



# Neighbourhood Planning Guidance



# Solihull MBC – Neighbourhood Planning Guidance

## 1. Introduction

Neighbourhood Planning is a new way for local communities to shape the development of the area in which they live. **However, you do not have to do Neighbourhood Planning.** It is up to local communities to decide whether to use some or all of the new powers, or whether other planning tools may be a better way of realising local ambitions.

Solihull MBC is committed to getting local people engaged in the planning and development of their areas. To enable this, the Council is providing more information to local communities on the new powers, to set out what Neighbourhood Planning could mean for local people in the Borough.

The Council has prepared a set of Frequently Asked Questions on Neighbourhood Planning which provide a useful starting point for local people, who are considering preparing a Neighbourhood Plan. In addition to the Frequently Asked Questions advice, this document provides more detail on the new powers introduced through Government legislation and the process involved in getting a Neighbourhood Development Plan or Order adopted.

The purpose of the Neighbourhood Planning Guidance is, therefore:

- To present the key facts of the new Neighbourhood Planning powers,
- To outline the process of how to prepare a Neighbourhood Development Plan and Neighbourhood Development or Community Right to Build Order, and
- To clarify the level and nature of support available from the Council to assist communities undertaking Neighbourhood Planning.



## 2. What is Neighbourhood Planning?

The Localism Act 2011 sets out a series of proposals which aim to shift power away from central government to local councils and neighbourhoods and introduces the new concept of Neighbourhood Planning.

Different parts of the Act will come into effect at different times, however, regulations<sup>1</sup> setting out the rules on how to prepare a Neighbourhood Development Plan have recently been published. These became effective on 6 April 2012.

The Government has also recently published national policy guidance<sup>2</sup> on the purpose

<sup>1</sup> Neighbourhood Planning (General) Regulations 2012

<sup>2</sup> National Planning Policy Framework (NPPF) published 27 March 2012

and content of the new Neighbourhood Planning tools; Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders. The National Planning Policy Framework (NPPF) clarifies that local communities will be able to use these tools to:

- set planning policies to help determine decisions on planning applications, and
- grant planning permission for specific development that the community wants to see go ahead.

This guidance represents the Council's current understanding of the processes involved in Neighbourhood Planning. However, as the Council gains more experience in supporting local communities using the Neighbourhood Planning tools, the guidance and Frequently Asked Questions advice may be updated in due course.

### 3. The New Powers

The Localism Act 2011 gives local communities greater power and opportunity to shape and manage development in their local area. Whilst Neighbourhood Planning is optional, the Localism Act enables communities to choose all or any of the following new Neighbourhood Planning tools to do this (Fig. 1).

**Fig. 1 Neighbourhood Planning Tools**



#### Neighbourhood Development Plan

A **Neighbourhood Development Plan** is a development plan which can only be prepared by a Parish or Town Council where one exists or otherwise, by a Neighbourhood Forum, to guide the use and development of land within a particular Neighbourhood Area.

The new powers to prepare a Neighbourhood Development Plan give local people a chance to create a planning document that brings forward sustainable development in their area and influences what supporting facilities and infrastructure can be provided as a result. The Neighbourhood Plan may, for example, relate to housing, education, health, employment, parks and open spaces.

Whilst the content is to be defined by the community, the plan is likely to outline a shared vision for how the area will develop and local policies to assist in the determination of planning applications, helping to deliver sustainable development that the area needs.

### Neighbourhood Development Order

A **Neighbourhood Development Order** is a legal document prepared by a Parish or Town Council or Neighbourhood Forum which permits a certain type of development or use of the land within a particular area. Essentially this tool extends the existing **'permitted development rights'** for certain types of development and means that planning permission is not required for the development specified in the Order.

Orders might, for example, allow extensions to community buildings, provide affordable housing or permit local renewable energy schemes.

### Community Right to Build Order

A **Community Right to Build Order** is a type of Neighbourhood Development Order which can be used by appropriately constituted community organisations to bring forward a particular development scheme, without the need for planning permission. At least half of the community organisation's members must live in the area to which the Order applies. It can only be used for small scale development and for a specific site within the defined Neighbourhood Area. This can give community organisations the freedom to develop, for example, small-scale housing and other facilities that they want.

However, any financial benefit from the development will stay within the community to be used for the community's benefit. For example, this could help to maintain affordable housing stock or provide and maintain local facilities such as playgrounds and village halls.



## 4. The Relationship Between Neighbourhood Plans and the Solihull Draft Local Plan

National guidance is clear that Neighbourhood Development Plans must conform to the 'strategic policies' of the Local Plan and not promote less development than that set out in the Plan. In Solihull, the Council is working towards replacing its existing Development Plan with a new Local Plan. The latest version of this; the Solihull Draft Local Plan was published for consultation in January 2012 and it is proposed to be submitted to the Secretary of State for independent examination in late 2012. It is anticipated that the Plan will be adopted as the Development Plan for Solihull in 2013.

Given that the Draft Local Plan is in the final stages of preparation, Neighbourhood Development Plans will be expected to generally conform to the proposed 'strategic policies' in the Solihull Draft Local Plan.

