

# Neighbourhood Planning Protocol

*Information on the role of community groups and Kingston Council in the Neighbourhood Planning process.*

**Royal Borough of Kingston-upon-Thames**

November 2016



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## 1. Introduction

### 1.1 Background

- 1.1.1 With the introduction of the [Localism Act](#) in 2011, and the accompanying [Neighbourhood Planning Regulations](#) in 2012, a new tier of planning has been created, which allows local communities to shape the future of development in their neighbourhoods.
- 1.1.2 The Localism Act seeks to facilitate community-led planning ('Neighbourhood Planning') in the form of 'Neighbourhood Plans', 'Neighbourhood Development Orders' and the 'Community Right to Build' and requires local authorities to resource and support Neighbourhood Planning. These new powers should be led by local communities rather than by Kingston Council and are intended to be pro-development, with the aim to allow communities to shape and influence development locally, or encourage more development of a certain type or kind. Any proposals deriving from a Neighbourhood Planning tool must be in general conformity with national and local planning policy.
- 1.1.3 Kingston Council has started work to prepare a new Local Plan and, in collaboration with the Greater London Authority, develop an Opportunity Area to help guide future growth and development in the Borough. It is important to note that a Neighbourhood Plan should not aim to prevent or hinder growth and development in the Borough.

### 1.2 Purpose of this Document

- 1.2.1 To assist with the interpretation of the Localism Act and supporting Regulations, and to ensure a consistent approach is adopted, Kingston Council has prepared this Neighbourhood Planning Protocol. This will:
- a) provide general overview and advice to interested local community groups on the Neighbourhood Planning process;
  - b) deal with areas and matters where the Localism Act and Neighbourhood Planning Regulations allow and provide for local discretion and flexibility; and
  - c) ensure there is clarity and transparency for local communities as well as a coordinated approach within Kingston Council in relation to Neighbourhood Planning.
- 1.2.2 This Protocol will be kept under review to take account of the uptake of Neighbourhood Planning in the Borough, and if appropriate incorporate opportunities to link Neighbourhood Planning with other community engagement activities.

## 2. The Neighbourhood Planning Process

### 2.1 Summary of the Neighbourhood Planning Process

- 2.1.1 The Localism Act and Neighbourhood Planning Regulations introduced new duties on local authorities in relation to Neighbourhood Planning.
- 2.1.2 More detailed guidance can be found in Kingston Council's Neighbourhood Planning Guidance document. Further details on the role of Kingston Council in the Neighbourhood Planning process are set out in the subsequent chapter.
- 2.1.3 Figure 1 (below) outlines the key stages involved in preparing a Neighbourhood Plan.

