Further information on Conservation Areas is available below:  

East Riding of Yorkshire Council:  

http://www2.eastriding.gov.uk/environment/planning-and-building-control/planning-in-conservation-areas/conservation-areas/  

NPPF:  


(See section 12 - Conserving and enhancing the historic environment).  

PPG:  

http://planningguidance.planningportal.gov.uk/  

(Conserving and enhancing the historic environment). |
| Be compatible with European obligations in relation to the protection of the environment, habitats and species. | Neighbourhood Plans and Orders must consider environmental assessment. There are different types of environmental assessment that apply to the preparation of a Neighbourhood Plan or Order. These are briefly outlined below.  

**Strategic Environmental Assessment**  

Neighbourhood Plans will require Strategic Environmental Assessment if they are likely to have |
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<th>Basic Condition</th>
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<td>significant effects on the environment. <strong>To determine whether the Plan might have significant effects, Town or Parish Councils must request a Screening Opinion from East Riding of Yorkshire Council.</strong></td>
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<tr>
<td><strong>Habitats Regulations</strong></td>
<td>Neighbourhood Plans and Orders must have regard to the European Directives which aim to protect and improve Europe's most important habitats and species. To determine whether the Plan or Order might have significant effects on a site that has been identified as being of international importance, East Riding of Yorkshire Council will prepare an Initial Screening Opinion.</td>
</tr>
<tr>
<td><strong>Environmental Impact Assessment</strong></td>
<td>Neighbourhood Orders may require Environmental Impact Assessment to ensure decisions are made in full knowledge of any likely significant effects on the environment.</td>
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<tr>
<td>Further information about the environmental assessment process (including how to request a Screening Opinion) is set out in East Riding Neighbourhood Planning Topic Note 4.</td>
<td></td>
</tr>
<tr>
<td><strong>Contribute to sustainable development</strong></td>
<td>Neighbourhood Plans and Orders must demonstrate how their Plan or Order will contribute to improvements in environmental, economic and social conditions. This could include identifying how any potential adverse effects arising from the proposals would be prevented, reduced or offset. Preparing a Sustainability Appraisal can help demonstrate Plans and Orders will contribute towards sustainable development.</td>
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<tr>
<td>Further information about Sustainability Appraisal is set out in East Riding Neighbourhood Planning Topic Note</td>
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</table>
The national Planning Practice Guidance accompanying the National Planning Policy Framework (NPPF) provides further information on the basic conditions:

http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/

In summary, Neighbourhood Plans can:

- Decide where and what type of development should happen in the area;
- Decide what the development should look like; and/or
- Promote development for the community in line with the East Riding Local Plan.

Neighbourhood Plans cannot:

- Conflict with policies in the East Riding Local Plan;
- Be used to prevent development; or
- Be prepared by anyone other than a Town or Parish Council.

The next section of the note summarises the stages involved in preparing a Neighbourhood Plan or Order. A summary of the key stages is set out in Appendix A to this note.

**Stage 1. Town or Parish Council submit an application to designate their Neighbourhood Area**

The first formal stage in the preparation of a Neighbourhood Plan or Order is for the relevant Town or Parish Council to submit an Area Application to East Riding of Yorkshire Council. This is a request for a specified area to be designated as a Neighbourhood Area for the purposes of Neighbourhood Planning.
The Area Application Form is available at Appendix A to this note. Town and Parish Councils should complete the form to request their area be designated as a Neighbourhood Area. The Area Application comprises a map which identifies the proposed Neighbourhood Area and a written statement explaining why the Town or Parish Council consider their proposed Neighbourhood Area to be appropriate.

East Riding of Yorkshire Council can prepare a map showing the proposed Neighbourhood Area on request from Town and Parish Councils.

What is an appropriate Neighbourhood Area?

The following factors are important considerations for Town and Parish Councils when deciding the boundary of their proposed Neighbourhood Area:

- Village or settlement boundaries;
- Catchment areas for walking to local services, such as shops, primary schools, doctors surgery, parks or other community facilities;
- The physical appearance and characteristics of the neighbourhood, for example, buildings may be of a consistent scale or style; and
- Whether infrastructure or physical features define a natural boundary, for example a major road or railway line.

Most Neighbourhood Areas in the East Riding will follow existing parish boundaries. Administrative boundaries benefit from established and recognised representation. They are also used for collecting data, for example through the census, which will may be provide useful evidence.

In some cases, parish boundaries may not always be appropriate in planning terms. Pocklington Town Council are, for example, preparing a Neighbourhood Plan for their parish and the eastern part of Barmby Moor parish. This includes the Pocklington Industrial Estate, which is an important factor when considering the future growth of the town. Figure I (overleaf) shows the Pocklington Neighbourhood Area. The red line (proposed Neighbourhood Area) extends beyond the parish boundary (black line).

Figure I - Proposed Pocklington Neighbourhood Area³

³ Map and further information about the Pocklington Neighbourhood Area available here: www2.eastriding.gov.uk/environment/planning-and-building-control/east-riding-local-plan/neighbourhood-planning/pocklington-neighbourhood-plan
A Neighbourhood Area can comprise more than one parish provided the Town and Parish Councils involved agree on the area. This would need to be set out in the Area Application and include clear reasons to explain why the Neighbourhood Area does not follow existing parish boundaries. However, an area can only be included in one Neighbourhood Area and an application would be refused if two proposed Neighbourhood Areas overlap.

Town and Parish Councils wishing to designate a Neighbourhood Area which includes part of a neighbouring parish boundary should ensure the neighbouring Town or Parish Council complete Section 3 of the Area Application Form (Appendix A).

**What is a Business Neighbourhood Area?**

Town and Parish Councils may choose to promote their Neighbourhood Area as a Business Area. As part of the process of designating a Neighbourhood Area, East Riding of Yorkshire Council will consider the appropriateness of designating a Business. This may be appropriate for areas that are wholly or predominantly business in nature or commercial in character.
Further guidance on Business Neighbourhood Areas, including the implications of designating a Neighbourhood Area as a business area are explained in Stage 9 of this note.

**Can a Neighbourhood Area include land allocated in the East Riding Local Plan?**

A Neighbourhood Area can include land allocated in the East Riding Local Plan. Where a proposed Neighbourhood Area includes an allocated site Town and Parish Council should contact East Riding of Yorkshire Council to discuss their reasons for including the site in their Neighbourhood Area.

**Can a Town and Parish Councils change the boundaries of the proposed Neighbourhood Area once the Area Application has been submitted?**

If a Town or Parish Council wish to change the Neighbourhood Area after an Area Application has been submitted they should inform East Riding of Yorkshire Council as soon as possible.

Where East Riding of Yorkshire Council has not yet made a decision on the Area Application, it may be possible for the Town or Parish Council to submit a new application with the revised boundary.

**What will East Riding of Yorkshire Council do at this stage?**

To ensure that Area Applications are determining in an efficient manner, East Riding of Yorkshire Council will:

- Support Town and Parish Councils as they prepare their application through advising on the suitability of the proposed Neighbourhood Area and the provision of maps.
- Attempt to resolve any objection from a Town or Parish Council, should there be any dispute over a potential Neighbourhood Area boundary.
• Ensure designated Neighbourhood Areas in the East Riding are consistent with the guidance. This recognises that the boundaries for different Neighbourhood Areas cannot overlap.

• Publicise the Area Application for consultation on the East Riding of Yorkshire Council website, including information on how comments can be made. East Riding of Yorkshire Council is required to bring the application to the attention of people who live, work or carry out business in the proposed area.

• Notify Ward Councillors and the Portfolio Holder for Asset Management, Environment and Housing and Planning Highways and Transportation that the Council has received an Area Application.

• Include the receipt of the Area Application as an item in the Council's Corporate Management Team / Cabinet briefing.

For proposed Neighbourhood Areas that follow existing parish boundaries, residents, businesses and other interested parties have 4 weeks from the date the application is first publicised by East Riding of Yorkshire Council to comment on the application.

If a proposed Neighbourhood Area does not follow existing parish boundaries, residents, businesses and other interested bodies have 6 weeks from the date the application is first publicised by East Riding of Yorkshire Council to comment on the application.

Stage 2. Approval of the Neighbourhood Area

What will East Riding of Yorkshire Council do at this stage?

