



Hull
City Council

Neighbourhood Plans

Protocol



July, 2015

Introduction

The purpose of this note is to provide a quick check list for prospective neighbourhood forums (the Qualifying Body) in preparing neighbourhood plans. It is derived from the requirements of the Town and Country Planning Neighbourhood Planning (General) Regulations, 2012 and amendment of 2015. In general the Council's Planning Service will support Neighbourhood Plan Forums as resources and staffing allow. The main features of Council support include the following:

1. Publicising and promoting the application of a prospective neighbourhood area and forum including a press notice, web site access including application details, letters to stakeholders with a local interest (from Local Plan contacts list) and make application details available to view in local venues.
2. Production of a report necessary in determining the proposed area boundary and forum.
3. Publicising the decision to endorse or refuse (with reasons) the designation of an area and/or forum.
4. Help with facilitating consultation or advice on consultation, including giving advice on proposed surveys or questionnaires.
5. Provision of existing evidence base material necessary in underpinning the plan mainly in terms of advising and assisting with some of the technical, planning-related aspects of producing the plan (e.g. undertaking environmental assessments and negotiations with developers, should these be requested, with at least 2 weeks notice in each case). Further support is able to be given by signposting to sources of evidence and assisting in the analysis of evidence received from surveys only.
6. Advice on plan policy production of relevance to land use and the application to determining planning applications.
7. Advice on strategic policies outlined in the Development Plan to ensure conformity.
8. Production of a report in determining its content in addressing national planning policy, strategic Local Plan policies, sustainable matters and regard to the historic merits of an area.
9. Publicise, notify, consult, and invite representations on the forum's submitted neighbourhood plan proposals.
10. Prepare for (including sourcing the Inspector and venue) and notifying others of plan examination.
11. Help in fact checking the inspectors report.
12. Report the examiner's recommendations on the neighbourhood plan to Area Committee, Planning Committee and Cabinet, and endorse it, subject to it being confirmed via the local referendum.
13. Publish the examiner's report and its subsequent decision statement to the attention of people who live, work or carry on business in the neighbourhood area.
14. Prepare for referendum involving voting on the plan including publicising and promoting the referendum, press notice, web site promotion and letters to all local residents.
15. Report on referendum findings should this be necessary.

A Neighbourhood Forum will be advised as soon as practicably possible should other Council work priorities take precedence. The Forum should agree with Planning Services the scope and timescales involved in each case prior to the start of each stage.

The steps to neighbourhood plan production and forum selection are set out overleaf.

Qualifying Body (QB) action required or stage	Support offered by the Council
Stage 1 – Pre application work	
<p>1. The QB would initially approach the Council's relevant Area Team with its proposals for designating a neighbourhood area and a forum with a view to producing a neighbourhood plan.</p> <p>2. It will be important for the QB to establish expectations for its neighbourhood plan. It will need to be in conformity with the Council's Local Plan and be prepared in accordance with the requirements of the legislation and national planning policy.</p>	<p>1. At stage 1 only, the Council's facilitating role would be led by its relevant Area Team to work in conjunction with other relevant Council departments including Planning Services. For subsequent stages, the Planning Service will act as the Council's facilitator.</p> <p>2. The QB proposals would be considered and advice given about the procedure to be followed and support that will be provided by the Council.</p> <p>3. The QB is responsible for producing the Neighbourhood Plan.</p> <p>4. The Council will explain its facilitating role to the QB that will be to:</p> <ul style="list-style-type: none"> • confirm formal designations of an area as a neighbourhood for the purposes of plan making; • provide technical advice and support for the preparation of the plan; • validate and check plans for legal compliance; • arrange and meet the cost of an independent examination into the plan; • organise and meet the cost of a referendum to ensure there is public support for the plan; and • ensure the plan has been prepared correctly and it has public support. <p>5. The Council will highlight alternative approaches to neighbourhood plans that could help the QB achieve its vision for the neighbourhood e.g. design statements, article 4 directions, comments on planning applications or through planning enforcement, mainly in relation to land use planning.</p> <p>6. The Council's neighbourhood plans webpage will be updated to publicise the QB's interest to prepare a plan. Relevant ward Councillors will also be notified of the approach.</p>
Stage 2 – Agreeing the Neighbourhood Area/Forum (there is scope to submit combined applications)	
<p>A. Area application</p> <p>1. The QB submits an application for designation of a neighbourhood area to the Council. The area application must</p>	<p>1. The City Planning Manager will i. inform the relevant ward Elected Members and Area Committee Chairperson of the</p>