### What is a 'strategic policy'?

A **'strategic policy'** is a policy that is essential to the strategy outlined in a Development Plan. In simple terms, 'strategic policies' set out the opportunities for development within a Local Authority and say what will or will not be permitted and where.

In Solihull, the policies contained within the Solihull Draft Local Plan are considered to be 'strategic policies'. As such, Neighbourhood Plans within the Borough will be expected

3 Appendix A of the Solihull Draft Local Plan Pre-submission Draft (January 2012)

to be in general conformity with Policies P1- P21 and in particular, the overall scale, distribution and location of development outlined in the Solihull Draft Local Plan. This includes sites for housing, employment, retail, minerals and waste as shown on the Proposals Map<sup>3</sup>.

However, new ideas for Neighbourhood Development Plans will each be considered by the Council on their own merits. As such, we recommend that local communities contact the Policy and Spatial Planning Team throughout the preparation of a Neighbourhood Development Plan so that Officers can provide advice on the general conformity of emerging ideas and proposals.

### **The Status of Neighbourhood Development Plans**

Once adopted, a Neighbourhood Development Plan will form part of the Development Plan for Solihull Council. This means that planning applications will be assessed against the policies and proposals included in the adopted Neighbourhood Development Plan as well as the Local Plan and any other adopted Development Plan Documents.

Planning legislation states that decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise, so Neighbourhood Development Plans have weight in decision making and must be taken seriously.

Where there is conflict between a Local Plan and an adopted Neighbourhood Development Plan, Government guidance clarifies that policies in the Neighbourhood Plan will have priority over the 'non-strategic policies' of the Local Plan. However, 'strategic policies' in an adopted Local Plan, such as those that specify the level of growth for the area, will have priority over the adopted Neighbourhood Development Plan.

It is possible for Neighbourhood Development Plans to be prepared prior to the adoption of the Solihull Local Plan, however, this approach runs the risk of the Neighbourhood Development Plan being over-ridden later by the adopted Local Plan, if the Neighbourhood Development Plan plans for less development than that set out in the Local Plan. Local communities considering preparing a Neighbourhood Development Plan are, therefore, encouraged to contact the Policy and Spatial Planning Team for advice on the latest progress of the Solihull Draft Local Plan.

### **The Content of Neighbourhood Development Plans**

Local Plans provide the over-arching policies for dealing with development proposals and they should give a clear indication as to how the Council will react to a planning application. Where a Local Plan does not provide guidance on a particular issue, applications are assessed against the guidance provided in the National Planning Policy Framework (NPPF).

Therefore, Neighbourhood Development Plans need not repeat everything in the Solihull Draft Local Plan or the NPPF at a local level. Neighbourhood Development Plans and the Solihull Draft Local Plan should be complementary and work alongside each other so that the future development in the Neighbourhood Area meets the needs and aspirations of the community and Solihull Council.

Neighbourhood Development Plans in Solihull will be expected to follow the overall scale, distribution and location of development outlined in the Solihull Draft Local Plan and should be focussed on guiding development rather than stopping it. They must help secure at least the level of development identified in the Solihull Draft Local Plan.

Whilst the content of a Neighbourhood Development Plan is to be decided by the Parish or Town Council or Neighbourhood Forum each Plan is likely to include a vision and objectives for the area and detailed policies and actions to achieve them. Neighbourhood Development Plans are expected to go into more detail at the local level than the Solihull Draft Local Plan. The following issues are examples of what could be included in a Neighbourhood Development Plan:

- Allocating land to provide affordable housing to meet the needs of local people in the Neighbourhood Area e.g. supported housing for older people or affordable homes for families or single people.
- Identifying important green areas and wildlife corridors for protection.
- Identifying and costing infrastructure priorities for the Neighbourhood Area.
- Setting out the key features of the Neighbourhood Area and providing design guidance to ensure local character is protected and enhanced.
- Identifying areas covered by a Neighbourhood Development Order.



## 5. Getting Started

### What do you want to achieve?

If you are considering whether to prepare a Neighbourhood Development Plan, the Council recommends that you first think about what you want to achieve by the Plan.

Do you know what the planning issues are in your neighbourhood? For example:

- Is the lack of affordable housing for young people a real problem within your community and something you would like see built?
- Do you want provide additional guidance to help improve the quality of planning applications submitted to the Council?

Or are the issues in your community less related to planning such as improving the maintenance of streets and footpaths, reducing speeding through the village, or reducing incidences of anti-social behaviour? There may be other ways of tackling these problems than by preparing a Neighbourhood Development Plan. If so, the issues may be better addressed by other Council departments such as Neighbourhood Services or partner organisations such as West Midlands Police.

Therefore, it is important that you think about all the issues currently facing the Neighbourhood Area and talk to the Policy and Spatial Planning Team at the Council for advice on how best to take things forward. The Team will be able to advise on whether a Neighbourhood Development Plan is the best way of addressing the issue and is a good starting point for putting you in touch with other Council departments that may be better placed to help.