At this stage, East Riding of Yorkshire Council will:

• Determine the Area Application within the following timescales:

  20 weeks - where the proposed Neighbourhood Area falls within the areas of two or more local planning authorities (i.e. partly in East Riding and partly in a neighbouring area);

  8 weeks - where the proposed Neighbourhood Area is the whole of the area of the Town or Parish Council; and
13 weeks - in all other cases (for example, where the proposed Neighbourhood Area falls within the areas of two or more parishes).

The above timescales commence from the date the application is first publicised for consultation by East Riding of Yorkshire Council.

- Designate the proposed area as a Neighbourhood Area unless there are valid planning reasons suggesting the proposed area is unsuitable, for example, the proposed Neighbourhood Area does not follow a logical boundary.

- Within two weeks of approving the Neighbourhood Area, publish on the East Riding of Yorkshire Council website, and by other means as appropriate, the decision, the name of the Neighbourhood Area, a map identifying the Neighbourhood Area and the name of the Town or Parish Council who applied for the designation.

- Within two weeks of refusing the Area Application, publish on the East Riding of Yorkshire Council website, and by other means as appropriate, the decision, a statement of reasons for making the decision (this is called a decision document), and details of when and where the decision document can be viewed.

The option to designate an area as a Neighbourhood Area is exercisable by two or more local planning authorities if the area crosses the local authority boundary.

When determining the Area Application, East Riding of Yorkshire Council will consider:

1. The desirability of designating the whole of the parish area as a Neighbourhood Area;

2. The desirability of maintaining the existing boundaries of areas already designated as Neighbourhood Areas (designated areas must not overlap); and;

3. Whether the area should be designated as a Business Area.

Town and Parish Councils do not need to wait for East Riding of Yorkshire Council to formally approve the Neighbourhood Area before commencing work on the Neighbourhood Plan or Order.
Can a Town and Parish Councils change the boundaries of the proposed Neighbourhood Area once the Area Application has been approved?

If a Town or Parish Council want to change the Neighbourhood Area they should inform East Riding of Yorkshire Council and submit a new application for the revised Neighbourhood Area.

**Stage 3. Preparing the draft Neighbourhood Plan or Order**

Within stage 3 there are five main of steps to follow to prepare a Plan or Order. These are summarised below.

**Figure 2 - Preparing a draft Neighbourhood Plan or Order**

- **Step 1**: Set up a steering group, consider sources of funding and prepare a project plan
- **Step 2**: Gather evidence and identify planning issues
- **Step 3**: Develop a vision and objectives and consider environmental assessment
- **Step 4**: Consider options
- **Step 5**: Prepare a Draft Plan or Order

Additional steps may be required in some instances, for example, if further consultation or evidence is required to justify the Neighbourhood Plan or Order or the Plan or Order is particularly complex.

**Set up a steering group**

It is best practice for Town and Parish Councils to set up a steering group for their Neighbourhood Plan or Order comprising people who live, work and carry out
business in the Neighbourhood Area. This may include individuals or organisations that are not on the Town or Parish Council and will help ensure Neighbourhood Planning is community-led and engages a wide range of interests.

It is a matter for Town and Parish Councils to determine how the steering group or other body is constituted. Any members will need to bear in mind the provisions of the relevant Town or Parish Council Code of Conduct.

Existing groups, for example, Renaissance Partnerships, should be identified before the composition of a steering group is identified. Renaissance Partnerships comprise mainly unpaid individuals, business people and representatives of local organisations and community groups. Further information can be found here:

http://www2.eastriding.gov.uk/council/working-with-our-partners/regeneration-and-renaissance-partnerships/

It is important for Ward Councillors to be involved with the Neighbourhood Planning process from the outset. They may, for example, wish to sit on the Steering Group. Ward Councillors can help explain Neighbourhood Planning and champion the local area. They can promote a Plans and Order with the wider community, involve business and deliver new development to meet community ambitions.

The relationship between any group and the formal functions of the Town or Parish Council should be transparent to the wider public. For example, it should be clear whether a steering group, or other body, is a formal sub-committee of the parish or town council.

East Riding of Yorkshire Council recommends Town and Parish Councils prepare ‘Terms of Reference’ for the Steering Group. These should set out the purpose and remit of the group, as well as the reporting and decision making procedures. Terms of Reference for the steering group should be approved and published by the Town or Parish Council, and meetings of any meetings of the steering group should be made available to the public.

Speak to the community

Where a Town or Parish Council chooses to produce a Neighbourhood Plan or Order they should work with other members of the community who are interested in, or affected by, the Neighbourhood Planning proposals. This will allow the wider community to play an active role in preparing the Neighbourhood Plan or Order.

Town and Parish Councils may wish to promote their intention to prepare a Neighbourhood Plan or Order on their website, as well as through any other means available to them such as notice boards and local/householder newsletters.
Town and Parish Councils must involve the community from the start of the Neighbourhood Plan or Order. Ultimately local people will vote in a community referendum to decide whether or not to bring the Plan or Order into force. This means it is very important to engage the wider community throughout the preparation of the Plan or Order to ensure it represents their views.

Further information about the community referendum is set out in Stage 9 of this note. Further information about community consultation is set out in East Riding Neighbourhood Planning Topic Note 5.

How should Town and Parish Councils handle those with land interests to avoid the process of preparing a Plan or Order being steered inappropriately?

Should a Town or Parish Council wish to allocate land for development through a Neighbourhood Plan, those with a land interest should declare their interests from the outset.

It is a matter for Members to decide for themselves whether, in relation to any matter, they have an interest. A beneficial interest in land in the area of the authority is a pecuniary interest. Members with a pecuniary interest in a matter cannot take part in the debate on that matter and cannot vote on that matter.

Members need to take into account how the process will appear to the public. They should avoid giving the impression that the council is feathering its own nest by promoting sites for development that members of the council have an interest in. The process that they follow should therefore be transparent and Members with relevant interests must declare them and take the requisite action.

Members of Town and Parish Councils should have regard to the relevant provisions of their Code of Conduct throughout all of the stages of drafting, consultation and making (adoption) of a Plan or Order.

Advice regarding Code of Conduct considerations should initially be sought from the clerk of the relevant Town or Parish Council.

How should Town and Parish Council's engage with landowners/developers through a Neighbourhood Plan or Order?
Neighbourhood Plans and Orders will be delivered by East Riding of Yorkshire Council when planning applications are determined within the Neighbourhood Area. These applications will be submitted by landowners and developers to East Riding of Yorkshire Council. The national Planning Practice guidance (PPG) advises that landowners and the development industry should be involved in preparing a draft Plan or Order.

Early engagement and open discussions with landowners and developers will help Town and Parish Councils reflect any issues or concerns that may result in an objection to a particular policy or proposal.

<table>
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<tr>
<th>Should a Town or Parish Council allocate land for development through a Neighbourhood Plan landowners of potential sites must have an opportunity to be involved in the process of site selection to ensure the sites are available for development. If a site is not available the Independent Examiner may remove it from the Plan or Order during the Examination.</th>
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Landowners can help identify potential sites for development and confirm a site is deliverable for the type of development that is proposed in the Plan or Order. Developers can also be an excellent resource to help Town and Parish Councils understand how much development can go on a site, for example the number of houses, or whether there is a market for the type of development proposed in a Neighbourhood Plan.

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<th>Policies in a Neighbourhood Plan should be deliverable and not introduce burdens that would threaten the viability of new development.</th>
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Where a Neighbourhood Plan seeks to allocate a site for development this will normally require a planning application to be submitted by a developer. The developer will want to ensure the value of the development when sold covers their costs and provides an adequate return on any investment. If the land or building cannot be delivered in a way that generates reasonable profit, then the development will not happen.

Town and Parish Councils can invite developers and landowners (or their agents) to attend a meeting to discuss their aspirations for particular sites. A standard agenda for all meetings can make this process more transparent and minutes should be taken. If meetings are arranged with developers (or their agents) representatives of the steering group should attend alongside a third party, such as an officer from East Riding of Yorkshire Council, in order to ensure independence and impartiality.

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<th>Town and Parish Councils should not put themselves in a position where they</th>
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appear to favour a person, company or group – even a ‘friendly’ private discussion with a developer could cause others to mistrust the Parish Council.

**Further information**

The 'how to work with landowners and developers' online guidance by Planning Aid provides useful information for Town and Parish Councils looking to engage with the development industry. This resource is available from:

http://mycommunity.org.uk/resources/neighbourhood-planning-how-to-work-with-landowners-and-developers/

**Consider funding and sources of support**

At this stage, Town or Parish Councils may wish to consider applying for funding. Details of the funding and external support available to Town and Parish Councils are available in East Riding Neighbourhood Planning Topic Note 6.