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<p>include: a plan/statement identifying the land in question; a statement of why this land should be designated; and details about the prospective Forum.</p> <p>2. Applications for neighbourhood areas should accurately reflect whole neighbourhood areas that are clearly identifiable, established and recognised areas of Hull.</p> <p>B. Forum application</p> <p>1. The QB submits an application for designation as a neighbourhood forum to the Council.</p> <p>2. The forum must be at least 21 people and the application must include: the name of the forum; a written constitution; the name of the neighbourhood area; contact details; and a statement outlining how the proposed forum meets these legal requirements.</p> <p>3. The purpose for establishing the forum must be for the express purpose of promoting and improving the social, economic and environmental well-being of an area. Membership should be open to individuals who live, work or are elected members within the area.</p> <p>4. At this stage, the prospective forum should be in the process of:</p> <ul style="list-style-type: none"> • seeking/securing wider community support for undertaking the plan; • developing a clear vision for the neighbourhood that can this best be achieved through the making of a plan; • seeking/securing skills necessary to complete a neighbourhood plan; • seeking/securing access to finance in the community to help fund neighbourhood planning; • seeking/securing the time and level of commitment necessary to produce a neighbourhood plan; • approaching key stakeholders to liaise with during the making of plan; • preparing a programme for developing the plan; and • developing a communications/publicity strategy. 	<p>neighbourhood area/forum application including those that might straddle an Area boundary* and ii. Area Committee's be informed immediately when a request for a Neighbourhood Plan/Forum is received** and reminded that they must meet to consider the proposal within 13 weeks beginning from the start of consultation, including a joint meeting if the plan straddles boundaries, with the possibility of convening a special meeting of the Area Committee if necessary to meet this deadline, otherwise the decision within stage 2 of the Procedure be taken by Cabinet.</p> <p>*The Council must publicise the neighbourhood area/forum application and undertake a public consultation for no less than 6 weeks. The Council must make a decision within 13 weeks from the first day of public consultation.</p> <p>** The Area Director should receive notification in the first instance.</p> <p>2. Following the 6-week consultation period, the City Planning Manager will report to either the relevant Area Committee or Cabinet – whichever is the earliest following the end of the consultation period, the results and recommend a decision.</p> <p>3. If acceptable, the Council will approve the designation of the neighbourhood area/forum. The Council must publicise the designation/forum.</p> <p>4. If unacceptable, the Council must publish a statement setting out its decision to refuse with reasons.</p>

