



Neighbourhood Planning Guide and Protocol

What is neighbourhood planning?

Neighbourhood planning was introduced through the Localism Act 2011, and enables local communities to guide future development in their area. The neighbourhood plan provides the local community with the opportunity to prepare and design planning policies to reflect the local characteristics and projects for the area.

A Neighbourhood Plan (once fully made) will form part of the statutory Development Plan and will sit alongside the Ashford Local Plan, to assist the Borough Council determine planning applications within the local area.

The Council welcomes and encourages local communities to prepare neighbourhood plans within the borough. To assist communities to deliver neighbourhood plans, the Council has prepared this Neighbourhood Planning Protocol.

Purpose of the Protocol

This protocol focuses on Neighbourhood Plans rather than Neighbourhood Development Orders or Community Right to Build Orders or other community-led planning tools.

A neighbourhood plan (NP) is a community led plan which relates to the use and development of land and other issues such as the environment, heritage and transport. It can be used to:

- Develop a shared vision for your neighbourhood.
- Choose where new homes, shops, offices and other development should be built.
- Identify and protect important local green spaces.
- Influence what new buildings should look like.

Once 'made' (adopted) by the Borough Council the NP will become part of the statutory Development Plan for the area and will form the basis for determining planning applications in that location.

This guide has been put together to help set out:

- **What Ashford Borough Council (ABC) will do to support those communities who wish to engage in the neighbourhood planning process and;**
- **What those communities preparing the neighbourhood plan will need to do.**

Introduction to the Neighbourhood Planning Process

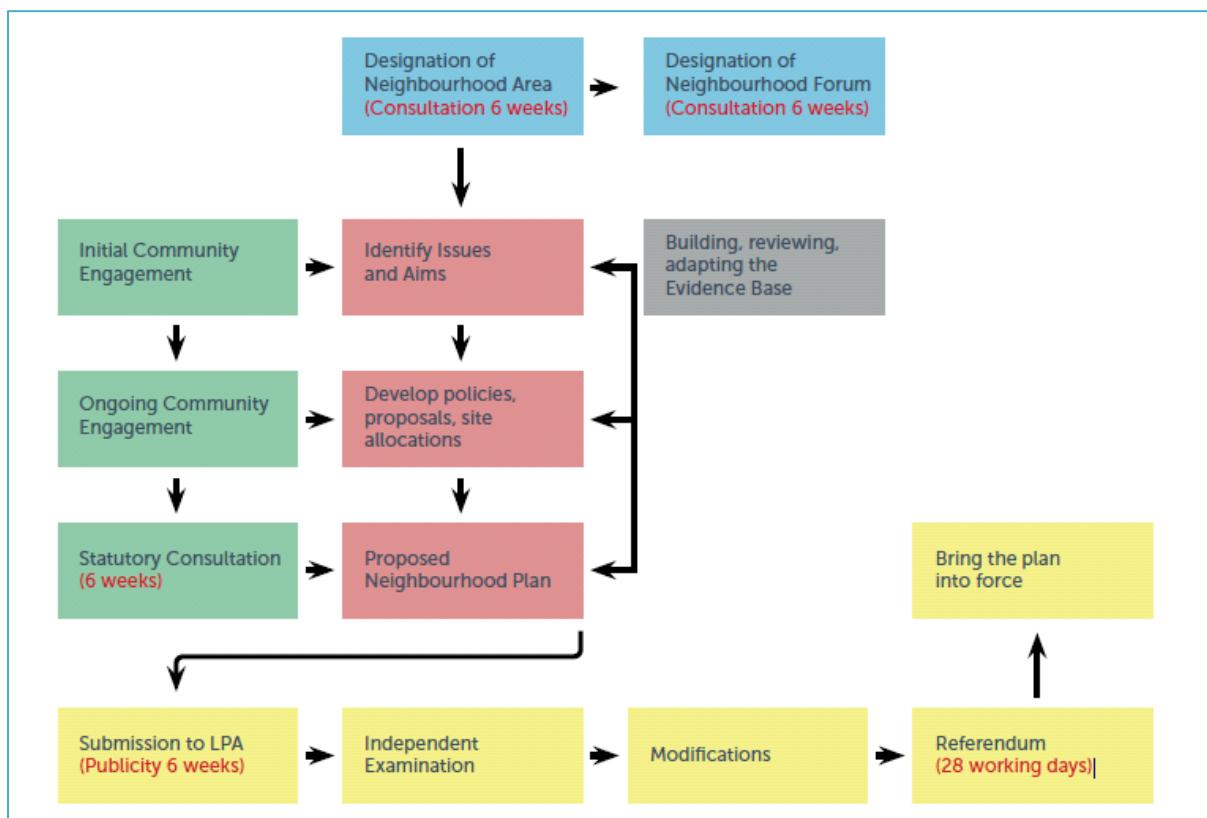
A neighbourhood plan covers a geographic area (usually a parish) and can be taken forward by town and parish councils. Where Town/Parish councils are not in place, 'neighbourhood forums' can be set up by a resident group (at least 21 residents) who represent the local area. The borough council will need to agree that the neighbourhood forum has been designated correctly.

