

## APPENDIX 1: NEIGHBOURHOOD PLANNING PROTOCOL

The neighbourhood planning protocol has been prepared in accordance with the regulatory stages of The Neighbourhood Planning (General) Regulations 2012 (as amended) and refers to The Neighbourhood Planning (Referendums) Regulations 2012 (as amended).

Plan stage	Regulatory stage	Tasks	Responsibility	Committee decision/ delegated authority	Outcome
General		In addition to the support and assistance given to parish councils and neighbourhood forums, as set out in MBC's Statement of Community Involvement: <ol style="list-style-type: none"> <li>1. Meetings with parish councils or neighbourhood forums, where appropriate.</li> <li>2. If requested by parish councils or neighbourhood forums, submission of informal general comments on pre-Regulation 14 and pre-Regulation 15 draft neighbourhood plans.</li> </ol>	MBC Strategic Planning Team	N/A	Neighbourhood plans meet statutory requirements and move forward to successful examination and referendum.
Neighbourhood area application made by a parish council where the area follows the parish boundary	5, 5A and 7	<ol style="list-style-type: none"> <li>1. Check the application meets statutory requirements and that the proposed area does not conflict with other designated areas.</li> <li>2. Acknowledge receipt of the application.</li> <li>3. Prepare a delegated report.</li> <li>4. Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the decision (by email).</li> <li>5. Publish details on the MBC website.</li> <li>6. Place a public notice in the local newspaper.</li> </ol>	MBC Strategic Planning Team	Delegated authority is given to the Head of Planning and Development.	Publicity requirements are met, and the neighbourhood area is designated.
Neighbourhood forum application made by a qualifying body (e.g. Residents Association)	8, 9, 9A and 10	<ol style="list-style-type: none"> <li>1. Check the application meets statutory requirements.</li> <li>2. Acknowledge receipt of the application.</li> <li>3. Arrange <b>local consultation to run for a minimum 6 weeks:</b> <ol style="list-style-type: none"> <li>a) Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the consultation (by email)</li> <li>b) Publish details on the MBC website (to include a statement that no other body may be designated for the</li> </ol> </li> </ol>	<u>Tasks 1-3 and 5-9</u> MBC Strategic Planning Team  <u>Task 4</u> Parish Council or	Delegated authority is given to the Head of Planning and Development.	Consultation and publicity requirements are met, and the neighbourhood forum is designated.  Or

Plan stage	Regulatory stage	Tasks	Responsibility	Committee decision/ delegated authority	Outcome
		<p>same neighbourhood area)</p> <p>c) Place a public notice in the local newspaper (to include a statement that no other body may be designated for the same neighbourhood area).</p> <p>4. The parish council or neighbourhood forum to publicise the consultation through its website and other means such as posters, meetings and newsletters.</p> <p>5. Manage representations received, and acknowledge receipt.</p> <p>6. Prepare a delegated report – a <b>decision must be made with 13 weeks of the start of consultation.</b></p> <p>7. Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the decision (by email).</p> <p>8. Notify those who submitted representations of the decision.</p> <p>9. Publish details on the MBC website.</p>	Neighbourhood Forum		<p>Consultation, publicity and notification requirements are met, and the neighbourhood forum application is refused.</p> <p><b>Note: Designation of a neighbourhood forum expires after five years and the appropriate body must re-submit an application.</b></p>
Neighbourhood area application made by a parish council or neighbourhood forum where the area does not follow the parish boundary	5, 6, 6A and 7	<p>1. Check the application meets statutory requirements.</p> <p>2. Acknowledge receipt of the application.</p> <p>3. Arrange <b>local consultation to run for a minimum 6 weeks:</b></p> <p>a) Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the consultation (by email)</p> <p>b) Publish details on the MBC website</p> <p>c) Place a public notice in the local newspaper.</p> <p>4. The parish council or neighbourhood forum to publicise the consultation through its website and other means such as posters, meetings and newsletters.</p> <p>5. Manage representations received, and acknowledge receipt.</p> <p>6. Prepare a delegated report – a <b>decision must be made with 13 weeks of the start of consultation.</b></p> <p>7. Notify the local and adjacent parish councils and ward councillors of the decision (by email).</p> <p>8. Notify those who submitted representations of the decision.</p>	<p><u>Tasks 1-3 and 5-9</u></p> <p>MBC Strategic Planning Team</p> <p><u>Task 4</u></p> <p>Parish Council or Neighbourhood Forum</p>	Delegated authority is given to the Head of Planning and Development	<p>Consultation, publicity and notification requirements are met, and the neighbourhood area is designated.</p> <p>Or</p> <p>Consultation, publicity and notification requirements are met, and the neighbourhood area application is refused.</p>