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Stage 3 – Preparing the Plan	
Plan making	
<p>1. The neighbourhood forum will draft the plan recognising that it:</p> <ul style="list-style-type: none"> • can be a single policy or dozens of policies; • must be in general conformity with the ‘strategic policies’ of the Local Plan, defined as those relating to land use designations or matters greater than of local importance or to allocations greater than 1 hectare; • is essential to establish strong working relationships with the Council; • is vital that there is wide and inclusive community engagement; and • should seek help from organisations who can offer support and guidance. <p>2. There is a legal requirement to undertake an environmental assessment, or where it has been determined that plan proposal is unlikely to having significant environmental effects, a statement of reason why this is not needed. Neighbourhood forums should be aware that such appraisals will need to be planned early in the process.</p> <p>3. A number of organisations provide support to neighbourhood forums such as Planning Aid, Locality/ Princes Foundation, and Planning Advisory Service.</p>	<p>1. The Council will support neighbourhood forums throughout the plan making process. This support includes:</p> <ul style="list-style-type: none"> • providing general neighbourhood planning advice and guidance; • advising on whether particular matters can be included in the plan; • advising and assisting with some of the technical, planning-related aspects of producing the plan e.g. drafting policies, undertaking environmental assessments negotiations with developers; • signposting sources of evidence and assisting in the analysis of evidence received from surveys; • signposting to relevant contacts within the Council or within other stakeholder organisations; • help with facilitation or advice on consultation including giving advice on proposed surveys or questionnaires; • practical support such as providing a venue for meeting and providing copies of maps at a charge. <p>2. If appropriate, the City Planning Manager will report to the relevant Area Committee (or Joint Area Committee should the plan straddle an Area Committee boundary) and the Planning Committee on the progress being made on the preparation of the neighbourhood plan.</p>
Pre-submission consultation and publicity	
<p>1. Before submitting a plan to the Council, a neighbourhood forum must:</p> <ul style="list-style-type: none"> • publicise the draft plan to people who live, work or carry out business in the area; • allow a minimum of 6 weeks to be given for comments; • consult statutory bodies; and • send the proposed draft plan to the Council for its consideration. 	<p>1. The City Planning Manager will report to the relevant Area Committee (or Joint Area Committee should the plan straddle an Area Committee boundary), the Planning Committee and Cabinet on the draft plan and inform the neighbourhood forum of the Council’s views. A key decision by Cabinet will need to be made.</p>
Plan submission to the Council	
<p>1. Where a neighbourhood forum submits a plan to the Council it must include:</p> <ul style="list-style-type: none"> • a plan/statement showing the area; 	<p>1. The City Planning Manager will report to the relevant Area Committee (or Joint Area Committee should the plan straddle an</p>

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<ul style="list-style-type: none"> • the title of the plan; • a consultation statement; and • a statement explaining how the plan meets the basic conditions (see Stage 4 A). 	<p>Area Committee boundary), the Planning Committee and Cabinet on the draft plan and inform the neighbourhood forum of the Council's views. A key decision by Cabinet will need to be made.</p> <p>2. Once the Council is satisfied that everything is in order, it must publicise, notify, consult, and invite representations on the forum's submitted plan for a period of not less than 6 weeks. Publicity should bring the proposal to the attention of people who live, work or carry on business in the area.</p>
Stage 4 – Independent check Submission for examination of the Plan	
<p>1. In general it is likely that the examination of the plan would be by written rather than oral representations at examination. It is for the examiner to decide the approach but the Forum should be the main witness should an oral examination be used.</p>	<p>1. The Council must appoint a suitable person to carry out an examination of the submitted neighbourhood plan and send that person all relevant documentation relevant to the plan's preparation and consultation.</p> <p>2. The independent examiner will check the plan to see it meets the "basic conditions":</p> <ul style="list-style-type: none"> • having regard to national planning policy; • conforming with strategic policies of the development plan; • contributes to the achievement of sustainable development; and • it has regard to conservation areas and listed buildings.
Examiners Report and Decision	
	<p>1. The examiner will submit a report recommending either:</p> <ul style="list-style-type: none"> • proposals are submitted for referendum; • modifications are made prior to a referendum; or • the proposals are refused. <p>2. The City Planning Manager will report the examiner's recommendations on the neighbourhood plan to the relevant Area Committee (or Joint Area Committee should the plan straddle an Area Committee boundary), Planning Committee and Cabinet. A key decision by Cabinet will need to be made, which endorses the plan, subject to agreement following the local referendum.</p>

