

Top tips on Neighbourhood Planning: Understanding the Basic Conditions

- 1. Invest time early on to help Qualifying Bodies understand the Basic Conditions and take them into account from the very start.** This could take the form of briefing sessions or training, which could be done with several groups or Qualifying Bodies from adjoining authorities. Investment in guidance and protocols pays off, this could include:
 - programme templates (See Planning Aid's Project Planning template': http://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/Project_planning_template2.pdf); and the Planning Advisory Service Neighbourhood Plan Project Management Tool http://www.pas.gov.uk/neighbourhood-planning/-/journal_content/56/332612/4079048/ARTICLE
 - checklists for stages (see Herefordshire: <https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/neighbourhood-development-plan-guidance>);
 - introductory guidance on the Basic Conditions (see London Borough of Camden: <http://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-policy/neighbourhood-planning/neighbourhood-planning-advice/> and Herefordshire: as above).
 - Neighbourhood Planning Legal compliance checklists http://www.pas.gov.uk/web/pas1/neighbourhood-planning/-/journal_content/56/332612/4113731/ARTICLE

Groups should be encouraged to record compliance with the Basic Conditions throughout the plan making process, rather than seeing it as an administrative task at just before submission.

Planning Aid has also prepared the following guidance on 'How to write a basic conditions statement: Putting the pieces together': http://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How_to_write_a_basic_conditions_statement.pdf

- 2. Provide a template to assess conformity of Neighbourhood Plans with national and local policy at early stage.** The National Planning Practice Guidance states that "*regard to national policy*" means a Neighbourhood Plan "*must not constrain the delivery of important national policy objectives*". Bath and North East Somerset have a meeting with groups early on to go through the national and local policy and explain how it could impact on a Neighbourhood Plan. They also have a template for assessing conformity of emerging Neighbourhood Plan with local and national policy. This table is submitted to the examiner, an example extract of which is provided below.

The relationship between the policies of the National Planning Policy Framework, the Bath and North East Somerset District Council Core Strategy and the Stowey Sutton Neighbourhood Plan				
Policy No.	Subject Area	Objective	B&NES Core Strategy Policy/Placemaking Plan/Saved Policies of the Local Plan (2007)	National Planning policy Framework (2012)
SSHPO1	Housing Development Boundary Review	To review the existing Housing development boundary and ensure it incorporate two new developments outside the housing development boundary.	Policy RA1: Housing in rural areas	Delivering a wide choice of high quality homes
SSHPO2	Development Scale	The neighbourhood plan will support infill housing and not support inappropriate development in the Green Belt or in the AONB.	Policy RA1: Housing in Rural Areas Saved Policy: HG.4 of the Local Plan (2007) Policy CP8: Green Belt Policy DW1: District Wide Spatial Strategy Policy CP10: Housing Mix	Delivering a wide choice of high quality homes Conserving and enhancing the natural environment Conserving and enhancing the historic environment Protecting Green Belt

3. Be clear with Qualifying Bodies about what constitutes strategic and non-strategic policies. This may vary depending on the location and ambitions of the neighbourhood plan.

4. Help Qualifying Bodies to draft clear and concise policies. Paragraph 154 of the National Planning Policy Framework in referring to Local Plans states “*Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.*” This principle should also be considered in Neighbourhood Plan policies. Using examples of Neighbourhood Plans which have had policies amended or deleted as part the examination process may help explain the importance of well worded policies to groups. For example in the Compton Basset Neighbourhood Plan examination policy wording was amended and in the Lympstone Neighbourhood Plan policies were removed.

Officers should encourage groups wishing to include non-land use planning policies to record these separately within the plan, for example as Community Actions, to avoid the risk of them being removed at examination.

Also see Locality publication ‘Keeping it Simple’ by Tony Burton link: <http://mycommunity.org.uk/resources/keeping-it-simple-by-tony-burton/>.

5. Establish a protocol for Strategic Environmental Assessment screening. Strategic Environmental Assessment (SEA) should be addressed as early as possible in plan making. Provide guidance on the best stage to undertake SEA screening, this is usually when Neighbourhood Plans have established policy intentions, for example whether to allocate sites. Neighbourhood Plans may change over time and it may be necessary to re-screen in some cases. The following presentation on the PAS website provides helpful guidance in relation to SEA: <http://www.pas.gov.uk/documents/332612/0/Strategic+Environmental+Assessme+nt+for+Neighbourhood+Plans/163ccc91-23a0-410f-9b26-e2646365f411>

- 6. Seek delegation agreements for appropriate powers necessary to progress Neighbourhood Plans.** This could cover selection of examiner, decisions on SEA screening, area to be designated, deciding to progress to referendum after examination, arrangements for referendum and making of the plan. This is particularly important because the Housing and Planning Bill includes powers to introduce statutory time limits on Local Planning Authority decisions on forum designation, decision to proceed to referendum, holding a referendum and making a plan.
- 7. Check local procedures early for procuring an examiner.** Where authorities wish to use NPIERS (Neighbourhood Planning Independent Examiner Referral Service) for the examination they should seek agreement that the provision of three CVs from NPIERS constitutes appropriate competition.
- 8. Seek third party advice on compliance with the Basic Conditions etc.** This could take the form of an NPIERS Health Check or advice from officers from another authority, this can help resolve conflicts.
- 9. Test effectiveness of policies.** This could be done through a workshop using the policies on hypothetical example applications. NPIERS examiners have been asked to run policy writing workshops by some authorities. Encourage groups to distinguish between planning policy and community actions, a simple test is to ask how this would be used in determining a planning application.
- 10. Share regional experience.** Consider setting up working groups with other officers from nearby authorities to share learning and keep up to date with legislation changes and case law. Groups have already been set up in London and Kent. Similarly it may be helpful to put groups in contact with each other.