**Prepare a project plan**

The thought of producing a Neighbourhood Plan or Order may appear to be a daunting task at the start, but this can be made easier with project planning and management. This could consist of:

- A list of the activities that will need to be carried out at each stage of developing the plan – research, meetings, consultations, surveys, events, analysis;

- Consideration of the resources that will be needed – people, materials, funding; and

- An estimation of how much time should be set aside to accomplish each stage.

**Further information**

The 'how to prepare a project plan' online guidance by Planning Aid provides useful further information on project planning for Neighbourhood Planning. This resource is available from:

www.ourneighbourhoodplanning.org.uk/resources/documents
Town and Parish Councils can also download template project planners from the Locality and Planning Advisory websites, available from:

www.mycommunity.org.uk/resources/neighbourhood-plan-project-planner/

http://www.pas.gov.uk/neighbourhood-planning/-/journal_content/56/332612/4079048/ARTICLE

Step 2

• Gather evidence and identify planning issues

The first step in preparing a Neighbourhood Plan or Order is to understand what planning issues are relevant to the community and could be included in a Plan or Order. It is also important to gather evidence to understand the needs and opportunities of the area and to support the policies and development proposals in the Plan or Order.

How can Town and Parish Council’s identify the planning issues to cover in a Neighbourhood Plan or Order?

Town and Parish Councils may already have a good idea of the issues they would like to cover in a Neighbourhood Plan or Order. It is also important to consult with the wider community from an early stage to understand the issues they may be concerned about. The results of a community questionnaire or consultation event are likely to raise a number of issues of concern to the community. Some of these might be related to the planning system and could be considered through policies in a Neighbourhood Plan or Order, whilst others may include wider non-planning issues.

Figure 3 (overleaf) shows some of the questions Town and Parish Councils should ask themselves to establish whether issues of importance to the community can be covered in a Neighbourhood Plan.

Some of the planning issues identified by the community may already be addressed by policies in the East Riding Local Plan. This means Town and Parish Councils should ask themselves what added value a Neighbourhood Plan could offer in addressing their issues. East Riding of Yorkshire Council can help explain where Neighbourhood Plans can add local value to the policies in the Local Plan.
It may be that Town or Parish Councils wish to prepare a Neighbourhood Plan covering planning and wider community aspirations (non-planning issues). This approach may be more cost effective and avoid may 'consultation fatigue'. If this approach is followed, the planning issues and policies are clearly defined and distinguished from the non-planning issues in the final version of the Plan. For example, the non-planning issues could be set out in a companion document or annex that is published as part of the Neighbourhood Plan process.
Figure 3 - Determining what issues can be covered in a Neighbourhood Plan

Current policy sufficient
No need to address through a Neighbourhood Plan

Yes

Already covered by East Riding Local Plan policy
Is there a need for any additional detail or to be added to the existing policy for your neighbourhood?

No

Issues identified by the community
E.g. through questionnaire, consultation event etc

Is it a planning issue?

Yes

Planning issue
Is it already covered by the East Riding Local Plan, national planning policy or other planning guidance?

Yes

Potential topic for Neighbourhood Development Plan!

No

Non-planning issue
Not something that can be addressed through a Neighbourhood Development Plan.

However – could think about if is there anything else that the Town or Parish Council can do to address it? E.g. through a Town or Parish Plan, discussion with other sections of the Council, contacting other relevant bodies?
What evidence is required to prepare a Neighbourhood Plan or Order?

There is no ‘tick box’ list of evidence required for Neighbourhood Planning. A proportionate and robust evidence base should support the choices made and the approach taken. It will help Town and Parish Councils understand the needs and opportunities of their area and guide the policies and development proposals included in the Neighbourhood Plan or Order.

Gathering evidence is particularly important as the Independent Examiner, when assessing the Neighbourhood Plan or Order, will require the planning policies or development proposals to be supported by relevant and robust evidence.

What evidence is already available?

The evidence base informing the East Riding Local Plan will provide a useful starting point for Neighbourhood Plans and Orders. This consists of a collection of documents, studies, research and data, covering the economic, social and environmental characteristics and prospects of the East Riding, and is available from:


It includes:

- **Infrastructure Study** – identifies what infrastructure and investment will be required in the future to meet the needs of the East Riding population.

- **Town Centre Retail Study** – assesses the quality of the East Riding’s town centres and the amount of new retail floorspace that will be required in the future.

- **Employment Land Review** – assesses how much land will be required for employment use in the future and where this should be focused.

- **Strategic Housing Market Assessment** – considers the characteristics of the housing market, including the scale and type of housing likely to be needed in the future.

- **Strategic Housing Land Availability Assessment** – considers how much housing is likely to come forward in the next 5-years and whether this will be sufficient to meet the needs of the East Riding.
• **Landscape Character Assessment** – identifies different landscape character types across the East Riding, making judgments about the quality, value, sensitivity and capacity for new development.

• **Open Space Review** – provides a detailed assessment of the quantity, quality and accessibility of open space in the East Riding.

• **Strategic Flood Risk Assessment** – sets out information on all known sources of flooding that may affect existing or future development within the East Riding.

The evidence prepared to support a Neighbourhood Plan or Order will not be as extensive as the evidence base supporting the East Riding Local Plan.

**What about local evidence?**

Whilst elements of the East Riding Local Plan evidence base are useful, Town and Parish Councils will need to consider gathering local evidence to support their policies and development proposals.

The amount of evidence collected to support a Neighbourhood Plan or Order should be proportionate to the level of detail and issues being covered by the Plan or Order. Plans allocating land for development will, for example, require a more comprehensive evidence base to help justify the selection of some sites over others.

Evidence gathering can be time consuming and could potentially extend the length of time it takes to prepare a Neighbourhood Plan or Order.

Town and Parish Councils should list the types of evidence they feel may be needed to support their Plan or Order and then ask themselves the following questions to determine what evidence they need:

• Is the evidence required to inform your choices?

• What would happen if the evidence was not available?

• Is the evidence relevant to the Neighbourhood area and objectives of the Plan or development proposals in the Order?

• If so, what is the best way of getting it?
It is important to set out the process that will be followed in collecting new evidence in the project plan. The project plan should include the resources that will be required to collect any new evidence and the time it will take to collect the evidence.

An early meeting with a representative from the Forward Planning team at East Riding of Yorkshire Council is a useful way of scoping out the evidence base that may be required to support the preparation of a Neighbourhood Plan or Order. This will help to identify whether the Town or Parish Council should consider commissioning external expertise to prepare a particular type of evidence and the potential to reduce the costs of preparing evidence.

Town and Parish Councils may wish to follow the format set out in table 2 (below) to assess the evidence required:

**Table 2 - Determining the evidence required for a Neighbourhood Plan**

<table>
<thead>
<tr>
<th>Objective of Plan</th>
<th>How will this be met?</th>
<th>What types of evidence may be relevant?</th>
<th>Is this evidence needed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>To meet the housing needs of all sections of the community, including those in need of affordable housing</td>
<td>Assess different site options available for allocation</td>
<td>Housing Needs Survey</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Allocate sites for affordable housing</td>
<td>Housing Land Study</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Affordable Housing Viability Study</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flood Risk Assessment</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Initial community consultation and evidence gathering will help Town and Parish Councils determine the issues they would like to cover in their Neighbourhood Plan or Order.

The next step is to consider preparing a vision and objectives. This is particularly relevant for Neighbourhood Plans. Planning policies in a Neighbourhood Plan should be based on a vision for the future of the area and an understanding and evaluation of the defining characteristics of the area.

A vision is an overarching statement outlining what the area will be like to live and work in, in the future. It should be realistic and achievable, based on the information.

Step 3

- Develop a vision and objectives and consider environmental assessment
gathered. The timescale for achieving the vision should reflect that of the East Local Plan (up to 2029).

Objectives are specific statements that set out what the community wants to achieve in realising the vision. For example, a number of objectives have been established for the East Riding Local Plan, which provide an indication of how the vision and various places statements will be achieved.

Detailed policies can then follow on from these objectives, as indicated by figures 4 and 5 (below and overleaf). In the Neighbourhood Plan it may be helpful to indicate the policies that will deliver each of the objectives.