### Do you need a Neighbourhood Development Plan or Order to resolve the problem?

Remember, preparing a Neighbourhood Development Plan or Order is optional. There are a variety of planning tools and other Council plans and procedures which may provide a quicker and easier way of resolving the problem.

The following list is not exhaustive but highlights some of the other tools that are available to communities:

- **Development Briefs** – Solihull MBC will be preparing Development Briefs for each of the housing sites allocated in the Draft Local Plan. The Council encourages local people to be involved in the preparation of Development Briefs. This enables communities to be engaged and influence the key design principles and infrastructure requirements for the allocated sites.
- **Parish Plans** – Several Parishes in the Borough have adopted Parish Plans; Balsall Common Village, Meriden and Hampton-in-Arden. These are currently non-statutory guidance which, amongst other purposes, is a material consideration in the assessment of planning applications. It may be more appropriate and easier to update existing plans in light of the new Solihull Local Plan, making the plans more focussed on bringing forward suitable development rather than preparing a Neighbourhood Development Plan, as defined in the regulations.
- **Conservation Area Appraisals and Management Plans** – These are only suitable for those areas designated as Conservation Areas, of which there are 20 within the Borough. Solihull MBC intends to update the existing collection of Conservation Area Appraisals in partnership with local communities, to provide up-to-date guidance to assist in the determination of planning applications.
- **Responding to planning applications** – All planning applications are published online at [www.solihull.gov.uk](http://www.solihull.gov.uk) and subject to a 21 day period for any comments to be submitted. Responding to the consultation on planning matters can be an effective way of ensuring the views of the local community are taken into account in the assessment of the planning application.
- **Engagement with Ward Action Plans** – There are three Neighbourhood Teams in Solihull Council who work very closely with the Neighbourhood Police Teams; North Area, Central Area and the Rural Area. Each Team prepares a Ward Action Plan to highlight the local priorities for improvement in each area. Engagement in the development of Ward Action Plans will ensure that local issues are captured in the plans and monitored annually.

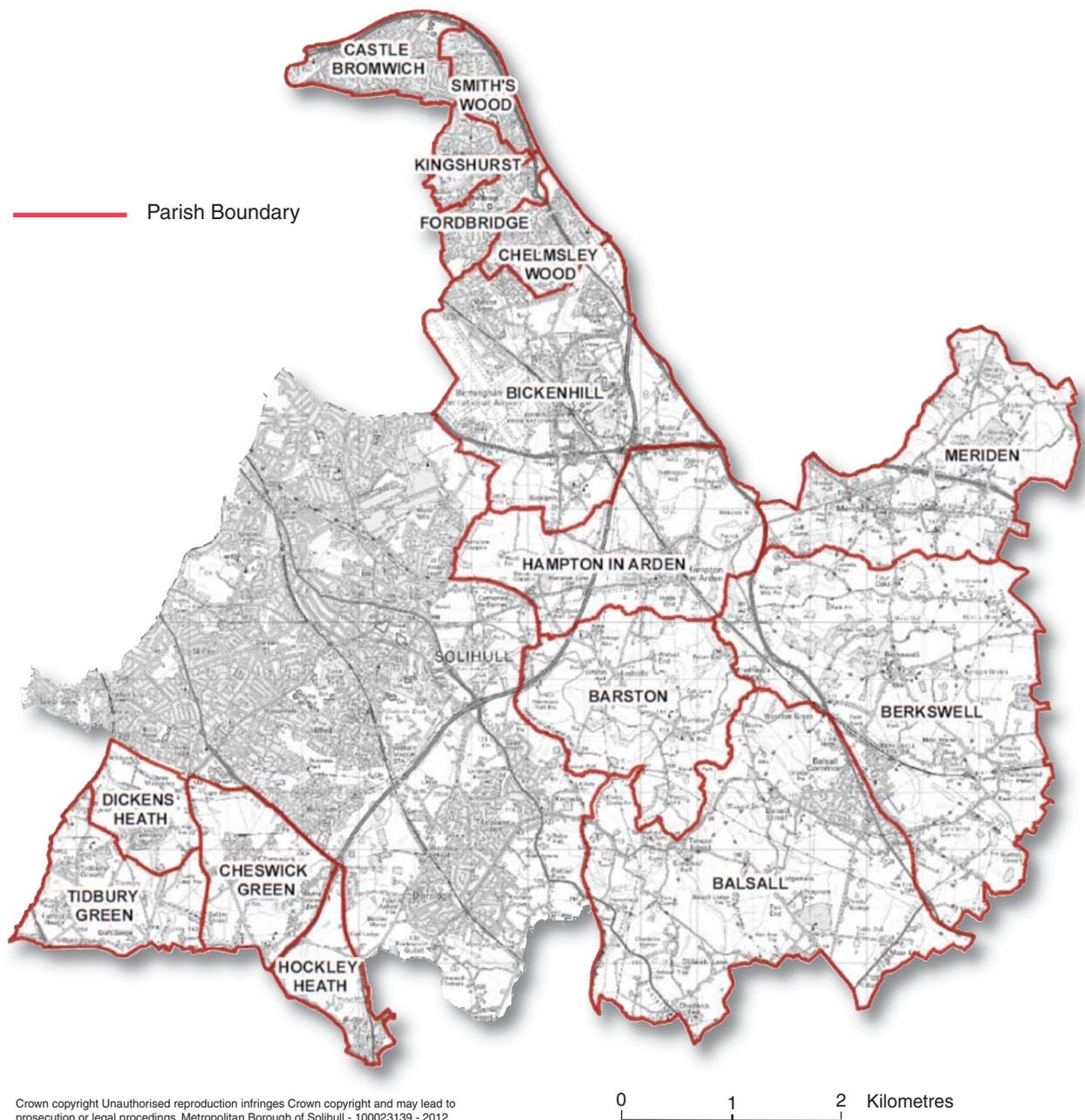
After considering the options available to meet your aspirations, talking to the Policy and Spatial Planning Team and deciding that a Neighbourhood Development Plan or Order is the best approach, there are a few other points to consider.