Plan stage	Regulatory stage	Tasks	Responsibility	Committee decision/ delegated authority	Outcome
		9. Publish details on the MBC website.			
Consultation on a pre-submission draft neighbourhood plan or modification proposal	14	<p><b>At this stage Maidstone Borough Council is a consultee</b></p> <ol style="list-style-type: none"> <li>1. Upon receipt of the draft plan or modification proposal, prepare an SEA/HRA<sup>1</sup> Screening Report. Forward the Screening Report and draft neighbourhood plan to Historic England, Natural England and the Environment Agency for their views. <b>The bodies have 5 weeks to respond.</b> Update the Screening Report and forward to the parish council or neighbourhood forum.</li> <li>2. If an SEA/HRA is required, the parish council or neighbourhood forum is responsible for preparing a Scoping Opinion and an SEA/HRA prior to the formal submission of their plan to MBC.</li> <li>3. The parish council or neighbourhood forum to undertake a <b>minimum 6-week local consultation exercise</b> on the draft plan or modification proposal, in accordance with regulatory requirements, and to publicise the consultation through its website and other means such as posters, meetings and newsletters.</li> <li>4. Update the MBC website.</li> <li>5. Assess whether the neighbourhood plan or modification proposal conforms to national and local planning policies, and provide written representations to the consultation.</li> </ol>	<p><u>Tasks 1 and 4-5</u> MBC Strategic Planning Team</p> <p><u>Tasks 2- 3</u> Parish Council or Neighbourhood Forum</p>	Delegated authority is given to the Head of Planning and Development	Submission draft neighbourhood plan or modification proposal and, if required, an SEA/HRA.
Submission of a draft neighbourhood plan or modification proposal to MBC	15	<ol style="list-style-type: none"> <li>1. Acknowledge receipt of submitted documents, i.e. neighbourhood plan or modification proposal with a map of the neighbourhood area, basic conditions statement, consultation statement, and an environmental report</li> </ol>	MBC Strategic Planning Team	Appointment of Examiner from NPIERS/IPE in accordance with	Draft neighbourhood plan or modification proposal with supporting

<sup>1</sup> Strategic environmental assessment/habitats regulations assessment

Plan stage	Regulatory stage	Tasks	Responsibility	Committee decision/ delegated authority	Outcome
		<p>(SEA/HRA) or a statement explaining why this is not required. In the case of a modification proposal, a statement as to why the modification proposal is so significant or substantial as to change the nature of the neighbourhood plan must form part of the submission.</p> <ol style="list-style-type: none"> <li>2. Check that statutory requirements were met at Regulation 14 consultation stage (including consultation with statutory consultees).</li> <li>3. Forward an amended neighbourhood plan or modification proposal to Historic England, Natural England and the Environment Agency, together with an amended Screening Report or, if previously required, the SEA/HRA. <b>The bodies have 5 weeks to respond.</b> Forward the final Screening Report to the parish council or neighbourhood forum.</li> <li>4. Agree suitable consultation dates with the parish council or neighbourhood forum, and prepare for public consultation (refer to Annex A).</li> <li>5. Contact NPIERS/IPE<sup>2</sup> and request candidates for the Examiner, and agree a preferred Examiner with the parish council or neighbourhood forum.</li> <li>6. Appoint the Examiner.</li> </ol>		signed procurement waiver.	documentation is ready for consultation and examination.
Consultation on a submission draft neighbourhood plan or modification proposal	16	<ol style="list-style-type: none"> <li>1. Arrange <b>local consultation to run for a minimum 6 weeks:</b> <ol style="list-style-type: none"> <li>a) Publicise documents on the MBC website (refer to Annex A).</li> <li>b) Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the consultation (by email)</li> <li>c) Notify the consultation bodies referred to in the Regulation 15 consultation statement</li> </ol> </li> </ol>	<p><u>Tasks 1 and 3-5</u> MBC Strategic Planning Team</p> <p><u>Task 2</u> Parish Council or Neighbourhood</p>	SPST Committee decision	<p>Consultation, publicity and notification requirements are met.</p> <p>MBC's formal representations on the draft neighbourhood plan or modification</p>