The first step in the process for any neighbourhood plan group (NPG) is to submit a proposed neighbourhood area boundary to the borough council for designation. The area is usually a parish boundary, but can be a larger or a smaller, more focused area if deemed appropriate. The NPG must provide a map of the proposed neighbourhood area, with a statement explaining why the area is appropriate, and an explanation that the NPG submitting the designation is an appropriate body. It will be the role of the borough council to agree the neighbourhood area boundary.

If groups are interested in preparing a neighbourhood plan, ABC recommends that a discussion with the council should be held, prior formally starting the neighbourhood plan process, to explain the process in more detail and to confirm that the neighbourhood plan is the most suitable approach for the group's aims.

To discuss with ABC about starting a Neighbourhood Plan, please contact the Spatial Planning Team via planning.policy@ashford.gov.uk

Neighbourhood Planning Process Diagram



Source: Locality Roadmap – Quick Guide

What the Neighbourhood Plan Group has to do

- Apply for designation of a neighbourhood area – this includes a map of the proposed area and statements that the boundary and group are appropriate
- Produce a simple statement (not more than one side of A4) explaining the purpose of the NP is and defining what you would like to achieve through your neighbourhood plan
- On designation of the area, produce a concise project plan/work programme that sets out clear timescales and milestones that will enable the borough council to measure internal resource requirements
- If required, apply for funding and manage the budget and finances for the NP
- Prepare the NP with effective community engagement – this will include running community workshops, questionnaires, website/social media etc.
- Gather evidence to support the policies proposed in the NP and obtain advice from independent consultants if needed
- Undertake site assessments and consider site allocations
- Prepare the draft neighbourhood plan
- Consult on the draft neighbourhood plan with the public and statutory consultees for 6 weeks.
- Following the consultation, show that that they have considered comments made during the consultation and make changes to the NP if required
- Undertake a Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulations Assessment on the NP (if required)
- Prepare a 'Basic Conditions' statement and consultation statement to submit with the final NP to ABC
- Appear at, or provide evidence to the Examination
- Consider the examiners' report and consult on modifications to the NP, if required
- If the NP is supported by the community at the referendum, submit the NP to ABC for formal adoption

The neighbourhood plan group may wish to seek assistance from a planning consultant for the more technical areas of evidence gathering and policy drafting. Experience shows that this can avoid delays to the production of the NP.

It is also recommended that the neighbourhood plan group talks to other neighbourhood plan groups about their experiences, before pursuing a neighbourhood plan.