Figure 4 - The relationship between a vision, objectives and planning policy
Further information

The 'how to develop a vision and objectives' online guidance by Planning Aid provides useful information on drafting a vision and objectives for a Neighbourhood Plan. This resource is available from:

http://mycommunity.org.uk/resources/how-to-develop-a-vision-and-objectives/

How should Town and Parish Councils consider environmental assessment?

4 See http://mycommunityright.org.uk/blog/guide-writing-planning-policies-neighbourhood-plans-released/
At this stage it is the responsibility of the Town or Parish Councils to consider whether their development proposals might have significant effects on the environment and whether further environmental assessment of their Neighbourhood Plan or Order is required.

Further information about environmental assessment including the steps to follow to determine whether environmental assessment is required, and consultation is set out in East Riding Neighbourhood Planning Topic Note 4.

**Step 4**
- Consider options

Plans and Orders should not be prepared in isolation from the rest of the community, they must ensure the wider community:

- Is kept fully informed of what is being proposed;
- Is able to make their views known throughout the process;
- Has opportunities to be actively involved in shaping the emerging Plan or Order; and
- Is made aware of how their views have informed the draft Plan or Order.

Considering options is particularly relevant for a Neighbourhood Plan. Although it can be tempting to launch straight into drafting the Neighbourhood Plan, especially if the Town or Parish Council think they already know what needs to happen, there are often choices to be made. These need to be explored and the next step is to present different options to the community to find out the preferences of local people.

**Presenting different options to the community is important. An options consultation should be carried out before a draft of the Plan is prepared.**

Town and Parish Councils may need to generate a series of options for dealing with different issues. The number of options generated is likely to be influenced by the intended scope of the Plan.

**What types of options might be considered?**

Examples of the types of options include:
• The allocation of new housing and/or employment sites. Considering all the alternative sites available for allocation will ensure that a transparent and robust selection process is undertaken.

• The scale, type, mix and location of development. This could include where any the housing is located, what it looks like, how the site is assessed, where the open space is provided.

• Development limit for a Town or Village. Are there different options for how this line can be drawn?

• Open space. What different options existing for Local Green Space Designation within the town or village?

Town and Parish Councils preparing a Neighbourhood Plan allocating land for development, must assess different options against clearly defined criteria.

Should a Town or Parish Council wish to allocate land for development through a Neighbourhood Plan, East Riding of Yorkshire Council’s Site Assessment Methodology could be used to assess different site options. This methodology is the framework used to assess potential development sites for allocation through the East Riding Local Plan, and is available to view here:


If the Plan is not allocating sites for development there may still be important options to consider.

When considering options a ‘do nothing’ option (also known as ‘business as usual’) should be included. This is what would happen to the plan area and sites in question if a Neighbourhood Plan was not under preparation.

Town and Parish Council’s should use this options step as an opportunity to assess the following:

• Have the right options been considered?

• Are there any other options?

• What options are preferred and why?
Depending on those issues proposed to be covered in the Neighbourhood Plan or Order it may also be appropriate to hold initial discussions with statutory consultees. For example, should flood risk be an issue for the Neighbourhood Plan or Order, the Environment Agency should be involved with the Plan or Order at an early stage.

It may also be necessary to undertake an environmental assessment of the different options considered through preparing the Plan or Order. Further information about options and environmental assessment is set out in East Riding Neighbourhood Planning Topic Note 4.

**Where can Town and Parish Councils find more information about consultation?**

A consultation statement must be submitted with the final Plan or Order. This means it is important for Town and Parish Councils to keep a detailed record of consultation events and other documentation associated with the preparation of the Plan or Order. Consulting on different policy options should help to give a clear indication of those options that are supported by the community.

Further information on consultation for Neighbourhood Plans and Orders, including different methods and what to consider, is set out in East Riding Neighbourhood Planning Topic Note 5.

This note identifies whether consultation is necessary at each stage in preparing a Plan or Order and the issues Town and Parish Councils should consider. In addition, an appraisal of different consultation techniques has been undertaken that should help Town and Parish Councils decide the most effective means of consulting on their Plan or Order.

**How should a Neighbourhood Plan or Order be structured?**

Neighbourhood Plans should be clearly structured with the vision and objectives set out at the start of the document, followed by planning policies and development proposals.

Plans may include a series of policies covering a range of issues or one policy covering a single issue. The exact content will have been informed by community
consultation, the evidence base and consideration of the different options, including the outcomes of any environmental assessment.

In addition, it is recommended a Policies Map is included for the Plan. This map should reflect the policies in the Plan, for example identifying areas of land allocated for certain uses or areas proposed to receive protection from development, such as a Local Green Space.

Neighbourhood Orders should clearly set what type of development is granted planning permission.

Further information

There are two useful information resources on structuring a Neighbourhood Plan prepared by Planning Aid. There is a guide on 'how to structure your Neighbourhood Plan' and a template Town and Parish Councils can use to prepare a draft Plan. Both resources are available from:

www.ourneighbourhoodplanning.org.uk/resources/documents

How should planning policies in a Neighbourhood Plan be drafted?

Policies in made (adopted) Neighbourhood Plans will be used to make decisions on planning applications. In the case of Neighbourhood Orders, they will be used to grant permission for specified types of development.

This means it is important that policies are drafted with clarity so that they can be applied consistently and with confidence.

Planning policies in a Neighbourhood Plan should be locally distinct to reflect, and respond to, the unique characteristics and planning context of the Neighbourhood Area for which the Plan is being prepared.

It is recommended that Town or Parish Councils meet with East Riding of Yorkshire Council's Forward Planning and Planning/Development Management Sections to:

- Discuss effective and appropriate policy wording.
- Ensure proposals in a Plan or Order can be implemented.
- Consider if existing Local Plan policies already do what a draft
What different types of policy can be included in a Neighbourhood Plan?

There are different ways of writing policies. Some policies may be ‘actions’ setting out things that the community want to happen, such as the development of housing or community facilities. Other policies might be a set of ‘criteria’ that describe what development should look like, and the issues proposals would need to take into account if it is to be granted planning permission.

The different policies that could be developed within a Neighbourhood Plan may take one of the following forms:

- To allocate specific sites for a particular type and scale of development within the Neighbourhood Area.
- To set out specific requirements for the development of a piece of land or for one of the allocations identified in the East Riding Local Plan. For example: access arrangements, landscaping or provision of open space and play areas.
- To identify sites or locations within the Neighbourhood Area that would be enhanced as environmental assets or protected from development. For example: open space, nature reserves, historic assets or locally important features and landscapes.
- To identify ways to protect a community building or prevent the change of use for certain pieces of land or buildings. For example: local pubs or shops.
- More generic policies which cover a multitude of topics and would apply to any future development within the Neighbourhood Area. For example: design guidelines.

At this stage it is also important to consider how the policies and proposals in the Plan or Order will be implemented over the lifetime of the Plan or Order. Further information about implementation of Plans and Orders is set out in stage 11 of this note.

Further information

There are two useful guides to writing planning policies available on the internet. The comprehensive guide to writing planning polices contains real examples and a step-by-step process. This is available here:
What type of planning permission can a Neighbourhood Order grant?

Neighbourhood Orders can grant unconditional planning permission for a specified development or type of development in a class of the Use Class Order.

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. This Order is periodically amended, the most recent amendment comprising The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, which is available here:

http://www.planningportal.gov.uk/permission/commonprojects/changeofuse

A Neighbourhood Order can grant permission subject to the conditions or limitations in the Use Classes Order. This can include:

- Obtaining the approval of East Riding of Yorkshire Council;

- Specifying the period within which the planning application may be submitted to East Riding of Yorkshire Council for approval of any matter specified in the Use Classes Order; or

- Specifying the period within which the development must begin.

When used properly, planning conditions can enhance the quality of development and enable proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

In line with paragraph 206 of the National Planning Policy Framework (NPPF), planning conditions can only be imposed where they are necessary, relevant to
planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

**What time period should a Neighbourhood Plan or Order cover?**

Neighbourhood Plans and Orders will need to state the time period it covers. The national guidance does not stipulate a minimum time period for a Plan or Order and this should be a decision for each community which produces one. However, as a Neighbourhood Plan would be adopted within the statutory development plan, it would be sensible to align the time period to that of the East Riding Local Plan, namely up until 2029.