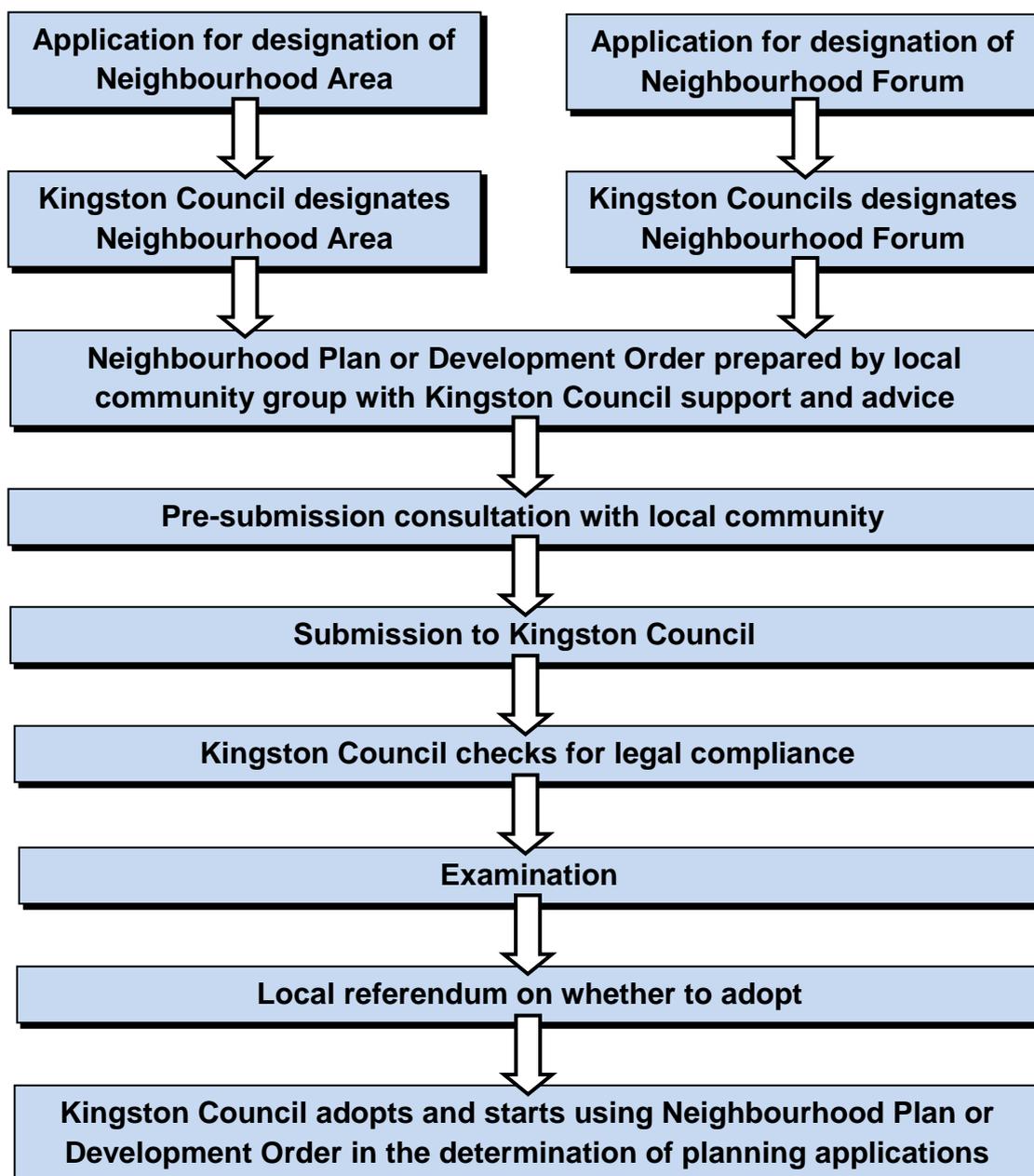


Figure 1 - Neighbourhood Plan or Development Order process flowchart

### 3. The Roles of a Neighbourhood Forum and Kingston Council in the Neighbourhood Planning Process

#### 3.1 Stage 1 - Getting Started

Neighbourhood Forum's Role	Kingston Council's Role
<ul style="list-style-type: none"> <li>Community wants to shape growth and development of their local area through the introduction of new planning policy</li> <li>Establish team, vision, objectives, and produce programme for developing the plan</li> </ul>	<ul style="list-style-type: none"> <li>Engage with community group to identify their needs and desires for the area</li> <li>Advise on Neighbourhood Plan or Development Order</li> </ul>

3.1.1 The point of a Neighbourhood Plan or Development Order is to create new planning policy that will be used in the determination of planning applications. The preparation of a Neighbourhood Plan or Development Order is a community-led process, with Kingston Council providing an advisory role.

3.1.2 Community groups are encouraged, prior to embarking on a formal Neighbourhood Planning process, to consider carefully the context, what plans and programmes already exist, what more Neighbourhood Planning could achieve for an area, and whether other tools may be more appropriate for achieving their aims and objectives.

3.3.1 Kingston Council has prepared a Neighbourhood Planning Guidance document to assist community groups in understanding the different Neighbourhood Planning powers. Kingston Council will, subject to resources, provide an initial meeting with prospective a Neighbourhood Forum to set out the general and specific level of support that can be provided

#### 3.2 Stage 2 - Designation of a Neighbourhood Area and Neighbourhood Forum

Neighbourhood Forum's Role	Kingston Council's Role
<ul style="list-style-type: none"> <li>Apply to Kingston Council for a Neighbourhood Area to be designated</li> <li>Apply to Kingston Council for a Neighbourhood Forum to be designated</li> </ul>	<ul style="list-style-type: none"> <li>Publicise proposed area, assess application and designate the Neighbourhood Area</li> <li>Publicise proposed Neighbourhood Forum, assess application and make decision on designation</li> </ul>

3.2.1 A community group within the Borough that is capable of being established as a 'Neighbourhood Forum' will first need to the 'Neighbourhood Area' designated in order to prepare a Neighbourhood Plan or Development Order. Kingston Council will normally designate a Neighbourhood Area before designating a community group as a Neighbourhood Forum.