<sup>2</sup> Neighbourhood Planning Independent Examiner Referral Service (NPIERS)/Intelligent Plans and Examinations (IPE)

Plan stage	Regulatory stage	Tasks	Responsibility	Committee decision/ delegated authority	Outcome
		<ul style="list-style-type: none"> <li>d) Place a public notice in the local newspaper</li> <li>e) Press release (optional).</li> </ul> <ol style="list-style-type: none"> <li>2. The parish council or neighbourhood forum to publicise the consultation through its website.</li> <li>3. Manage the representations received by email, post or the consultation portal, and acknowledge receipt.</li> <li>4. Prepare SPST Committee report seeking approval of MBC's response to the Regulation 16 consultation.</li> <li>5. Following the close of consultation, forward copies of representations to the Examiner and summarise the key issues for the Examiner.</li> </ol>	Forum		<p>proposal are submitted.</p> <p>The draft neighbourhood plan or modification proposal with supporting documentation is ready for examination.</p>
Submission of a draft neighbourhood plan or modification proposal for Examination	17	<ol style="list-style-type: none"> <li>1. Send the following documents prepared by the parish council or neighbourhood forum to the Examiner: <ul style="list-style-type: none"> <li>a) Neighbourhood plan or modification proposal with a map of the neighbourhood area</li> <li>b) Basic conditions statement</li> <li>c) Consultation statement</li> <li>d) An environmental report (SEA/HRA) or a statement explaining why this is not required</li> <li>e) In the case of a modification proposal, a statement as to why the modification proposal is so significant or substantial as to change the nature of the neighbourhood plan</li> <li>f) Copies of the representations submitted during Regulation 16 consultation and a summary of the main issues arising.</li> </ul> </li> <li>2. Liaise as required with the Examiner and the parish council or neighbourhood forum.</li> <li>3. If a Fact Check report is produced by the Examiner, arrange for checking with the parish council or neighbourhood forum.</li> </ol>	MBC Strategic Planning Team	N/A	<p>Completion of the examination.</p> <p>Receipt of the Examiner's report.</p> <p><b>Note:</b>  <b>Neighbourhood plan examinations are usually dealt with by written representations, but the Examiner may arrange a Hearing where plans or the issues arising from representations are complex.</b></p>

Plan stage	Regulatory stage	Tasks	Responsibility	Committee decision/ delegated authority	Outcome
MBC decision on an Examiner's recommendations	17A	<ol style="list-style-type: none"> <li>1. On receipt of the Examiner's final report, prepare SPST Committee report recommending the course of action to be taken (accept report / decline report / accept and make modifications).</li> <li>2. If SPST Committee accepts the Examiner's recommendations (with or without modifications) to hold a referendum, then the next step is to arrange the referendum.</li> <li>3. If SPST Committee accepts the Examiner's recommendation that a neighbourhood plan or modification proposal does not pass examination, the plan will not proceed to referendum.</li> <li>4. If SPST Committee declines to accept the Examiner's recommendations, then Regulation 17A applies and MBC must undertake a 6-week consultation on the decision<sup>3</sup>.</li> <li>5. Prepare a decision statement.</li> </ol>	MBC Strategic Planning Team	SPST Committee decision	<p>MBC decision to accept (with or without modifications) or decline to accept the Examiner's report.</p> <p><b>Note: A post-examination neighbourhood plan (as modified by the Examiner) is a material consideration in decisions on planning applications.</b></p>
Publication of the Examiner's report and MBC's decision statement on whether to proceed to referendum	18	<ol style="list-style-type: none"> <li>1. Publish the Examiner's report and MBC's decision statement on the MBC website.</li> <li>2. Notify the parish council or neighbourhood forum of the outcome (by email).</li> <li>3. If, following a successful examination, the Examiner's recommendations (with or without modifications) have been agreed by SPST Committee, organise the referendum (refer to Annex B).</li> </ol>	<u>Tasks 1-3</u> MBC Strategic Planning Team, liaising with MBC Electoral Services Team for task 3	N/A	The draft neighbourhood plan or modification proposal with supporting documentation is ready for referendum.
Prescribed dates for making a neighbourhood plan	18A	<ol style="list-style-type: none"> <li>1. <b>MBC's decision on Examiner's report must be made within 5 weeks of receipt of the report, or a later date agreed in writing with the parish council or neighbourhood forum.</b></li> </ol>	MBC Strategic Planning Team	N/A	Prescribed dates for making a neighbourhood plan