**How can Town and Parish Councils demonstrate their policies and proposals are viable?**

National planning policy makes it clear that pursuing sustainable development requires consideration of the viability and costs associated with the Neighbourhood Plan or Order. It is important that a Plan or Order does not introduce a requirement that would limit the ability of a site to be developed viably. This means it may be necessary for Town and Parish Councils to prepare specific evidence to consider the impact of their policies in their Plan or Order on development proposals.

To ensure development remains viable, it will be necessary to consider the costs of any requirements, such as the provision of affordable housing, development standards, infrastructure contributions or other requirements.

A Plan or Order should, once the normal cost of development and mitigation have been taken into account, still provide for a competitive return to a willing land owner and willing developer. This will ensure that the development in the Plan or Order is deliverable.

Specific viability evidence may be required where land is being allocated for development in a Neighbourhood Plan, or where policies in a Neighbourhood Plan:

- Require developers to provide higher development standards (for example more open space or affordable housing) than is required in the East Riding Local Plan; and/or

- Require developers to make contributions through planning obligations (see below).
Can Neighbourhood Plans set policies requiring developers to make contributions through planning obligations?

Planning obligations, also known as Section 106 agreements, are private agreements made between local authorities and developers. They can be attached to a planning permission to make development, which would otherwise be unacceptable in planning terms, acceptable. For example, planning obligations can require developers to contribute towards the provision of new infrastructure, affordable housing or open space. However, they should only be sought where they meet all of the following tests:

- They are necessary to make the development acceptable in planning terms;
- They are directly related to the development; and
- They are fair and reasonably related in scale and kind to the development.

Should Town or Parish Councils wish to include planning obligations in their Neighbourhood Plan they should prepare viability evidence that demonstrates the policies in the Plan are deliverable.

How can Town and Parish Councils be certain planning policies in a Neighbourhood Plan will pass Inspection by an Independent Examiner?

When drafting policies it is important for Town and Parish Councils to check that the development proposals in the Plan or Order are based on evidence. The evidence should be prepared so it succinctly explains the intention and rationale of the policies in the draft Neighbourhood Plan or the proposals in an Order.

In particular, each policy in a Neighbourhood Plan should be tested to see if it is supported through public consultation and that it is based on appropriate evidence. This will ultimately be considered by the Independent Examiner. It may be helpful for a Town or Parish Council to assess their policies against each of the basic conditions (listed in table 1).
Figure 6 (overleaf), adapted from the Locality guide\(^5\), provides a useful table to check that the planning policies in a Neighbourhood Plan are consistent with the basic conditions.

This table asks Town and Parish Councils to consider whether their proposals would contribute towards sustainable development.

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental:

- **An economic role** - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-coordinating development requirements; including the provision of local infrastructure and supporting new business start ups.

- **A social role** - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well being increasing independence and reducing social isolation.

- **An environmental role** - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, build to the highest possible standard and mitigate and adapt to climate change including moving to a low carbon economy

Town and Parish Council will need to consider what economic, social and environmental role their Plan will have.

**Figure 6 - Template to test Neighbourhood Plan policies**

<table>
<thead>
<tr>
<th>Policy</th>
<th>Link between policy and evidence or engagement?</th>
<th>For site allocations only</th>
<th>Does the policy meet the basic conditions?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Support from evidence</td>
<td>Support from community consultation</td>
<td>Is the link between evidence/consultation and the policy clear? (Y/N)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6 Set out in table 1.
7 Strategic policies are all of the policies within the East Riding Local Plan Strategy Document
8 Further information is set out in East Riding Topic Note 4.
Neighbourhood Plans should be deliverable. This means Town and Parish Councils may need to consider what infrastructure is required in their Neighbourhood Area to support the development proposed in a Neighbourhood Plan. Provision of new infrastructure is a key element of ensuring that a neighbourhood can grow in a sustainable way. The following could be important considerations for Town and Parish Councils when addressing infrastructure in a Neighbourhood Plan:

- What additional infrastructure may be needed to enable development proposed in a Neighbourhood Plan to be delivered in a sustainable way;
- How any additional infrastructure requirements might be delivered and funded;
- What impact the infrastructure requirements may have on the viability of a proposal in a draft Neighbourhood Plan; and
- What are the likely impacts of proposed site allocation options or policies on physical infrastructure and on the capacity of existing services. This could help shape decisions on the best site choices.

Town and Parish Councils should engage infrastructure providers (for example utility companies, transport infrastructure providers and local health commissioners) in this process. This could include discussions with relevant sections within East Riding of Yorkshire Council, for example in respect of flood risk management or the capacity of schools. The East Riding Infrastructure Study provides a significant amount of information on that has been prepared to support the preparation of the East Riding Local Plan. It considers a number of different types of infrastructure and may provide appropriate evidence for a Neighbourhood Plan.

If appropriate, Town and Parish Councils should set out in their draft Neighbourhood Plan the prioritised infrastructure. This would include those types of infrastructure, or specific projects, that are required to address the demands of the development identified in the Plan.

At this stage East Riding of Yorkshire Council will determine whether a draft Neighbourhood Plan or Order should be reported through the Council’s Cabinet. This is only likely to be required if key issues, politically contentious and/or significant concerns are identified with the draft Plan or Order.

Stage 4. Pre-Submission Consultation and Publicity

The Pre-Submission version of a Neighbourhood Plan or Order is the version the Town or Parish Council consider to be the final draft. Whilst earlier versions of the Plan or Order may include different options, the Pre-Submission version should only contain the community’s preferred approach.

It is important that the content of the Neighbourhood Plan or Order must represent the views of the wider community. Therefore, residents, businesses and other relevant bodies must be consulted and given the opportunity to comment on the final draft Plan or Order.

Before the formal Pre-Submission consultation takes place, Town and Parish Councils must be satisfied that:

- A complete Neighbourhood Plan or Order has been prepared that satisfies the basic conditions;
- All development proposals in a Plan or Order involving landowners are deliverable and realistic; and
- The Plan or Order has general support from the community and other stakeholders.

At this stage Town and Parish Councils must also consult specific consultation bodies whose interests they consider may be affected by the Plan or Order. A comprehensive list of bodies Town and Parish Councils are required to consult at this stage is set out in Schedule 2 of the Neighbourhood Planning Regulations (2012)\(^\text{10}\) and includes:

- A local planning authority, county council or parish council any part of whose area is in or adjoins the East Riding administrative area
- The Coal Authority
- The Homes and Communities Agency
- Natural England
- The Environment Agency
- Historic England

• Network Rail
• Highways England
• The Marine Management Organisation

Where environmental assessment is required, additional publicity or consultation must be undertaken. This is set out in table 6 of East Riding Neighbourhood Planning Topic Note 4.

How should the Pre-Submission Plan or Order be publicised?

At this stage it is the responsibility of the Town or Parish Council to publish the Pre-Submission Plan or Order for consultation for a minimum of 6 weeks. The following information should be published:

• The Pre-Submission Neighbourhood Plan or Order;

• Details of where and when the Pre-Submission Plan or Order may be inspected; and

• Details on how residents, businesses and statutory consultees can make comments. Comments must be received no longer than 6 weeks from the date the Plan or Order was first publicised.

A copy of the Pre-Submission Plan or Order should also be sent to East Riding of Yorkshire Council.

At this stage East Riding of Yorkshire Council may offer a view on the Pre-Submission Plan or Order, including whether it meets the basic conditions set out in table 1.

East Riding of Yorkshire Council will also confirm whether the Pre-Submission Plan or Order would be reported through the first available Cabinet for formal endorsement. This is likely to be required if there are key issues, politically contentious and/or significant concerns are identified with the Pre-Submission Plan or Order when considered against the basic conditions.

What are the additional consultation requirements for Neighbourhood Orders?

Town and Parish Councils preparing a Neighbourhood Order must ensure they consult those bodies East Riding of Yorkshire Council would have consulted on a
planning application for the same type of development. It may be useful to refer to the East Riding of Yorkshire Council’s Statement of Community Involvement to identify who may need to be consulted as part of the preparation of an Order. This is available on the following webpage:


21 days before the Order is submitted to East Riding of Yorkshire Council the Town or Parish Council must also consult:

- An owner of any of the land which is proposed to be developed under the Order; and

- A tenant of any of that land.

**What happens after the Pre-Submission Consultation?**

Depending on the nature of the issues raised in response to the consultation, Town and Parish Councils may wish to make changes to their Neighbourhood Plan or Order before formally submitting it to East Riding of Yorkshire Council.