- 3.2.2 Kingston Council will need to make a decision on whether to approve an application for the designation of a Neighbourhood Area or a Neighbourhood Forum. This decision will be made by the Director of Place
- 3.2.3 Table 2 outlines the detailed process for applications for the designation of a Neighbourhood Area and Neighbourhood Forum designation in the Royal Borough of Kingston upon Thames.

**Table 2 - Process for the designation of a Neighbourhood Area and Neighbourhood Forum in The Royal Borough of Kingston upon Thames**

Stage	Legal Requirements	Kingston Council Requirements and Comments
<b>Application for designation of a Neighbourhood Area</b>	<p>An application for designation of a Neighbourhood Area must be addressed to the local planning authority. It must consist of the following elements:</p> <ul style="list-style-type: none"> <li>a) a map which identifies the area to which the area application relates;</li> <li>b) a statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area; and</li> <li>c) a statement that the organisation or body making the area application is a relevant body, i.e. an organisation or body which is, or is capable of being, designated as a Neighbourhood Forum (for the corresponding Neighbourhood Area).</li> </ul>	<p>Applicants should also provide:</p> <ul style="list-style-type: none"> <li>a) the contact details for the main liaison member of the community group, including name, email address and phone number;</li> <li>b) a plan showing the proposed Neighbourhood Area should have a red line boundary on an OS base map;</li> <li>c) a statement outlining the reasons why the area selected has been chosen, including where the boundaries fall; and</li> <li>d) a statement outlining the aims, objectives and what a Neighbourhood Plan could achieve for this area and reasons.</li> </ul> <p>Please note that there can only be one Neighbourhood Plan per Neighbourhood Area. Small-scale or street level Neighbourhood Areas will not be supported by Kingston Council due to very limited staff and financial resources, and the impact this would have on the determination of planning applications.</p>
<b>Application for designation of a Neighbourhood Forum</b>	<p>Where an organisation or body submits a Neighbourhood Forum application to the local planning authority it must include:</p> <ul style="list-style-type: none"> <li>a) the name of the proposed Neighbourhood Forum;</li> <li>b) a copy of the written constitution of the proposed Neighbourhood Forum;</li> <li>c) the name of the Neighbourhood Area to which the application relates and a map which identifies the area;</li> <li>d) the contact details of at least one member of the proposed Neighbourhood Forum; and</li> <li>e) a statement which explains how the proposed Neighbourhood Forum meets the following conditions:</li> </ul>	<p>Kingston Council will provide an application form on its website, which applicants are asked to complete. In addition to legal requirements, applicants should also provide:</p> <ul style="list-style-type: none"> <li>a) the aims, objectives, funding sources and working methods for the Neighbourhood Forum should be provided,</li> <li>b) the forum should have open public membership arrangements and is not dominated by any one organisation making up more than a third of its membership, and</li> <li>c) the Neighbourhood Forum should not be dependent on any one interest group for funding.</li> </ul> <p>Kingston Council will also require a Neighbourhood Forum to be demographically representative of the area, diverse and represent</p>

Stage	Legal Requirements	Kingston Council Requirements and Comments
	<ul style="list-style-type: none"> <li>i. it is established for the express purpose of promoting or improving the social, economic and environmental wellbeing 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 businesses in such an area),</li> <li>ii. its membership is open to:                             <ul style="list-style-type: none"> <li>• individuals who live in the Neighbourhood Area concerned,</li> <li>• individuals who work there (whether for businesses carried on there or otherwise), and</li> <li>• individuals who are elected members of a county council, district council or London borough council any of whose area falls within the Neighbourhood Area concerned,</li> </ul> </li> <li>iii. its membership includes a minimum of 21 individuals each of whom either:                             <ul style="list-style-type: none"> <li>• lives in the Neighbourhood Area concerned; or</li> <li>• works there (whether for a business carried on there or otherwise); or</li> <li>• 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> <li>• it has a written constitution, and</li> <li>• such other conditions as may be prescribed.</li> </ul> </li> <li>iv. it has a written constitution; and</li> <li>v. such other conditions as may be prescribed</li> </ul>	<p>the variety of interests across the Neighbourhood Area, including residents, community organisations, businesses, landowners, developers, voluntary organisations etc. Kingston Council will prioritise assistance to any prospective Neighbourhood Forum that meets these criteria.</p> <p>Kingston Council will also encourage the representation of at least one Ward Councillor for the Ward(s) covered by the Neighbourhood Area in question on the Neighbourhood Forum and to support the application.</p> <p>While others can assist, a Neighbourhood Forum's committee must solely consist of:</p> <ul style="list-style-type: none"> <li>• individuals who live in the Neighbourhood Area concerned;</li> <li>• individuals who work there (whether for businesses carried on there or otherwise); or</li> <li>• individuals who are elected members of a county council, district council or London borough council, any of whose area falls within the Neighbourhood Area concerned.</li> </ul>