<sup>3</sup> This is not a full consultation – it includes the parish council or neighbourhood forum, those who submitted representations at Regulation 16 stage, and statutory consultees included in the Regulation 15 consultation statement

Plan stage	Regulatory stage	Tasks	Responsibility	Committee decision/ delegated authority	Outcome
		2. Following a successful referendum, the neighbourhood plan must be made (i.e. adopted by Full Council) <b>within 8 weeks</b> of the date of referendum.			are met.
Referendum	Separate regulations	Hold referendum.	MBC Electoral Services Team	N/A	Completion of referendum.
Decision to make a neighbourhood plan	19	<ol style="list-style-type: none"> <li>1. Following an unsuccessful referendum ('NO' result), prepare a statement and publish on the MBC website. Prepare SPST Committee report for information.</li> <li>2. Following a successful referendum, prepare SPST Committee report with a recommendation that Full Council makes the neighbourhood plan.</li> <li>3. Publish MBC's decision statement on the MBC website, together with details of where the decision statement may be inspected.</li> <li>4. Notify the parish council or neighbourhood forum of the decision (by email).</li> <li>5. Notify persons who asked to be notified of the decision.</li> </ol>	MBC Strategic Planning Team	<p>SPST Committee decision.</p> <p>Full Council decision to make a neighbourhood plan</p>	<p>Decision to make, or otherwise, a neighbourhood plan.</p> <p>Publicity and notification requirements are met.</p> <p><b>Note: Once made, the neighbourhood plan becomes part of the Maidstone Development Plan.</b></p>
Publicising the making of a neighbourhood plan	20	<ol style="list-style-type: none"> <li>1. Publish the neighbourhood plan on the MBC website, together with details of where the plan may be inspected.</li> <li>2. Notify the parish council or neighbourhood forum (by email).</li> <li>3. Notify persons who asked to be notified of the making of the neighbourhood plan.</li> <li>4. Place a public notice in the local newspaper.</li> </ol>	MBC Strategic Planning Team	N/A	Publicity requirements are met.

10 July 2018

## **Annex A: Regulation 16 Consultation Tasks**

1. Agree dates for the consultation with the parish council or neighbourhood forum (**min 6 weeks excluding bank holidays**).
2. Agree local deposit points for the documents to be viewed during the consultation (at least 1, preferably 2).
3. Ensure there is a meeting of SPST Committee within the consultation window to allow for an MBC response to be agreed.
4. Set up the consultation event in Objective and upload the plan, conditions statement, consultation statement and SEA screening report.
5. Draft a public notice with dates, info on deposit points and how to comment.
6. Send public notice to Kent Messenger **by the previous Friday before the start of the consultation** to book a space; raise and send a Purchase Order.
7. Use the public notice text to draft a media release and send to Communications for finessing and sending out.
8. Identify all neighbouring parishes (both inside and outside the borough) using maps and the information stored on the shared folder.
9. Draft an email to all Councillors and all neighbouring parishes/forums advising of the consultation (again use the public notice text). Send out on the **Wednesday before the consultation starts**.
10. Liaise with the parish council or neighbourhood forum in producing publicity posters if required to support the consultation.
11. Arrange the printing and delivery of a copy of the plan, consultation statement and basic conditions statement for every deposit point. **Make sure these are in place before the start of the consultation**.
12. Advise The Link / Customer Services of the start of the consultation.
13. Advise the Digital Maidstone web team of the consultation and request updates to the Neighbourhood Plan pages, including a link to the consultation portal.
14. Create a written notification for postal consultees and arrange a mail merge via the print room including the posting out of the notifications **on the Monday before the consultation**.
15. Write, circulate and publish an SPST Committee report outlining the proposed response of MBC to the consultation. Follow the standard processes in Modern.Gov and the Committee Services timetabling protocols.

## **Annex B: Referendum Planning**

1. Liaise with Electoral Services team.
2. Ensure approval to hold referendum is in place.
3. Provide a copy of the neighbourhood plan area as designated.
4. Should ideally be held on a Thursday.
5. There is a **28 day lead in time** from the date of decision to hold the referendum to the poll.
6. A detailed timetable will be provided by the Electoral Services team.
7. Assistance will be required to complete the 'Information For Voters' and the 'Information Statement'.