What Ashford Borough Council will do

- Formally designate the neighbourhood area following an application to establish the area that the NP will cover
- Act as a 'critical friend' to provide general advice and support to give broad direction on evidence, consultation, sites and policy drafting
- Appoint a designated Planning Officer to act as a point of contact between the NP Group and council
- Produce a dedicated webpage on the council's website to the NP
- Share appropriate evidence and information that they already hold on the area
- Provide advice and guidance on local plan policy and evidence base documents
- Undertake a scoping exercise to determine if the NP requires a Strategic Environment Assessment (SEA) or Habitats Regulations Assessment (HRA)
- Check the draft NP meets legal requirements and 'basic conditions'
- Publicise the submission of the draft NP on the BC's website for a 6 week period, and collate the comments received
- Pay for and make arrangements for the independent examination of the NP
- Consider the examiner's recommendations and publicise the examiner's report and decision statement
- Arrange and manage the 28 day referendum
- If the NP passes the referendum by a simple majority of votes (i.e. more than 50% of the turnout), fulfil the legal duty to make (adopt) the NP as part of the development plan

What Ashford Borough Council will not do

- Control or programme the NP process
- Draft the NP policies or compile evidence
- Arrange or lead consultation events
- Fund the full preparation of the plan (see funding section on next page)
- Prepare basic conditions statements, sustainability appraisals, environmental assessments or other documents legally required to support the NP

Funding a Neighbourhood Plan

ABC are responsible for paying for the consultation on the neighbourhood plan area designation, the draft neighbourhood plan consultation, Examination and for the community referendum. The Department for Levelling Up, Housing and Communities (DLUHC) provide ABC with funding to meet these costs.

All other costs will need to be met by the neighbourhood plan group, but there are various sources of funding available from DLUHC. All groups demonstrating a need for grant support will be eligible to apply for up to £8,000, and some groups facing more complex issues may be able to apply for other grants.

- [My Community and Locality - Funding Information, Grants and Support](#)

Useful Guidance and advice websites

The Department for Levelling Up, Housing and Communities (DLUHC) leads on the neighbourhood planning programme. They have appointed Locality to assist communities with the NP process through funding and advice. There are also many other organisations that offer neighbourhood planning advice. More information can be found below:

- [Locality UK - Neighbourhood Planning 'Roadmap' step by step guide](#)
- [Neighbourhood Planning Regulations 2012](#)
- [Neighbourhood Planning Practice Guidance \(DLUHC\)](#)
- [Updates and notes on neighbourhood planning \(DLUHC\)](#)
- [RTPI & Planning Aid England \(PAE\)](#)
- [Planning Advisory Service \(PAS\)](#)
- [CPRE - Guide to Neighbourhood Planning](#)
- [CABE Design Council – Design in Neighbourhood Planning](#)
- [Forum for neighbourhood planning](#)

Neighbourhood Planning Process: Step by step

The following pages set out the neighbourhood plan process in more detail, including the requirements of the neighbourhood plan group and Borough Council at each stage

1. Setting up a Neighbourhood Plan Group

One of the first steps of a neighbourhood plan is to set up a neighbourhood plan group, which will be responsible for preparing the neighbourhood plan. This group will be referred to as the 'qualifying body' and must be one of the following:

- Parish or town council, or
- Neighbourhood forum

What is a neighbourhood forum?

In areas that don't have a town or parish council, it is up to the local community to decide which organisation should produce the neighbourhood plan. This could be an existing community group or local people forming a new group. In both cases they will need to be formally designated and must:

- Have at least 21 members
- Reflect the diversity and character of the area and have taken reasonable steps to secure membership from residents, business and local elected members across the neighbourhood area.
- Be established for the wellbeing of the neighbourhood area
- Be open to new members
- Have a written constitution

Parish/town council steering group

For parish and town councils, Ashford Borough Council advocates a steering group approach when developing a neighbourhood plan. This should be usually led by the parish or town council(s) for the area being considered and also have wider representation from the community to ensure that there is a balance of interests so that social, environmental and economic interests are represented. This will help give confidence to local communities that the work is being taken forward by those providing a broad representation of the community as a whole.

Clear terms of reference should be agreed.

Your steering group might include:

- local residents
- local business owners
- other key stakeholders including schools and religious or cultural groups

At this stage you might want to consider how the steering group is going to consult with the wider community and begin to prepare an action plan and timetable for the following stages.

2. Defining the Neighbourhood Area

The second step is to define your Neighbourhood Area. The neighbourhood plan group should consider the most suitable area to plan for. A large scale map of the area and a discussion with the neighbourhood plan group is a good place to start.