East Riding of Yorkshire Council encourages Town and Parish Councils to submit their final Plan or Order for an independent and impartial health check. This is a service for Town and Parish Councils who feel their Plan or Order is ready to be submitted to East Riding of Yorkshire Council. An independent assessor will check all the documents are in order and provide a view as to whether the Plan or Order meets the basic conditions (listed in table 1). Further information on this service is available here:


**Stage 5. Submission of the Neighbourhood Plan or Order**

Once any comments received through Pre-Submission consultation have been considered by the Town or Parish Council and a health check (if appropriate) has been carried out, the Neighbourhood Plan or Order is submitted by the Town or Parish Council to East Riding of Yorkshire Council. This version of the Plan or Order is called the Submission Version.
What do Town and Parish Councils do at this stage?

The following information must be submitted by the Town or Parish Council, alongside the Submission Plan or Order:

1) A map showing the area to which the Plan or Order relates

East Riding of Yorkshire Council can prepare this map on request.

2) A Consultation Statement

This will:

- Explain who was consulted and how;
- Provide a summary of the main issues and concerns raised through the consultation;
- Describe how any issues and concerns have been considered in preparing the Plan or Order; and
- Confirm, where relevant, how an issue or concern has been addressed through change to the Plan or Order.

Maintaining an ongoing record of consultation on the Plan or Order as it is prepared will make the consultation statement much easier to write.

More information about preparing a consultation statement is set out in East Riding Neighbourhood Planning Topic Note 5.

3) A Basic Conditions statement

This will explain how the Plan or Order meets each of the basic conditions (listed in table 1).

Town and Parish Councils preparing a Neighbourhood Plan or Order will have to balance the need to respond to public opinion (in order to pass the referendum, see Stage 9) with the need to ensure their Plan or Order meets the basic conditions.

4) Environmental Assessment Information

Town and Parish Councils preparing Neighbourhood Plans must submit additional information to ensure their Plan or Order is compatible with European obligations.
For Neighbourhood Plans this information will comprise:

- A statement specifying the Plan is unlikely to have significant environmental effects; or
- An environmental report in accordance with the Environmental Assessment Regulations. This will be necessary should a Screening Opinion conclude the Plan is likely to have significant environmental effects.

For Neighbourhood Orders an Environment Statement must be submitted.

East Riding Neighbourhood Planning Topic Note 4 provides further information on environmental assessment and the documentation that may be required at this stage.

5) An Archaeology Statement

This is only required for Neighbourhood Orders and should:

- Confirm the information in relation to archaeology contained in the historic environment record for the Neighbourhood Area has been reviewed;
- Set out the findings from that review; and
- Set out how the findings have been taken into account in the preparing the Order.

Should there be no findings relevant to the Neighbourhood Area the Statement need only:

- Confirm the information in relation to archaeology contained in the historic environment record for the Neighbourhood Area has been reviewed; and
- Explain there were no findings relevant to the Neighbourhood Area.

Town and Parish Councils should seek the views of East Riding of Yorkshire Council on the documents they intend to submit. East Riding of Yorkshire Council can provide advice on the preparation of the consultation statement and basic conditions statement.
Further information
There are a number of useful information resources prepared by Planning Aid covering writing a consultation statement and a basic conditions statement. These resources are available from:

www.ourneighbourhoodplanning.org.uk/resources/documents

Stage 6. Checking and publicising the Neighbourhood Plan or Order and appointing the Independent Examiner

What does East Riding of Yorkshire Council do at this stage?

Check and consider the Submission Plan or Order

On receipt of a Submission Plan or Order, East Riding of Yorkshire Council will check whether:

- The Town or Parish Council is authorised to act in relation to the Plan or Order;
- The Plan or Order meets the definition of a Plan or Order and the scope of what can be included in a Plan or Order;
- Correct documents have been submitted; and
- The Town or Parish Council has undertaken the correct procedures in relation to consultation and publicity.
- The Plan or Order complies with paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

Paragraph 6 of Schedule 4B is set out below for completeness. This is available from: http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted

The authority must consider—

(a) whether the qualifying body is authorised for the purposes of a neighbourhood development order to act in relation to the neighbourhood area concerned as a result of section 61F,

(b) whether the proposal by the body complies with provision made by or under that section,
(c) whether the proposal and the documents and information accompanying it (including the draft neighbourhood development order) comply with provision made by or under paragraph 1, and

(d) whether the body has complied with the requirements of regulations made under paragraph 4 imposed on it in relation to the proposal.

(3) The authority must also consider whether the draft neighbourhood development order complies with the provision made by or under sections 61E(2), 61J and 61L.

(4) The authority must—

(a) notify the qualifying body as to whether or not they are satisfied that the matters mentioned in sub-paragraphs (2) and (3) have been met or complied with, and

(b) in any case where they are not so satisfied, refuse the proposal and notify the body of their reasons for refusing it.

The Submission Plan or Order will be reported to Cabinet at this stage only if there are key potentially contentious and/or significant concerns with the Plan or Order.

Issue a decision statement

East Riding of Yorkshire Council will publish a decision statement, setting out whether the Plan or Order complies with paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). Plans or Orders will be refused if they do not comply with the criteria. The Town or Parish Council will be sent a copy of the decision statement.

At this stage, East Riding of Yorkshire Council is not assessing the merits of the Plan or Order, or whether it meets the basic conditions. However, East Riding of Yorkshire Council has to be satisfied that a basic condition statement has been submitted.

Publicise the Plan or Order

East Riding of Yorkshire Council will publicise the Submission Plan or Order on its website and by other means as appropriate. This will set out:

1. The Plan or Order;

2. Where and when the Plan or Order can be inspected;
3. How to make comments on the Plan or Order;

4. How to request notification of East Riding of Yorkshire Council's decision in relation to the Plan or Order and;

5. The deadline for the receipt of comments (not less than 6 weeks from the first day the Plan or Order is publicised).

East Riding of Yorkshire Council is required to notify the bodies referred to in the consultation statement as soon as possible.

Additional Publicity for Neighbourhood Orders

Should an Environmental Statement be prepared for a Neighbourhood Order this must be displayed, for no less than 21 days, in at least one place on or near the land to which the Order relates. The Environmental Statement must also be publicised in a local newspaper circulating in the locality to which the Order relates.

Further guidance on Environmental Statements, including when one may be required for a Neighbourhood Order is included within East Riding Neighbourhood Plan Topic Note 4.

How will the Independent Examiner be appointed?

Within 6 weeks of the close of the consultation period (where practicable), and in agreement with the Town or Parish Council, East Riding of Yorkshire Council will appoint an Independent Examiner.

Local Authorities and Town and Parish Councils can use the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) to source an Independent Examiner for the examination of the Plan or Order. NPIERS provide independent examiners with the relevant skills and experience and free from conflicts of interest.

East Riding of Yorkshire Council must be satisfied the Examiner is:

- Independent of the Town or Parish Council;
- Has no interest in any land that may be affected by the Plan or Order;
- Has appropriate qualifications and experience.
What documents are submitted to the Examiner?

Within 2 weeks of appointment, East Riding of Yorkshire Council will send the following documents to the Examiner:

1. A map identifying the area to which the Plan or Order relates;

2. The Submission Plan or Order (and, in the case of Orders, a statement summarising the proposals and reasons why the Order should be made in the terms proposed);

3. The Consultation Statement;

4. The Basic Conditions Statement;

5. The Strategic Environmental Assessment (SEA) Screening Opinion and Environmental Report, or reasons why one is not required (for a Plan). The Environmental Impact Assessment (EIA) Screening/Scoping Opinion and an Environmental Statement, if required (for an Order);

6. The Habitats Regulations Screening Assessment, and if necessary the Appropriate Assessment;

7. The Archaeology Statement (for an Order);

8. Any other relevant evidence or documentation submitted to East Riding of Yorkshire Council by the Town or Parish Council in relation to the Plan or Order; and

9. A copy of the comments received in response to the Submission Consultation.

The appointed Examiner will decide when to hold the examination.

Stage 7. Independent Examination

The Independent Examination is organised (and funded) by East Riding of Yorkshire Council and is an opportunity for the Independent Examiner to assess the Neighbourhood Plan or Order. It will focus on whether the Plan or Order meets the basic conditions listed in table 1.
How will the examination be conducted?

