

# The procedure for preparing the plan and consultation requirements during the COVID-19 pandemic



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## Neighbourhood Plans- legal and policy sources

- Town and Country Planning Act 1990 Sch 4B
- Planning and Compulsory Purchase Act 2004 s38
- Neighbourhood Planning (General) Regulations 2012/637 (as amended 2015, 2016, 2017)
- NPPF (12, 13, 29, 37, 125, 136)
- NPPG- NB Coronavirus update
- Legal basis for the Neighbourhood Plan

## The Fundamentals

- A qualifying body
- A clear and defined neighbourhood area
- A neighbourhood forum and a community organisation
- Approval of the forum by the LPA (13 weeks)
- No overlapping areas
- Draft Plan must be consulted on (Reg 14)
- Submission to LPA with a consultation statement (Reg 15)
- Publicised by LPA- opportunity for representations (Reg 16)
- Independent Examination (Sch 4B TCPA, para 6(2))
- Does it meet the statutory requirements, in particular the 'basic conditions'? (Sch 4B, para 8(2))
- Referendum and adoption

## More key points:

- Formulating the Plan- requires an evidence base that should include an SEA and HRA where required
- Plan cannot proceed if there is a risk of significant effects on a European Site- new survey work and assessment may be required
- Existing Local Plan policies, particularly the strategic policies- critically important
- Care needed in site selection process/exercise and conclusions reached
- Specification of period for which to have effect (s38B PCPA)
- Matters expressly excluded- county planning matters
- Clear, unambiguous and precise policies
- Plan should support strategic development needs
- Caution in relation to housing allocations- NB extant Local Plan

# Neighbourhood Planning in the Time of Corona

- NPPG 107
- Referendums (Reg 13 Local Government and Police and Crime Commissioner (Coronavirus) (Postponement and Elections and Referendums) (England and Wales) Regulations)
  - Referendums due between 16 March 2020 and 5 May 2021 postponed to 6 May 2021
- Weight to emerging NPs?
- Examinations- written or oral representations?
- Public consultation
- Publicity
  
- What can still be done?
  - Policy-writing and evidence-gathering (desk based)
  - Online engagement- surveys and questionnaires- or telephone

# Thank you for listening

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