You might want to consider:

- The physical boundaries of the area
- Social, economic and other characteristics of the area
- And most importantly interactions with neighbouring town and parish councils

As a consequence, the membership of the neighbourhood plan group will possibly develop to reflect the plan area. This might include working in collaboration with neighbouring parish and town councils.

For example if the proposed neighbourhood area covers more than one parish, then consent must be sought from each of the affected parish and town councils. This will also have implications for representation on the neighbourhood plan group and the scale of community engagement that the process will require.

3. Submit application to designate Neighbourhood Area to ABC

Once the neighbourhood area has been decided, this needs to be formally designated. The qualifying body (usually the town or parish council) must submit an area application to the local planning authority (Ashford Borough Council).

The Neighbourhood Planning (General) Regulations 2012 specify that the application must include:

- a map of the proposed area
- a statement explaining why this area is considered appropriate to be designated as a neighbourhood area
- a statement explaining that the organisation/body making the application is a relevant body to do so.

This step should be informed by results of community engagement.

4. Application determined by Ashford Borough Council

Ashford Borough Council will consider the application to designate the area as a Neighbourhood Plan area.

Depending on the type of 'qualifying body' and area proposed, ABC may need to consult on the neighbourhood area proposal.

If a consultation is required, this will be organised by Ashford Borough Council and will be held for no less than 6 weeks.

Ashford Borough Council will consider the application (and any representations) and once we have made a decision, the qualifying body will be informed and the decision published on our website.

5. Neighbourhood Plan process – Allocating an officer as point of contact

Under the council's duty to support, ABC will allocate an officer to act as the lead point of contact for liaison between the neighbourhood plan group and council.

The officer may provide information about the neighbourhood plan process and to direct the neighbourhood plan group to relevant advice, guidance and funding opportunities for neighbourhood plan groups. It is not the role of the officer to prepare the neighbourhood plan.

The neighbourhood plan group may wish to seek the assistance from a planning consultant for assistance with neighbourhood plan process.

The neighbourhood plan group should regularly update the officer about progress and timescales for the neighbourhood plan.

(Note: the officer is not a dedicated neighbourhood plan officer. This neighbourhood plan role forms part of the wider work of the Council's Spatial Planning Team. Early communication with the officer is therefore vital to allow the council to programme work accordingly.)

6. Neighbourhood Plan process – Develop your draft plan – objectives, priorities and vision

One of the first stages of drafting the neighbourhood plan is setting out the objectives, priorities and vision for the plan.

Your neighbourhood vision will define what you want to achieve for your community today and in the future. It should be realistic, clear and inclusive.

In simple terms, the visioning stage can be summarised by the following three questions:

- Where are we now?
- Where do we want to be?
- How do we get there?

To answer these questions you might want to:

- gather information about your area
- assess your area's strengths and weaknesses
- draft a vision statement for your community
- identify a series of objectives.

The visioning stage is used to identify the key issues of concern at an early stage in the plan-making process. The results will determine the range, detail and terms of reference to be addressed by any subsequent approach. The objective is to create a clear vision which defines what you want to achieve for your community today and in the future.

This step should be informed by results of community engagement.

The objectives, priorities and vision of the neighbourhood plan should then be shared with ABC.

7. Neighbourhood Plan process – Context of neighbourhood plan and the Local Plan

It is important to understand the links between the neighbourhood plan and the local plan, as this could alter the scope of the neighbourhood plan. Once adopted the neighbourhood plan will form part of the Development Plan (with the Local Plan), against which planning applications are determined.

It is therefore important to ensure that the neighbourhood plan does not conflict with the policies and strategic vision of the local plan. The neighbourhood plan should aim to add further detail, on a local scale, to the national and local plan planning policies.

8. Neighbourhood Plan process – Set out your timetable

You should set out a clear timetable for the production of the neighbourhood plan. This will help to set out the process of the neighbourhood plan and give the neighbourhood plan group a clear timescales for stages of plan production.