In most cases the examination will involve consideration of representations in writing. However, the Independent Examiner may choose to listen to different viewpoints through oral representations at hearing sessions. These sessions would be arranged to ensure adequate examination of any significant issues in relation to the Plan or Order. Oral representations must be heard in public and will allow participants to have a fair chance to put their case forward. The Examiner will decide on the conduct of the hearings, such as whether speakers may be questioned, the matters they can be questioned on and the amount of time given to a person to speak.

How can the public make their views known to the Independent Examiner?

Those wishing to make their views known to the Independent Examiner, or want to include evidence for the Examiner to consider, need to submit their comments to the 6 week Submission Consultation (see stage 6). It is only these comments that will be send to the Examiner. Comments from members of the public should address whether or not the Submission Neighbourhood Plan or Order meets the basic conditions set out in table 1.

Stage 8. Independent Examiner's Report

What does the Examiner do at this stage?

Following the examination, a report will be prepared by the Examiner who has three options:

1. That the Plan or Order does not proceed to referendum;
2. That the Plan or Order proceeds to referendum as submitted; or
3. The Plan or Order is modified to meet the basic conditions and then the modified version proceeds to referendum.

Modifications can only be those that the Examiner thinks are needed to:

- Make the Plan or Order conform with the basic conditions;
• Make the Plan or Order compatible with the Human Rights Act 1998\(^\text{11}\);

• Make the Plan or Order comply with the definition of a Plan or Order;

• To correct errors; and/or

• Alter timescales in relation to periods for receipt of applications and start dates for development (for Neighbourhood Orders).

The Examiner cannot recommend the Plan or Order goes to referendum (the next stage) if it does not meet the basic conditions listed in table 1.

If the Examiner is minded to recommend the Neighbourhood Plan or Order should proceed to referendum, they must consider whether the referendum area should extend beyond the designed Neighbourhood Area. If the Examiner recommends that the Neighbourhood Area should be extended they must state what the extended area should include. This may be appropriate where the scale and nature of the development proposals in the Plan or Order have a substantial, direct and demonstrable impact beyond the Neighbourhood Area.

Within 2 weeks of receiving the Examiner's report, East Riding of Yorkshire Council will publicise the report on its website and by other means as appropriate.

**What does East Riding of Yorkshire Council do at this stage?**

**Consider the Examiner's report**

On receipt of the Examiner's report, East Riding of Yorkshire Council will:

• Consider each of the Examiner's recommendations, the reasons for them and what actions may be required; and

• Come to a formal view on whether the Plan or Order meets the basic conditions.

Where East Riding of Yorkshire Council proposes to make a decision which differs from the Examiner's recommendation, it must notify anyone who asked to be notified of the decision. This would need to explain the reasoning for the difference, invite representations and, if appropriate, refer the issue back to an independent examination.

East Riding of Yorkshire Council must also:

Determine if any modifications should be made to ensure the Plan or Order:

- meets the basic conditions;
- complies with the Human Rights Act (1998);
- complies with the definition of a Plan or Order and the provisions that can be made by a Plan or Order; and
- complies with suitable periods for making applications and starting development (Orders only).

Or,

Determine the Plan or Order is unsatisfactory as it does not meet one or more of the aforementioned points.

The Independent Examiner’s report will be reported to Cabinet at this stage only if there are key issues, potentially contentious, and/or significant concerns with the Plan or Order, and/or the Council propose to make a decision that differs from the Examiner’s recommendation.

Publicising the decision

East Riding of Yorkshire Council will publish the following information on its website, and by other means as appropriate:

- The decision made on the Plan or Order and the reasons for that decision (the Decision Statement);
- Details of where and when the Decision Statement can be inspected; and
- The Independent Examiner’s report.

A written notice of the decision will be sent to the Town or Parish Council and any person who asked to be notified of the decision.

When East Riding of Yorkshire Council is satisfied that the Plan or Order meets the basic conditions and is compatible with the Human Rights Act (1998), a referendum must be held as soon as reasonably possible (see stage 9).
**Stage 9. Local Community Referendum**

If the Neighbourhood Plan or Order meets the basic conditions, East Riding of Yorkshire Council will organise and fund a Local Community Referendum to decide whether the Plan or Order should be brought into force.

**When will the referendum take place?**

Any referendum has to take place within 60 days of the publication of the Decision Statement (see stage 8).

**What about Business Neighbourhood Areas?**

Where a Neighbourhood Area has also been designated as a Business Neighbourhood Area, two separate referendums will be held in parallel. The first will be for residents and the second for businesses (non-domestic rate payers). Each business will have one vote, ensuring the business community also has a role in Neighbourhood Planning.

Where there are two applicable referendums East Riding of Yorkshire Council will not be obliged to make (adopt) the Plan or Order unless both referendums are in support of it.

**How will the referendum be organised?**

East Riding of Yorkshire Council will publish notice of the referendum for at least 28 days prior to the referendum being held. This ensures residents are aware that it will take place and can obtain all the key information in relation to the referendum.

Should the Neighbourhood Area be designated as a Business Area an additional Business Referendum will take place. In this case, East Riding of Yorkshire Council will publish notice of the referendum for at least 56 days prior to the referendums being held.

**What information will be published in preparation for the referendum?**

East Riding of Yorkshire Council will publish an Information Statement alongside notice of the referendum. This will include the following information and documents:
• That a referendum will be held;

• The date of the referendum;

• The question to be asked;

• A map of the referendum area;

• Where the referendum area and Neighbourhood Area are not identical, a map of the Neighbourhood Area;

• A description of those entitled to vote in each referendum;

• The referendum expenses limit application (the maximum that someone campaigning can spend to ensure everyone campaigns on a level playing field) and the number of people identified as entitled to vote on which the limit was calculated;

• That the referendum will be conducted in accordance with procedures similar to those for local government elections;

• The address and times at which a copy of the specific documents can be inspected;

• Summary Plan or Order;

• Examiner's report;

• Summary of all the comments submitted to the Examiner;

• Statement confirming East Riding of Yorkshire Council is satisfied the Plan or Order meets the basic conditions; and

• General information on the Plan or Order and the referendum.

**Who can vote?**

People living and working in the Neighbourhood Area who are registered to vote in local elections will be entitled to vote in the referendum. The minimum age to vote in a Neighbourhood Plan or Order referendum is 18 years of age.
In some special cases people residing outside the Neighbourhood Area may be allowed to vote. This might happen if the Plan or Order for one Neighbourhood Area has significant implications for other people living nearby.

**What question will be asked at the referendum?**

The regulations\(^{12}\) prescribe the questions that must be asked in a Neighbourhood Planning referendum. There are three questions depending on whether the referendum relates to a Neighbourhood Plan, Neighbourhood Order or Community Right to Build Order:

1. Do you want *East Riding of Yorkshire Council* to use the Neighbourhood Plan for [name of neighbourhood area] to help it decide planning applications in the neighbourhood area?

2. Do you want the type of development in the Neighbourhood Development order for [name of neighbourhood area] to have planning permission?

3. Do you want the development in the community right to build order for [name of neighbourhood area] to have planning permission?

**What will the required outcome be?**

Where the Neighbourhood Plan or Order receives the support of more than half of those voting, it can be brought into effect and made (adopted) by East Riding of Yorkshire Council.

If there is no overwhelming support for a Community Right to Build Order, a community will not be able to proceed with the development unless a further referendum is held to gain the necessary support. Alternatively it may revert to going through the normal process of submitting a planning application.

**How should Town and Parish Councils gain support for their Plan or Order at the referendum?**

The referendum is the important last step before a Neighbourhood Plan or Order can be made (adopted) by East Riding of Yorkshire Council. Gaining support for the Plan or Order throughout all stages of its preparation will be the key to a successful result.

It could be possible for the Plan or Order to meet all the basic conditions and receive a positive Examiner’s report, but if it does not gain the majority support at the referendum East Riding of Yorkshire Council would be unable to make (adopt) it.

Town or Parish Councils should be confident they have widespread community support before reaching referendum (stage 9). This will require the community to reach a broad consensus on the objectives, key issues and desired outcomes of a Neighbourhood Plan or Order.

Town and Parish Councils should follow the advice below to improve the chances of success at the referendum:

• Ensure adequate publicity is given to the Plan or Order throughout the process. If people understand the importance of the document and have had a chance to be involved they are more likely to vote in support of it.