Stage	Legal Requirements	Kingston Council Requirements and Comments
	<p>A local planning authority, in determining whether to designate an organisation or body as a Neighbourhood Forum for a Neighbourhood Area, must have regard to the desirability of designating an organisation or body:</p> <ul style="list-style-type: none"> <li>a) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of subparagraphs (i) to (iii) above, whose membership is drawn from different places in the Neighbourhood Area concerned and from different sections of the community in that area, and</li> <li>b) whose purpose reflects (in general terms) the character of that area,</li> <li>c) may designate only one organisation or body as a Neighbourhood Forum for each Neighbourhood Area,</li> <li>d) may designate an organisation or body as a Neighbourhood Forum only if the organisation or body has made an application to be designated, and</li> <li>e) must give reasons to an organisation or body applying to be designated as a Neighbourhood Forum where the authority refuses the application.</li> </ul>	
<p><b>Publication of an application for designation of a Neighbourhood Area</b></p>	<p>As soon as possible after receiving an Neighbourhood Area application from a relevant body, a local planning authority must publicise the following on their website and in such other manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the area application relates:</p> <ul style="list-style-type: none"> <li>a) a copy of the area application;</li> <li>b) details of how to make representations; and</li> </ul>	<p>Kingston Council will publish a weblink to any application made on its <a href="#">Neighbourhood Planning webpage</a> and advertise it for a six week consultation.</p> <p>On advertising the consultation on its webpage, Kingston Council will also email all relevant organisations registered on the LDF database by email (or letter where no email is available) and will notify the:</p> <ul style="list-style-type: none"> <li>• Ward Councillors who represent the areas covered by the proposed Neighbourhood Area; and</li> </ul>

Stage	Legal Requirements	Kingston Council Requirements and Comments
	<p>c) the date by which those representations must be received, being not less than six weeks from the date on which the area application is first publicised.</p>	<ul style="list-style-type: none"> <li>• the Borough Neighbourhood Committee(s) that the Neighbourhood Area falls within.</li> </ul> <p>It is suggested that the Neighbourhood Forum uses the consultation period to raise awareness about their ambitions and the plan.</p>
<p><b>Publication of an application for designation of a Neighbourhood Forum</b></p>	<p>As soon as possible after receiving a Neighbourhood Forum application, a local planning authority must publish the following on their website and in such other manner as they consider is likely to bring the application to the attention of people who live, work or carry on business in the area to which the application relates:</p> <p>a) a copy of the application;</p> <p>b) a statement that if a designation is made no other organisation or body may be designated for that Neighbourhood Area until that designation expires or is withdrawn;</p> <p>c) details of how to make representations; and</p> <p>d) the date by which those representations must be received, being not less than six weeks from the date on which the application is first publicised.</p>	<p>Once the corresponding Neighbourhood Area has been designated, Kingston Council will publish a link to any application made and advertise it for a six week consultation. On advertising the consultation on the webpage Kingston Council will also email all relevant organisations registered on its LDF Database by email (or letter where no email is available) and will notify:</p> <ul style="list-style-type: none"> <li>• the Ward Councillors who represent the area(s) covered by the proposed Neighbourhood Area; and</li> <li>• the Borough Neighbourhood Committee(s) that the Neighbourhood Area falls within.</li> </ul>
<p><b>Publication of a decision of a designation on a Neighbourhood Area</b></p>	<p>As soon as possible after designating a Neighbourhood Area, a local planning authority must publish the following on their website and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the Neighbourhood Area:</p> <p>(a) the name of the Neighbourhood Area;</p> <p>(b) a map which identifies the area; and</p> <p>(c) the name of the relevant body who applied for the designation.</p>	<p>Kingston Council will provide a weblink to the original (and subsequent) application and any other formal decision papers in relation to the decision on its <a href="#">Neighbourhood Planning webpage</a>.</p>

