

### Should we prepare a neighbourhood plan?

Is a neighbourhood plan right for your community? Parish Councils or community-led groups should consider carefully what they are seeking to achieve through a neighbourhood plan. The following sets out some of the issues that you may wish to consider when deciding if you should prepare your own neighbourhood plan.

#### What Can a Neighbourhood Plan Do?

Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver sustainable development. Parishes and neighbourhood forums can use neighbourhood planning to:

- set planning policies through neighbourhood plans to determine decisions on planning applications; and
- grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.

Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community.

Outside the strategic requirements of the national and local planning framework, neighbourhood plans can shape and direct sustainable development in their area.

A Neighbourhood Plan must apply to the development and use of land. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable (for example, set out in a companion document or annex).

If passed at a local referendum, a Neighbourhood Plan will be adopted by Maidstone Borough Council as a plan which must be used in law to determine planning applications in the Parish. Neighbourhood Plans are statutory documents and are additional to, not a replacement for, the Maidstone Borough Local Plan.

#### What Can't a Neighbourhood Plan Do?

A Neighbourhood Plan cannot ignore the Government's National Planning Policy Framework (NPPF). The NPPF must be taken into account in the preparation of neighbourhood plans. The NPPF is clear that neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.

Neighbourhood plans must be in general conformity with the strategic policies of the adopted Local Plan. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.

Although a draft Neighbourhood Plan is not tested against the policies in an emerging Local Plan, the National Planning Policy Guidance states that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. In developing neighbourhood plans before an up-to-date local plan is in place, the Borough Council will take an active role in advising and supporting the local neighbourhood plan team, sharing evidence and information in order to help enable the local Neighbourhood Plan team to be aware of any relevant up-to-date evidence and the strategic policies of the emerging Local Plan.

It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan. This is because where there is conflict between the two documents, even if a neighbourhood plan is made ahead of an up-to-date Local Plan, it can be superseded by the policy which is contained in the last document to become part of the development plan<sup>1</sup>.

### **How much work will be required to produce a Neighbourhood Plan?**

The level of work will largely depend on how much detail the plan goes into. This will be decided at the local level. The Plan itself is prepared by the Parish Council or Neighbourhood Forum. Experience of the earlier neighbourhood plans shows it is important not to underestimate the resources you will need to collect evidence, ensure full community involvement, draft the plan and fulfil the legal requirements.

### **How long will it take to produce a Neighbourhood Plan?**

There are Government regulations that set out the key stages to be followed. The process includes a number of statutory stages including community engagement and consultation on the draft document. Given that a Neighbourhood Plan, once adopted, will be used to determine planning applications, it is also subject to an examination and a community referendum before it can be adopted.

The time taken to bring a Neighbourhood Plan into force will clearly vary depending on the complexity and size of the plan; it has been estimated that the entire process, from inception to adoption, could take 2 years as a minimum.

### **How much will it cost to do a Neighbourhood Plan and who pays?**

The cost of producing a Neighbourhood Plan will vary depending on its scope and content. The development plan system is evidence driven and the purpose of the examination is in

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<sup>1</sup> Section 38(5) of the Planning and Compulsory Purchase Act 2004

part to consider whether a plan is supported by the evidence. It may be that evidence (usually technical studies) has already been produced by the Borough Council that will meet the requirements of neighbourhood plans. However some new evidence may be required depending on the nature of the Plan and the cost will fall to the Parish Council/ Neighbourhood Forum.

The Government estimate that the costs will be between £20,000 and £86,000. This cost, with the exception of the Examination and Referendum, is borne by the community producing the Neighbourhood Plan. Clearly, some smaller plans will cost less, whilst others could cost more.

### **The skills required**

It is helpful if the group preparing the neighbourhood plan have a number of general skills including leadership, project management, organisational skills and an ability to engage, communicate and negotiate with a diverse range of stakeholders and members of the public.

### **What are the alternatives to a Neighbourhood Plan?**

#### *Local Plan*

In the absence of a neighbourhood plan, Maidstone Borough Council will still continue to rely on the relevant policies in the adopted Local Plan. It is likely that Local Plans will be reviewed every five years. Some supplementary planning documents (SPD) will also be produced.

#### *Village Design Statement*

If local issues are predominantly about the design of new development, a Village Design Statement can be prepared. In order to be adopted by the Council, the document would need to be based on a thorough assessment of the existing character of the area and to have involved meaningful community engagement. There is no need for an examination or referendum to produce a Village Design Statement.

#### *Parish Plan/ Community Plan*

A Parish Plan/ Community Plan can develop a shared vision for a neighbourhood but can focus on wider non land use issues (e.g. access to services, increasing participation in sport, litter, traffic calming, cycle ways and footpaths etc.). The plans tend to be more action based and can range across a wider range of issues than a Neighbourhood Plan. A Parish/ Community Plan would be appropriate in identifying priorities for community action.