• Involve a wide range of local residents, businesses and organisations in all stages of the Plan or Order. Anyone feeling they have been left out of the process or unable to give their comments may be more inclined to vote against the Plan or Order. Methods of community engagement and consultation are highlighted within East Riding Neighbourhood Planning Topic Note 6.

• Ensure that a full range of options are consulted on. This will ensure that everybody’s suggestions have been considered.

• Base decisions and the content of the Plan or Order on robust evidence, consultation and feedback.

• Ensure openness and transparency in all decision making. Record decisions within Town and Parish Council minutes.

• Keep the Neighbourhood Plan, Town or Parish Council website up to date, including regular updates on progress with the Plan or Order.

• Explain decision making and options at regular meetings.

Can the referendum decision be challenged?
In accordance with the Localism Act 2011, there will be a 6 week period from the date on which the referendum results are declared within which someone can make a legal challenge to the conduct of the referendum.

**Stage 10. East Riding of Yorkshire Council makes (adopts) the Plan or Order**

Following a positive referendum vote and the 6 week challenge period, East Riding of Yorkshire Council will make (adopt) the Plan or Order at the first available ordinary meeting of Full Council.

Made (adopted) Neighbourhood Plans form part of the development plan.

Made (adopted) Plans and Orders would be used by East Riding of Yorkshire Council to make decisions on planning applications.

Within two weeks of the Full Council meeting, East Riding of Yorkshire Council will, publish on its website, and by other means as appropriate:

- The made (adopted) Plan or Order;
- Details of where and when the Plan or Order may be inspected;
- The Environmental Report (where a Plan has been subject to environmental assessment through the Strategic Environmental Assessment Directive); and
- A final decision statement, setting out the reasons why the Plan or Order has been made (adopted).

Those who asked to be notified when the Plan or Order is made (adopted) will be informed.

**Stage 11. Implementing and Monitoring the Plan or Order**

**Who is responsible for implementing a Neighbourhood Plan or Order?**

East Riding of Yorkshire Council and Town and Parish Councils will work together to implement and monitor Neighbourhood Plans and Orders.
East Riding of Yorkshire Council is responsible for making decisions on whether to grant permission for new development in a Neighbourhood Area. This will be determined in accordance with made (adopted) Plans and Orders, unless material considerations indicate otherwise. Where a planning application conflicts with a made (adopted) Neighbourhood Plan or Order, permission will not normally be granted.\(^\text{13}\)

**How should Neighbourhood Plans be monitored?**

Monitoring is essential to establish what is happening now and what may happen in the future. It helps to address questions like:

- Are policies achieving their objectives and in particular are they delivering the desired development?
- Have policies had unintended consequences?
- Are the assumptions and objectives behind policies still relevant?
- Are the targets being achieved?

One way to consider how a Neighbourhood Plan will be monitored is to prepare an implementation plan, which may include:

- **Objectives.** Describe the circumstances the community wishes to achieve during over the lifetime of the Plan.
- **Actions.** What should be done to turn the Plan into reality on the ground, who is responsible for undertaking action, the priority the action should be given (for example high, medium, low), the timetable for the action, and the source of any funding to enable the action to happen.
- **Targets and indicators.** To measure whether or not the policy is being achieved once the Plan is made (adopted).

Should environmental assessment of a Neighbourhood Plan be required there are additional tasks involved at the monitoring stage.

East Riding Neighbourhood Plan Topic Notes 4 (Table 7) sets out how monitoring of environmental impacts should take place following the making (adoption) of a Neighbourhood Plan.

Where can Town and Parish Councils find further information about preparing a Neighbourhood Plan or Order?

East Riding of Yorkshire Council can provide advice to Town and Parish Councils in relation to preparing a Neighbourhood Plan and Order and the steps involved in this process.

The National Planning Practice Guidance (PPG) contains further guidance in the preparation of Plans and Orders:

http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/
Appendix A - Neighbourhood Area Application Form

Neighbourhood Planning

Application to designate a Neighbourhood Area

This form should be completed by Town and Parish Councils wishing to designate a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan or Order.

Please contact Forward Planning for help completing this form or advice on preparing a Neighbourhood Plan or Order

Address:
Forward Planning
East Riding of Yorkshire Council
County Hall
Beverley
HU17 9BA

Telephone: 01482 391738
Email: forward.panning@eastriding.gov.uk

1. Name of Proposed Neighbourhood Area

Please provide the name of your Neighbourhood Area

2. Extent of the Proposed Neighbourhood Area
Please attach a map identifying the extent of the proposed Neighbourhood Area
(East Riding of Yorkshire Council can prepare this map at your request)

Please indicate below the extent of the proposed Neighbourhood Area (East Riding of Yorkshire Council can prepare this map at your request)

Whole parish boundary area: ☐ (Go to section 4)
Different from parish boundary area: ☐ (Go to section 4)
Includes the whole or part of another parish area: ☐ (Go to section 3)

3. Neighbourhood Areas including another parish area

Neighbouring Town or Parish Councils should complete this section if the proposed Neighbourhood Area includes the whole or part of a neighbouring parish.

We confirm that we support this application for designation of a neighbourhood area.

<table>
<thead>
<tr>
<th>Neighbouring Town or Parish Council:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and Position:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
</tbody>
</table>

4. Statement of intent

Please explain below why this area is considered appropriate to be designated as a Neighbourhood Area


5. Relevant body

Please confirm that you are the relevant body to undertake Neighbourhood Planning in your area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations.

Yes: ☐
Box: ☐
6. Parish Clerk details

<table>
<thead>
<tr>
<th>Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Town or Parish Council Office Address:</td>
<td></td>
</tr>
<tr>
<td>Email:</td>
<td></td>
</tr>
</tbody>
</table>

7. Declaration

I hereby apply to designate a Neighbourhood Area as described on this form and the accompanying map.

<table>
<thead>
<tr>
<th>Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Position:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>

Please return your completed form by email or post to Forward Planning (contact details at the top of the form).

Please note that the information provided on this application form will be published on the Council's website and will be open for viewing by members of the public. The Council only redacts comments from individual members of the public to remove personal data in respect of email addresses, telephone numbers and signatures. Please check the Council's website for more details on how your information will be used, at http://eastriding.limehouse.co.uk/portal/
Appendix B - Preparing a Neighbourhood Plan or Order - Summary of Key Steps

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Town or Parish Council submit application to designate a Neighbourhood Area (known as an 'Area Application').</td>
</tr>
<tr>
<td>2</td>
<td>Approval of the Neighbourhood Area by East Riding of Yorkshire Council following 4 or 6 week consultation.</td>
</tr>
<tr>
<td>3</td>
<td>Town/Parish Council prepare their Plan or Order with advice and assistance from East Riding of Yorkshire Council. Preparing a Plan or Order involves: gathering evidence and identifying planning issues, developing a vision and objectives, environmental assessment, considering options, ongoing consultation with the community. (Some of these points may not be relevant for Orders).</td>
</tr>
<tr>
<td>4</td>
<td>Town/Parish Council publish their draft Plan/Order ('Pre-Submission Version') for a 6 week consultation. At this stage the Town or Parish Council must be satisfied their Plan meets the basic conditions.</td>
</tr>
<tr>
<td>5</td>
<td>Following consultation, Town/Parish Council submit their Plan or Order ('Submission Version') to East Riding of Yorkshire Council.</td>
</tr>
<tr>
<td>6</td>
<td>East Riding of Yorkshire Council check the Plan or Order and publicise it for a further 6 week consultation.</td>
</tr>
<tr>
<td>7</td>
<td>Examination of the Plan or Order.</td>
</tr>
<tr>
<td>8</td>
<td>Independent Examiner produces a report on the Plan or Order. East Riding of Yorkshire Council must be satisfied the Plan/Order meets the basic conditions before it can proceed to the referendum.</td>
</tr>
<tr>
<td>9</td>
<td>Local Community Referendum takes place. Plan or Order must receive the support of more than half of those voting in the Neighbourhood Area to pass the referendum.</td>
</tr>
<tr>
<td>10</td>
<td>East Riding of Yorkshire Council 'make' (adopt) the Plan or Order following successful a referendum result.</td>
</tr>
<tr>
<td>11</td>
<td>East Riding of Yorkshire Council work with Town/Parish Council to implement and monitor the Plan or Order.</td>
</tr>
</tbody>
</table>