Stage	Legal Requirements	Kingston Council Requirements and Comments
	<p>As soon as possible after deciding to refuse to designate a Neighbourhood Area, a local planning authority must publish the following on their website and in such other manner as they consider is likely to bring the refusal to the attention of people who live, work or carry on business in the Neighbourhood Area:</p> <ul style="list-style-type: none"> <li>a) a document setting out the decision and a statement of their reasons for making that decision (“the decision document”);</li> <li>and</li> <li>b) details of where and when the decision document may be inspected.</li> </ul>	

Stage	Legal Requirements	Kingston Council Requirements and Comments
<p><b>Publication of a decision of a designation on a Neighbourhood Forum</b></p>	<p>As soon as possible after designating a Neighbourhood Forum, a local planning authority must publish the following on their website and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the Neighbourhood Area:</p> <ul style="list-style-type: none"> <li>a) the name of the Neighbourhood Forum;</li> <li>b) a copy of the written constitution of the Neighbourhood Forum;</li> <li>c) the name of the Neighbourhood Area to which the designation relates; and</li> <li>d) contact details for at least one member of the Neighbourhood Forum.</li> </ul> <p>As soon as possible after deciding to refuse to designate a Neighbourhood Forum, a local planning authority must publish the following on their website and in such other manner as they consider is likely to bring the decision to the attention of people who live, work or carry on business in the Neighbourhood Area:</p> <ul style="list-style-type: none"> <li>a) a statement setting out the decision and their reasons for making that decision (“the Refusal Statement”); and</li> <li>b) details of where and when the Refusal Statement may be inspected.</li> </ul>	<p>Kingston Council will provide a weblink to the original (and subsequent) application and any other formal decision papers in relation to the decision on its <a href="#">Neighbourhood Planning webpage</a>.</p>

### 3.3 Stage 3 - Developing the Neighbourhood Plan or Development Order

Neighbourhood Forum's Role	Kingston Council's Role
<ul style="list-style-type: none"> <li>• Work up details with the community</li> <li>• Gather relevant information, strengths, weaknesses, formalise vision and objectives, develop policies and implementation plan</li> <li>• Check for conformity with strategic policies in the Local Development Plan</li> <li>• Extensive community engagement and consult consultees as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>• Duty to support by providing advice, such as on conformity and strategic policies</li> <li>• Set out any evidence requirements</li> <li>• Advise which consultees are to be consulted and when</li> <li>• Advise on need for Strategic Environmental Assessment and/or Sustainability Appraisal</li> </ul>

3.3.2 A Neighbourhood Plan is a document that sets out policies in relation to the development and use of land in the whole of or any part of a particular or the corresponding Neighbourhood Area. Community groups should consider what they would like their Neighbourhood Plan to say, as well as the scope and scale of it.

3.3.3 The specific contents of a Neighbourhood Plan are entirely up to the newly designated Neighbourhood Forum, provided that it:

- relates to the development and use of land;
- had regard to the National Planning Policy Framework;
- is in general conformity with the strategic policies contained within the local development plan; and
- is compatible with EU obligations and the Human Rights Act.

3.3.4 It is recommended that a Neighbourhood Forum establishes a Neighbourhood Plan steering group, ensuring there is cross-representation of people who live, work or do business in the local community. In addition, it is recommended that a Neighbourhood Forum produces a project plan or programme for developing the Neighbourhood Plan. This can include, for example:

- What activities will need to be carried out at each stage - include meetings, publicity, surveys, events etc.?
- What resources will be needed to carry out the above activities - consider the people, materials and funding?
- How much time should be set aside to accomplish each stage/activity?

#### Support for preparing a Neighbourhood Plan or Development Order

3.3.5 Kingston Council will, subject to resources, provide the following in-kind assistance:

- Subject to officer availability, only attend briefings or meetings to provide advice for specific subject matters.
- Provide electronic maps of the Neighbourhood Area and relevant planning designations.
- Information and data to be used as part of the evidence base for the Neighbourhood Plan.
- Information on planning designations and planning policies for the area.

- e) Guidance on general conformity with national and local strategic policies. Kingston Council will check conformity at every stage of the process.
- f) Advice with carrying out the Strategic Environmental Assessment, and if required, advice on a full Sustainability Appraisal and Habitats Assessment.
- g) Advice in designing community consultation activities on planning issues
- h) Assistance with the identification of the statutory consultees.
- i) Provide advice on who to consult in relation to additional requirements for a Neighbourhood Development Order.