The timetable should consider the following stages:

- Community engagement exercises
- Gathering evidence
- Drafting policies
- Consultation periods
- Time to review following consultation and engagement events.
- Submission to ABC

- Examination and Referendum (ABC can provide more details on these processes)

This timetable should be shared with ABC, so that the Spatial Planning Team are aware of the timings for the production of the neighbourhood plan and can seek to allocate resourcing availability as required.

9. Neighbourhood Plan process – Securing funding

You will be responsible for funding the neighbourhood plan process, including any consultations or background evidence documents. (ABC will only cover the costs of the Regulation 16 consultation, examination and referendum.)

Funding is available for you to prepare your neighbourhood plan. You may need to submit bids for grant funding to DLUHC, Locality and other organisations to secure funding. ABC will not be involved in securing the funding for the neighbourhood plan group.

10. Neighbourhood Plan process – Housing number

Provisions have been set out in the neighbourhood plan process to allocate a housing number to neighbourhood plan groups. It is then set out that this housing number should be met within the neighbourhood plan.

Currently, ABC have not given any neighbourhood plan groups a number of dwellings to accommodate within the neighbourhood plan. Should this approach change, this note will be updated accordingly.

If you decide to allocate housing as part of the neighbourhood plan, then it is recommended that a Housing Needs Survey is undertaken to compile evidence to support this approach. A call for sites exercise should also be held and run by the neighbourhood plan group. ABC will not be involved in this exercise.

11. Neighbourhood Plan process – Gathering evidence

Before drafting policies, you will need to collect and prepare evidence to support the development of policies in the neighbourhood plan.

This evidence should be gathered and prepared by the neighbourhood plan group. You may wish to appoint consultants to assist with the preparation of these documents.

Evidence documents may include (but are not limited to):

- Community surveys and questionnaires about key issues
- Housing Needs Survey
- Design Codes
- Landscape assessments

To assist with gathering evidence, ABC can provide the following information to neighbourhood plan groups:

- GIS files of map layers (subject to availability)
- Data on housing permissions and delivery

12. Neighbourhood Plan process – Community Engagement

Before consulting formally on your neighbourhood plan the neighbourhood plan group should consider the benefits of engaging with the local community before undertaking formal consultation required by the regulations. This will help build consensus with the local community.

You could consider talking to local residents, stakeholders and community groups.

There are many effective ways to seek community input and endorsement. You might want to consider various options including:

- running a series of public exhibitions
- meeting with community groups
- undertaking online consultation
- using established networks and newsletters to publicise activities

Any community engagement events must be run by the neighbourhood plan group and any costs associated with these events will not be funded by ABC.

13. Neighbourhood Plan process – Design Guides/Codes

You may wish to prepare your own design guide/code, which sets out a finer grain of detail of the character and design of future development within the neighbourhood area.

The [National Model Design Code](#), published in 2021, provides detailed guidance on the production of design codes, guides and policies to promote successful design. This design code may be a useful starting point for preparing local design codes.

The local community should be involved in preparing the design code, including any consultations or community events.

Officers in the Council's Place-making team at ABC should be consulted on the design code, prior to the draft neighbourhood plan consultation.

Before starting a design code, you should consider the level of detail required and resources needed to prepare these design codes. Detailed design codes, will take significant periods of time to prepare and review, and this should be accommodated into the neighbourhood plan programming.

14. Neighbourhood Plan process – Develop your draft plan – drafting policies

Although there are no set guidelines for what a neighbourhood plan should contain it is likely that a plan will contain a series of policies, associated explanatory text and maps which detail the policies and proposals.

The policies must be linked to the development and use of land.

Your neighbourhood plan might:

- identify areas of land for housing and/or economic development in accordance with the Ashford Local Plan
- outline specific requirements for development including characteristics such as design and density
- include distinct local policies to help meet the specific issues and challenges identified through the scoping exercise

Policies and proposals contained within a neighbourhood plan should be realistic and achievable. They must also follow some ground rules including:

- generally conforming with local and national planning policies, including avoiding duplicating national policies and policies in adopted Local Plans
- being in line with other laws including Environmental Impact Assessment/Strategic Environmental Assessment/Water Framework Directive/Habitats Regulations.