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	<p>3. The Council must publish the examiner's report and its subsequent decision statement to the attention of people who live, work or carry on business in the area.</p>
Stage 5 – Community Referendum	
<p>1. A referendum is required to gauge community support for the neighbourhood plan.</p> <p>2. A referendum can be held at the same time as elections.</p>	<p>1. If the examiner's report recommends that the plan should proceed to a local referendum this will be organised and funded by the Council.</p> <p>2. The referendum will normally be open to any individual registered to vote in the area, but the independent examiner may take the decision that it should be extended, if for example the plan has implications for a surrounding area.</p> <p>3. Before a referendum is held, the Council must publish a "detailed notice" of the referendum for at least 28 working days before the referendum is held. This is "to ensure people living in the local authority's area are aware that a referendum is due to be held, the subject matter of that referendum and that they are informed of key information relating to the referendum".</p> <p>4. The Regulations set out the prescribed wording for the question that must be asked when the Council holds a neighbourhood planning referendum. It must ask the question "Do you want Hull City Council to use the neighbourhood plan for [insert name of neighbourhood area] to help it decide planning applications in the neighbourhood area?"</p>
Stage 6 - Plan Adoption	
<p>1. Where the plan receives the support of more than 50% of votes at the referendum, then the plan must be adopted (made) by the Council and brought into effect.</p>	<p>1. The Council must publish its decision and notify the neighbourhood forum and relevant bodies/persons after the Referendum.</p> <p>2. The plan should then be published and details of where and when it may be inspected. It must also notify any person who asked to be notified of the making of the plan that it has been made and where and when it may be inspected.</p> <p>3. Once the plan is made it would become part of the statutory development plan for Hull.</p>

Qualifying Body (QB) action required or stage	Support offered by the Council
Stage 7 – Plan monitoring	
	1. The Council will monitor the plan checking its progress in relation to objectives including those outlined in the Hull Local Plan.

Area Team contacts

There are seven Area Committees and Area Teams operating in the city who have neighbourhood management responsibilities. They work to address community priorities with partner organisations, the local community and voluntary groups. Contact details for each area team, in terms of approaching the Council about preparing neighbourhood plans, are given below. Further information about area teams including their boundaries shown on a map can be found on the City Council web site (www.hullcc.gov.uk) by clicking on 'Community and Living', then on 'Your Community' and then 'Areas Teams'

West Area Team

The Calvert Centre

Calvert Lane

Hull

HU4 6BH

Tel: 01482 300 300

Email: west.areateam@hullcc.gov.uk

Text: West to 07795 563000

Facebook: www.hullcc.gov.uk/westarea

East Area Team

Ings Customer Service Centre

Savoy Road

Hull

HU8 0TY

Tel: 01482 300 300

Email: East.AreaAdmin@hullcc.gov.uk

Text: East to 07795 563 000

Riverside Area Team

Holderness Road customer service centre

1 The Mount

Holderness Road

Hull

HU9 2BN

Tel: 01482 300 300

Email: riverside.areateam@hullcc.gov.uk

Text: River to 07795 563000

North Carr Area Team
Bespoke Centre
Zeals Garth
Wawne Road
Hull
HU7 4WD
Tel: 01482 300 300
Email: NCAT@hullcc.gov.uk
Text: Ncarr to 07795 563000
Facebook: www.facebook.com/NorthCarr

Park Area Team
Central Pavilion
East Park
Holderness Road
Hull
HU8 8JU
Tel: 01482 300 300
Email: park.areacommittee@hullcc.gov.uk
Text: Park to 07795 563000
Facebook: www.facebook.com/ParkArea

Wyke Area Team
Newland Avenue Primary School
Reynoldson Street
Hull
HU5 3BH
Tel: 01482 300 300 and ask for the Wyke area team
Email: wykeareateam@hullcc.gov.uk
Text: Wyke to 07795 563000
Facebook: www.facebook.com/WykeArea

Northern Area Team
The Orchard Centre
Orchard Park Road
Hull
HU6 9BX
Tel: 01482 300 300
Email: northern.areateam@hullcc.gov.uk
Text: North to 07795 563000