### **Are you eligible to prepare these?**

Neighbourhood Planning will be led by community groups, not Solihull MBC. Such community groups or 'qualifying bodies' include Parish and Town Councils. Where an area is not covered by a Parish or Town Council, a local community can set up a Neighbourhood Forum to prepare a Neighbourhood Development Plan.

Neighbourhood Forums must include a minimum of 21 people and should be sufficiently representative of the local community. Each member must either live or work in the Neighbourhood Area or be an elected member of Solihull MBC and the area falls within their Ward. The Forum will also need to have a written constitution.

**Fig. 2 Solihull Parish Boundaries**



In Solihull, there are 15 Parish or Town Councils which cover much of the Borough (Fig. 2). However, the main urban area, which includes Solihull, Shirley, Olton, Elmdon and Lyndon, and part of the Rural Area, including Knowle, Dorridge and Bentley Heath do not have a Parish or Town Council. Local Communities wanting to prepare a Neighbourhood Development Plan or Order in these areas will, therefore, need to set up a Neighbourhood Forum. There is, however, no additional funding attached to Neighbourhood Forums.

In the parished parts of the Rural Area, only the Parish Councils can prepare Neighbourhood Development Plans. In the North of the Borough only the Town Councils of Fordbridge and Chelmsley Wood and the Parish Councils of Kingshurst, Smiths Wood and Castle Bromwich can prepare Neighbourhood Development Plans.

## Do you have the resources to prepare these?

Feedback from other Parish Councils and Neighbourhood Forums currently preparing Neighbourhood Plans has shown that funding from the Government has been crucial in getting the process underway. The Government's programme of Neighbourhood Planning Front Runners awarded funding of £20,000 to a number of pilot schemes to support the Neighbourhood Plan process. However, it is understood that this funding has now been allocated and that no further funding is currently available to community groups or Parish/Town Councils.

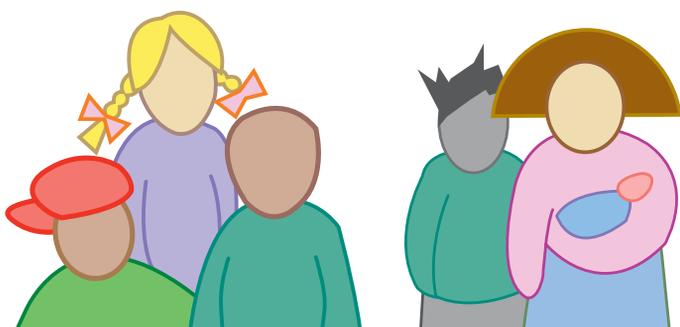
The Government has estimated that preparation of a Neighbourhood Development Plan could take approximately 1-2 years and cost between £20,000 and £86,000<sup>4</sup>, depending on the complexity and size of the Plan. A Community Right to Build Order is expected to take at least 6 months to prepare and could cost a total of £40,000. However, the Government has recently announced that help will be available from an organisation called Locality and funding of £17.5 million has been allocated over the next 3 years to kick start the process<sup>5</sup>.

Whilst Solihull Council is keen to support communities wishing to undertake Neighbourhood Planning, it does not have the resources to fund the whole process. Therefore, it will be down to the Parish or Town Council or Neighbourhood Forum to finance the preparation of a Neighbourhood Development Plan or Order.

As well as financing the preparation of a Neighbourhood Development Plan or Order, qualifying bodies should also consider whether they have a body of volunteers willing and able to be involved in the process. Feedback from some of the Government Front Runners has highlighted that volunteers have been required to help prepare and carry out consultation activities, for example, organising workshops, sending out surveys and analysing responses.

4 Localism Act: Neighbourhood Plans and Community Right to Build – Impact Assessment (March 2012)

5 Further information is available at: [www.mycommunityrights.org.uk](http://www.mycommunityrights.org.uk)



## 6. Preparing a Neighbourhood Plan

Fig. 3 provides a step-by-step guide to producing a Neighbourhood Development Plan and also clarifies the role of Solihull Council throughout the process. This section provides more detail on each stage of the process.