The neighbourhood plan should not conflict or undermine the policies and strategic approach of the local plan. The neighbourhood plan should aim to add further detail, on a local scale, to the national and local plan planning policies.

15. Neighbourhood Plan process – SEA/HRA Screening

Before consulting formally on your neighbourhood plan, you should submit the draft policies to ABC to undertake an SEA/HRA Screening.

The SEA/HRA Screening is an assessment of the content of the Neighbourhood Plan to determine whether the Neighbourhood Plan will have a significant environmental effect on the Neighbourhood Area or on European designated sites.

ABC will undertake an SEA/HRA Screening and consult Natural England, Environment Agency and Historic England on the outcomes of the report.

The report will be finalised and shared with the neighbourhood plan group.

If the report concludes that an SEA/HRA is not needed, the neighbourhood plan group can proceed to the next stage. If the report concludes that an SEA and/or HRA are required, then the neighbourhood plan group will need to prepare an SEA and HRA.

If full SEA and HRA reports are required, the reports should be prepared by the neighbourhood plan group. For the HRA, a 'report to inform' should be prepared by the neighbourhood plan group. Further details on how to prepare an SEA and HRA can be provided on request from the Council.

16. Neighbourhood Plan process – 'Health checks' and informal meetings

At the discretion of ABC, the council may be able to provide comments or meetings on the draft policies of the neighbourhood plan. This will be subject to resourcing and other work priorities of the officers in the council. The degree of detail of comments will depend on the stage of the neighbourhood plan.

It is however, recommended that you seek assistance from a planning consultant or services such as Locality for assistance with more technical areas of evidence gathering and policy drafting before approaching ABC.

Any comments from ABC will typically be provided within 3 weeks of receipt, unless discussed and agreed with the neighbourhood plan group.

17. Neighbourhood Plan process – Regulation 14 – Draft Plan consultation

Once a draft neighbourhood plan has been produced you must publicise the draft plan in a manner which is considered likely to bring the plan to the attention of people who live, work and undertake business in the neighbouring area.

The qualifying body must provide and publicise:

- the neighbourhood development plan
- details of where and when the plan can be inspected
- details of how to make representations on the plan
- the date by which representations must be received, allowing not less than six weeks

If your plan needs strategic environmental assessment, or has other legislative requirements, this should also be made available for consultation at this stage.

You will need to provide details of how to respond to the draft plan and how to make representations on it. This should include a 'representation form' for people to submit their comments on. You could also consider making this available online.

You will also need to consider if your plan will affect any of the 'statutory consultees' listed within the neighbourhood plan regulations. You will need to consult those who may be affected and also to submit the plan to ABC.

The minimum period of consultation at this stage is six weeks. However, you may decide to extend this period.

When you submit your plan for independent examination you will need to provide the responses made on the draft plan and detail what changes have been made in light of the representations made. As a result it is important that the neighbourhood plan group prepare for, and organise, this stage of the process carefully.

18. Neighbourhood Plan process – Regulation 14 – Commenting on Neighbourhood Plan consultation

As part of the Regulation 14 draft neighbourhood plan consultation, ABC are one of the statutory consultees. Officers at ABC will aim to respond to the consultation within the consultation period, unless the council's processes indicate that a response will not be feasibly provided within the consultation period. Any extensions of time to provide comments will be agreed with the neighbourhood plan group.

The response will set out whether, in officers' opinions, the policies meet the 'basic conditions' requirements for neighbourhood plans, as set out in the relevant planning practice guidance.

If further discussions with you are required following the consultation comments, a meeting can be facilitated and should be organised with the lead point of contact from ABC and the neighbourhood plan group.

19. Neighbourhood Plan process – Regulation 14 – Review Draft Plan following consultation

Following the Regulation 14 consultation, the neighbourhood plan group should review the consultation responses and make any necessary changes to the plan.

You will need to keep a copy of the responses made on the draft plan and detail what changes you have made in light of the representations made.