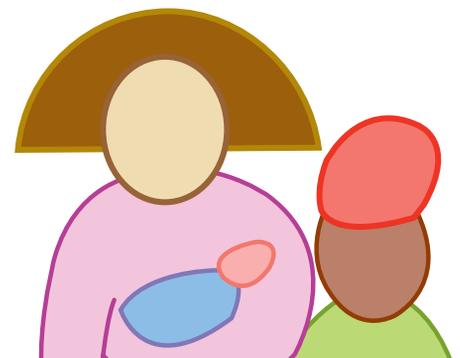
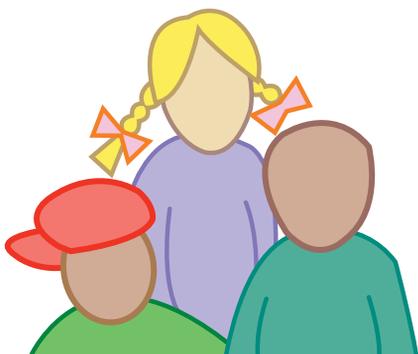
**Fig. 3 Step-by-Step Guide to Neighbourhood Planning**

	Process	What to do	SMBC role
<b>Step 1</b>	Process instigated by Parish/Town Council or community group	<ul style="list-style-type: none"> <li>• Contact SMBC to inform the Council and seek advice</li> <li>• Look at Protocol and FAQs</li> <li>• Consider how Plan will be funded</li> <li>• If required, make an application to SMBC to become a Neighbourhood Forum</li> </ul>	<ul style="list-style-type: none"> <li>• Provide guidance on process</li> <li>• Publish Neighbourhood Forum application for consultation</li> <li>• Assess and formally designate the Forum</li> <li>• Publish SMBC's decision on the Forum application</li> </ul>
<b>Step 2</b>	Neighbourhood Area designated	<ul style="list-style-type: none"> <li>• Submit application to SMBC</li> </ul>	<ul style="list-style-type: none"> <li>• Publish Area application for consultation</li> <li>• Agree and formally designate the Area</li> <li>• Publish SMBC's decision on the Area application</li> </ul>
<b>Step 3</b>	Plan prepared by Parish/Town Council or Neighbourhood Forum with support from SMBC	<ul style="list-style-type: none"> <li>• Continued contact with SMBC to make sure the Neighbourhood Plan complies with regulations and the Solihull Local Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Provide advice on emerging Plan proposals</li> </ul>
<b>Step 4</b>	Community consultation on the Plan	<ul style="list-style-type: none"> <li>• Continued consultation throughout the process with people who live, work and carry out business in the area</li> <li>• Consult specific consultation bodies</li> <li>• Keep records of community engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Provide guidance on carrying out public consultation and who to consult</li> </ul>
<b>Step 5</b>	Council check for legal compliance	<ul style="list-style-type: none"> <li>• Submit Plan to SMBC</li> </ul>	<ul style="list-style-type: none"> <li>• Publish Plan for consultation</li> <li>• Check the Plan complies with legislation and policy</li> </ul>
<b>Step 6</b>	Independent examination of the Plan	<ul style="list-style-type: none"> <li>• Agree appointment of examiner</li> </ul>	<ul style="list-style-type: none"> <li>• Organise and appoint examiner</li> <li>• Submit Plan to examiner</li> <li>• Consider examiner's recommendations</li> <li>• Publish SMBC's decision on the Plan</li> </ul>
<b>Step 7</b>	Community referendum		<ul style="list-style-type: none"> <li>• Organise the referendum</li> <li>• Publish the results of the referendum</li> </ul>
<b>Step 8</b>	Neighbourhood Plan adopted by SMBC		<ul style="list-style-type: none"> <li>• Publish the Plan</li> <li>• Notify any person who has asked to be informed of an adopted Plan</li> </ul>

## Step 1 Instigate the process

Before you start to prepare a Neighbourhood Development Plan, the Council strongly recommends that you review the Frequently Asked Questions advice and this guidance. Following this, if you consider preparing a Neighbourhood Development Plan would be the best way of meeting local needs and aspirations and you have your funding in place, the Council recommends that you inform the Policy and Spatial Planning Team at an early stage so that the Council can plan how best to resource the process.

**Fig. 4 Eight steps to producing a Neighbourhood Plan or Order**



In non-parished areas of the Borough, local community groups will need to set up a Neighbourhood Forum and submit an application to the Council to be formally designated. The application must include the information shown in Fig. 5. There can only be one designated Forum per Neighbourhood Area and the Council can only consider one application per area at any one time.

## Step 2 Designate the Neighbourhood Area

Once a Neighbourhood Forum or Parish or Town Council has been established as the relevant body to undertake Neighbourhood Planning, the boundary of the Neighbourhood Area will need to be defined and agreed by the Local Planning Authority. An application to Solihull MBC should include the information shown in Fig. 6.

In the case of Parish and Town Councils, the area covered by the plan can be the Parish or Town boundary, just a part of it, or combined areas. In the case of Neighbourhood Forums, the boundary should make sense in terms of community, communications, transport arrangements and services but it cannot include any part of a Parish Council area.

**Fig. 5 Neighbourhood Forum Application Requirements**

Neighbourhood Forum Application
• The name of the proposed Neighbourhood Forum
• A copy of the written constitution
• The name of the Neighbourhood Area and an OS based plan which clearly shows the boundary of the Area outlined in red
• The contact details of at least one member of the Neighbourhood Forum
• A statement explaining why the area is appropriate to be designated. This should show that the boundary of the area makes sense in terms of community, communications, transport arrangements and services and include the aims, objectives, funding sources and working methods for the Forum.
• A statement explaining how the proposed Neighbourhood Forum meets the following conditions: <ol style="list-style-type: none"> <li>a. It is established for the express purpose of promoting or improving the social, economic and environmental well being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other business in such an area)</li> <li>b. Its membership is open to –               <ol style="list-style-type: none"> <li>i. Individuals that live in the Neighbourhood Area concerned</li> <li>ii. Individuals that work there (whether for businesses carried on there or otherwise)</li> <li>iii. Individuals who are elected members of a county council, district council or London Borough council any of whose are falls within the Neighbourhood Area concerned</li> </ol> </li> <li>c. Its membership includes a minimum of 21 individuals each of whom –               <ol style="list-style-type: none"> <li>i. Lives in the Neighbourhood Area concerned</li> <li>ii. Works there (whether for a business carried on there or otherwise), or</li> <li>iii. Is an elected member of a county council, district council or London Borough council any of whose area falls within the neighbourhood area concerned</li> </ol> </li> <li>d. It has a written constitution</li> <li>e. It meets all other conditions as may be prescribed.</li> </ol>

**Fig. 6 Neighbourhood Area Application Requirements**

Neighbourhood Area Application
• The name of the Neighbourhood Area and an OS based plan which clearly shows the boundary of the Area outlined in red
• A statement explaining why the area is appropriate to be designated. This should show that the boundary of the area makes sense in terms of community, communications, transport arrangements and services.
• A statement that the organisation or body making the application is a Parish Council or an organisation or body which is, or is capable of being, designated as a Neighbourhood Forum.

### **Step 3 Prepare the Neighbourhood Development Plan**

The content of a Neighbourhood Development Plan is entirely up to you. However, it should be consistent with national and local policies and will have to comply with International, European and National designations and European environmental and human rights laws. The Neighbourhood Development Plan will also need to go through an examination and referendum. To ensure the Plan is consistent with policy and legislation, we recommend that you keep the Policy and Spatial Planning Team informed of progress.

Remember, the Plan cannot be used to block development of homes, businesses and other infrastructure that is set out in the Solihull Draft Local Plan and is considered necessary to address the Borough's current and future needs.

### **Step 4 Community Engagement**

It is fundamental that everyone living, working and carrying out business in and around the local community is appropriately consulted on the proposals. This is particularly important given that local people will get the chance to vote on whether the Neighbourhood Development Plan or Order should be brought into force, at the community referendum. The Neighbourhood Development Plan or Order will need strong buy-in from all parts of the local community to get through this final stage.

You should also make sure you engage with statutory consultation bodies such as the Highways Agency, other local landowners and adjoining Neighbourhood Areas as you develop your ideas.

Make sure you keep a record of any consultation activity that you organise throughout the process as you will need to submit a Consultation Statement with your Neighbourhood Development Plan.

### **Step 5 Solihull MBC check**

Once the Neighbourhood Development Plan is complete, you must submit it to Solihull MBC along with the supplementary documents outlined in Fig. 7. The Council will check that the Neighbourhood Development Plan or Order has been prepared by an authorised qualifying body and that it has complied with the regulations throughout the process. Solihull MBC will also consider whether the submitted Neighbourhood Development Plan or Order is in general conformity with the strategic policies of the Solihull Draft Local Plan and national policy and guidance.

If the Council is satisfied that Plan has complied with the above policy and legislation, it will formally submit the Plan for independent examination.

### **Step 6 Independent check**

The independent examiner will be appointed by the Council with agreement from the Parish or Town Council or Neighbourhood Forum. The Examiner will be independent of both the qualifying body and the Council, have appropriate qualifications and experience and can not have any interest in land affected by the Neighbourhood Development Plan. The independent examiner will check that the Plan or Order meets the right basic

standards, as defined in the regulations. The examination will generally be carried out in writing but in some cases, it may be held as a public hearing.

If the Neighbourhood Development Plan or Order does not meet the right standards, changes will be recommended by the examiner. Solihull MBC will consider these and decide whether to make the changes. If significant changes are recommended, further community consultation may be required.

Following publication of the examiner's report Solihull MBC will make a decision on the Neighbourhood Development Plan or Order. The decision could be to make, or refuse to make the Neighbourhood Development Plan or Order. The Council will publish the decision and its reasons for making the decision so that people, who live, work or carry out business in the Neighbourhood Area, are informed of the decision.