It is likely that the independent examiner will want to review the representations made and see how you have addressed these issues and concerns. The neighbourhood plan group should, therefore, consider how to present this information in an accessible form which can be distributed easily and made publicly available.

20. Neighbourhood Plan process – Submit Neighbourhood Plan to ABC

Once you are ready to submit the plan you must include the following with your submission to Ashford Borough Council.

The qualifying body must submit:

- the proposed neighbourhood development plan
- a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (known as a basic conditions statement).
- a map or statement which identifies the area to which the proposed neighbourhood development plan relates
- an environment scoping assessment of SEA to comply with environmental regulations
- a consultation statement which:
 - contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan
 - explains how they were consulted
 - summarises the main issues and concerns raised by the persons consulted
 - describes how these issues and concerns have been addressed in the proposed neighbourhood plan

21. Neighbourhood Plan process – Regulation 16 Consultation

As soon as possible after receiving the proposed neighbourhood plan (and all relevant documentation) ABC will publicise the proposal for consultation on the neighbourhood plan on the council's website.

The consultation will run for a period no less than six weeks. The consultation period may be extended to take account of timing, e.g. bank holidays. The details of the consultation will be given to the neighbourhood plan group.

ABC will run the consultation and any representations made during this period will be passed directly to the independent examiner.

The council may also make representations on the neighbourhood plan, if the council considers that there are concerns with the content or scope of the neighbourhood plan.

22. Neighbourhood Plan process – Independent examination

Once the consultation period has ended and the council has collated all of the representations made to the plan an independent examination will be arranged. The examiner will be appointed by Ashford Borough Council in agreement with the parish or town council(s).

There is no set format for the examination process which can be a written exercise, although the examiner can decide to visit sites or hold a public hearing.

The neighbourhood plan group may be required to provide explanations (either written or during a hearing) to the approach taken in the neighbourhood plan. Where required, the council may also be involved in the examination process. This involvement is at the discretion of the examiner.

The independent examiner will assess:

- the plan against national policy
- whether the plan is in general conformity with policies in the Ashford Local Plan
- whether the plan is compatible with EU obligations and the proposal is consistent with the convention for human rights
- the geographical extent of the referendum

The examiner will also consider any representations made to the plan and how these issues and concerns have been addressed.

The examiner may recommend changes to the plan or order. If significant changes are suggested you may need to re-consult your community to endorse these changes.

However, the examiner may also recommend that your plan does not proceed to referendum if the plan is not aligned with:

- the strategic elements of the local development plan
- legal requirements
- national policy

ABC will share the examiner's report with the neighbourhood plan group.

23. Neighbourhood Plan process – Proceeding to referendum

If the examiner has recommended that the neighbourhood plan should proceed to referendum, and any necessary changes have been made based upon his/her findings, ABC will decide whether to accept the neighbourhood plan, including any modifications proposed.

ABC will produce a statement known as a Regulation 18 Decision, which will set out whether ABC agrees to accept the neighbourhood plan and the modifications proposed by the examiner, and whether the neighbourhood plan can progress through to referendum.

If ABC decide to accept the proposals, the decision statement will also set out where the referendum is to take place.

ABC will send the decision statement to the neighbourhood plan group and publish this statement on the council's website.

24. Neighbourhood Plan process – Referendum

If the neighbourhood plan can progress through to referendum, ABC will arrange for a community referendum.

Individuals will be eligible to vote if they are on the electoral roll for the plan area, or within the area of referendum specified by the Regulation 18 Decision Statement.

Where more than 50% vote in favour, Ashford Borough Council will have a duty to make the plan.

25. Neighbourhood Plan process – Making (adoption) of the Neighbourhood Plan

If the referendum has been positive, with more than 50% of those who vote in favour of the plan, ABC will make the plan. The lead point of contact from ABC will keep you updated of the process required to make the plan.

Following a successful adoption of the neighbourhood plan at ABC Cabinet and Full Council meetings, ABC will publish the plan on its website and provide details of where the plan can be viewed.

The neighbourhood plan will be made available at council offices for members of the public to view.