**Fig. 7 Requirements for the Submission of a Neighbourhood Plan/Order to Solihull MBC**

### Submission of a Neighbourhood Development Plan to Solihull MBC

- An OS based map plan which clearly shows the area to which the proposed Neighbourhood Development Plan/Order relates
- The proposed Neighbourhood Development Plan/Order
- A consultation statement which includes;
  - a. Details of the persons and bodies who were consulted on the proposed Plan/Order
  - b. An explanation of how they were consulted
  - c. A summary of the main issues and concerns raised by the persons consulted, and
  - d. A description of how these issues and concerns have been considered and, where relevant, addressed in the proposed Plan/Order
- A statement explaining how the proposed Plan/Order meets the following basic conditions;
  - a. Having regard to national policy and guidance, the Plan/Order is appropriate
  - b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, the Plan/Order is appropriate
  - c. Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, the Plan/Order is appropriate
  - d. The Plan/Order contributes to the achievement of sustainable development
  - e. The Plan/Order is in general conformity with the strategic policies contained in the development plan for the area of the Local Authority or any part of that area
  - f. The Plan/Order does not breach and is otherwise compatible with EU obligations
  - g. The Plan/Order meets any other prescribed conditions

## Step 7 Community Referendum

If Solihull MBC is satisfied that the Neighbourhood Development Plan or Order meets the basic standards or would meet the standards if modifications were made then the Council will organise the community referendum on the Plan or Order. This will ensure that the community has the final say on whether a Neighbourhood Development Plan or Order comes into effect. The area in which the referendum takes place will be at least the Neighbourhood Area but this may be extended if the Council considers it appropriate to do so.

## Step 8 Adoption of the Plan

If more than 50% of people voting in the referendum support the Neighbourhood Development Plan or Order, the Council will bring it into legal force. Any Neighbourhood Development Plan which completes the neighbourhood planning process successfully will become part of the statutory Development Plan for Solihull Council. This means that the Council will be legally obliged to take the Neighbourhood Development Plan into account when considering planning applications.

As soon as possible after making a Neighbourhood Development Plan or Order, the Council will publish the Plan or Order and notify any interested parties that the Plan is part of the Development Plan for Solihull.

## 7. The Role of Solihull MBC

Solihull MBC has a duty to support the Neighbourhood Planning process and is keen to work with communities to meet local needs and ambitions. However, as outlined in Section 5, you may or may not need to use the new Neighbourhood Planning powers to do this. This section outlines the nature and level of support the Council is able to provide to local communities preparing Neighbourhood Development Plans or Orders.

As we are in the early stages of Neighbourhood Planning, the full extent of communities within Solihull wishing to prepare Neighbourhood Development Plans or Orders is currently unknown. The guidance provided in this section may, therefore, be updated if and when Neighbourhood Planning proposals within the Borough come forward.

Whilst Solihull MBC is able to provide advice and guidance to support communities undertaking Neighbourhood Planning, **the Council is unable to finance the preparation of Neighbourhood Development Plans, Orders or Community Right to Build Orders.** It will be up to Parish or Town Councils or Neighbourhood Forums to secure funding for the process. The council will, however, inform local communities of any national or local funding opportunities as they arise.



The role of Solihull MBC in the Neighbourhood Planning process is outlined in Fig. 3. In addition to this the nature of support available from the Council could include:

- Further guidance on the Neighbourhood Planning process and potential external funding opportunities, as they emerge.
- Advice on the conformity of emerging plans and proposals with the Solihull Draft Local Plan and national planning policy.
- Technical advice on International, European and National legislation.
- Sharing evidence base and offering support in analysing or interpreting data.
- Information on planning designations and policies.
- Guidance on carrying out public consultation events and who to consult.
- Providing a Neighbourhood Planning webpage on the Solihull MBC website.

The Council will also organise and fund the independent examination of the Neighbourhood Development Plan, Order or Community Right to Build Order against legislation, national and local plan policies and any adjoining Neighbourhood Development Plans.

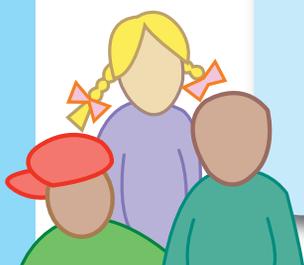
Following the independent examination, the Council will consider the examiner's report and recommendations and decide whether to make the Neighbourhood Development Plan or Order, refuse to make it, or take action in light of the examiner's recommendations. This decision will be published on the Solihull MBC website.



If the Council decides to make the Neighbourhood Development Plan or Order, the Council's Democratic Services Section will organise and fund the community referendum on whether the Neighbourhood Development Plan or Order should come into effect. The referendum will be held among the registered electors of the Neighbourhood Area, unless the Plan or Order would potentially impact on a wider area and therefore, the referendum area may be enlarged.

The results of the referendum will be published on the Solihull website. Where at least 51% of the local community vote in favour of the Neighbourhood Development Plan or Order, the Council will formally adopt the Plan or Order. People who have previously expressed an interest in being informed of the Neighbourhood Development Plan or Order will be notified that the document has been adopted and published on the Solihull MBC website.

If the Council refuses to make the Neighbourhood Development Plan or Order, the Council will inform the qualifying body of its decision and publish the decision and its reasons on the Solihull MBC website. It will then be up to the qualifying body whether to address the concerns raised and submit a revision version of the Plan or Order or use the document as evidence of public views, even though it will not have legal status in the planning process.



## Contact Details

We hope that the information provided in this guidance is helpful. However, for further advice and guidance on Neighbourhood Planning please contact:

### Policy and Spatial Planning Services

- Sarah James, Principal Planning Officer, [sajames@solihull.gov.uk](mailto:sajames@solihull.gov.uk) 0121 704 8376
- Emma Tinsley-Evans, Principal Planning Officer, [etinsley@solihull.gov.uk](mailto:etinsley@solihull.gov.uk) 0121 704 6428
- Dave Simpson, Policy and Spatial Planning Manager, [dsimpson@solihull.gov.uk](mailto:dsimpson@solihull.gov.uk) 0121 704 6395

For more information regarding the Solihull Unitary Development Plan (adopted February 2006) see [www.solihull.gov.uk/udp](http://www.solihull.gov.uk/udp)

Latest information on the Solihull Draft Local Plan can be found at: [www.solihull.gov.uk/ldf](http://www.solihull.gov.uk/ldf)

Other contacts at Solihull MBC that may be helpful during the preparation of a Neighbourhood Plan for your area are:

### Neighbourhood Services

- Caroline Naven, Head of Neighbourhood Services and Central Area Manager, [cnaven@solihull.gov.uk](mailto:cnaven@solihull.gov.uk) 0121 704 8753
- Kath Hemmings, Neighbourhood Manager –Rural Area, [khemming@solihull.gov.uk](mailto:khemming@solihull.gov.uk) 0121 704 6358
- Alison Lush, Neighbourhood Manager – North Area, [alush@solihull.gov.uk](mailto:alush@solihull.gov.uk) 0121 704 8031

### Design and Development Management Services

- Gary Palmer, Head of Design and Development, [gpalmer@solihull.gov.uk](mailto:gpalmer@solihull.gov.uk) 0121 704 6372

The following organisations have had some Government funding to provide assistance to local groups developing neighbourhood plans and have useful advice on their websites relating to Neighbourhood Planning:

- The Prince's Foundation for Building Community - [www.princes-foundation.org](http://www.princes-foundation.org)
- Locality - [www.buildingcommunity.org.uk](http://www.buildingcommunity.org.uk) and [www.mycommunityrights.org.uk/](http://www.mycommunityrights.org.uk/)
- Campaign to Protect Rural England (CPRE) in partnership with National Association of Local Councils (NALC) - [www.planninghelp.org.uk](http://www.planninghelp.org.uk)
- RTPi Planning Aid - [www.rtpi.org.uk/planningaid](http://www.rtpi.org.uk/planningaid)

You may also be interested in the work being carried out by some Neighbourhood Planning Front Runners in the West Midlands:

- Much Wenlock Neighbourhood Plan, Shropshire - [www.wenlockplan.org/](http://www.wenlockplan.org/)
- Moseley Big Plan, Birmingham - [www.moseleycdt.com/bigplan](http://www.moseleycdt.com/bigplan)
- Balsall Heath Neighbourhood Plan, Birmingham - [www.birmingham.gov.uk/balsallheathndp](http://www.birmingham.gov.uk/balsallheathndp)



## Glossary

<b>Community Right to Build Order</b>	An Order prepared by an appropriately constituted community group and made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or class of development.
<b>Development Plan</b>	The statutory Development Plan is defined in section 38 of the Planning and Compulsory Purchase Act 2004 and includes adopted Local Plans and Neighbourhood Development Plans. (Regional strategies remain part of the Development Plan until they are abolished by Order using powers taken in the Localism Act. It is the government's clear policy intention to revoke the regional strategies outside of London, subject to the outcome of the environmental assessments that are currently being undertaken.)
<b>Development Plan Document</b>	A planning document which has been subject to independent examination and adopted by the Local Planning Authority as part of the Development Plan. DPDs often focus on a specific issue such as allocating sites for Gypsies and Travellers.
<b>Neighbourhood Development Order</b>	An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which Parish or Town Councils or Neighbourhood Forums can grant planning permission for a specific development proposal or class of development.
<b>Neighbourhood Development Plan</b>	A plan prepared by a Parish or Town Council or Neighbourhood Forum for a particular Neighbourhood Area (made under the Planning and Compulsory Purchase Act 2004).
<b>Neighbourhood Forum</b>	A Neighbourhood Forum is a community group that has been set up to prepare a Neighbourhood Development Plan or Order in an area not covered by a Parish or Town Council.
<b>Neighbourhood Area</b>	The specific area to which the Neighbourhood Development Plan relates. The boundary of the Neighbourhood Area needs to be formally designated by the Local Planning Authority.
<b>Permitted development rights</b>	Permitted development rights are provided by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to allow certain types of development to proceed without the need for a planning application.
<b>Qualifying Body</b>	Only Parish or Town Councils in parished areas of a Local Authority or Neighbourhood Forums in non-parished areas are qualifying bodies who can prepare a Neighbourhood Development Plan.