3.3.6 Please note that the above assistance will be subject to demand and available resources. Kingston Council will expect a community group or Neighbourhood Forum to give ample notice to allow Kingston Council to respond to any requests in the most helpful way. There will not be any funding for a Neighbourhood Forum from Kingston Council. Useful resources on potential funding opportunities and further guidance can be found in Chapter 4.

3.3.7 As part of the Neighbourhood Plan or Development Order preparation, statutory consultees and local landowners, as well as adjoining Neighbourhood Areas, should also be consulted and engaged. This engagement and consultation will need to take place from the outset as the Neighbourhood Plan or Development Order will be subject to a local referendum and therefore needs strong buy-in from all parts of the community to get through the final stage. The Neighbourhood Forum must keep a record of consultation activities as they will need to submit a 'Consultation Statement' with the Neighbourhood Plan or Development Order when it is submitted to Kingston Council.

#### Consultation of a Neighbourhood Plan or Development Order proposal

3.3.8 Before submitting a draft Neighbourhood Plan to the local planning authority, a Neighbourhood Forum must:

- a) publicise details of the proposals for a Neighbourhood Plan for a period of not less than six weeks;
- b) consult any consultation body referred to the Neighbourhood Planning Regulations whose interests may be affected by the proposals for a Neighbourhood Plan or Development Order; and
- c) send a copy of the proposals for a Neighbourhood Plan or Development Order to Kingston Council.

3.3.9 In addition, Kingston Council's view should be sought at each key stage of the Neighbourhood Planning process to ensure general conformity with national and legal strategic policy and compatibility with EU obligations and the Human Rights Act.

3.3.10 There are additional requirements for Neighbourhood Development Orders, particularly in relation to the consultation requirements, which will have to be followed (see the [Localism Act](#) and [Neighbourhood Planning Regulations](#) for further details).

#### Strategic Environmental Assessment and Appropriate Assessment

3.3.11 There is a legal requirement to consider or 'screen' if it is necessary to carry out a Strategic Environmental Assessment (SEA) – a process for evaluating, at the earliest

appropriate stage, the environmental effects of a Neighbourhood Plan before it is made. Kingston Council is required to undertake the SEA screening. If the conclusion is that the plan is likely to have a significant effect on a European site then an Appropriate Assessment of the implications of the plan for the site, in view of the site's conservation objectives, must be also undertaken. If a Neighbourhood Plan is one which has been determined to require an Appropriate Assessment under the Habitats directive then it will normally also require a SEA.

- 3.3.12 Kingston Council strongly recommends seeking at a very early stage in the plan-making process input from the Planning Policy team to identify which types of assessments will be required.

Sustainability Appraisal

- 3.3.13 There is no legal requirement for a Neighbourhood Plan to have a Sustainability Appraisal. However, a Neighbourhood Forum must demonstrate how its Neighbourhood Plan will contribute to achieving sustainable development. A sustainability appraisal may be a useful approach for doing this and the guidance on sustainability appraisal of Local Plans should be referred to.

Equalities Impact Assessment

- 3.3.14 Whilst there is no legal requirement to carry out an Equalities Impact Assessment, Kingston Council suggests that a community groups or Neighbourhood Forum undertakes such an assessment to ensure issues of equality are addressed. Kingston Council recommends seeking input from Kingston Council's planning policy team, who can provide assistance and further information in relation to the Equalities Impact Assessment.

**3.4 Stage 4 - Submission and Examination**

Neighbourhood Forum's Role	Kingston Council's Role
<ul style="list-style-type: none"> <li>• Submit Neighbourhood Plan or Development Order to Kingston Council</li> <li>• Opportunity for consultees to provide written representations</li> <li>• Examiner checking the 'basic conditions' (conformity with local and national policy, compatible with European legislation, contribution to sustainable development)</li> </ul>	<ul style="list-style-type: none"> <li>• Fund examination</li> <li>• Publicise Neighbourhood Plan for at least six weeks, including how to make representations</li> <li>• Appoint Examiner in consultation with the Neighbourhood Forum</li> <li>• Send submission and written representations to Examiner</li> <li>• Check Examiner's report, satisfied proposal meets 'basic conditions'</li> <li>• Ensure general conformity with national and local strategic policy</li> </ul>

Submission

- 3.4.1 Once the Neighbourhood Forum has finalised its draft Neighbourhood Plan or Development Order, it should submit the plan to Kingston Council. The legal submission requirements can be found in the [Neighbourhood Planning Regulations](#). At this stage, Kingston Council will conduct a check of the plan to ensure that the

processes and requirements as set out in the Localism Act and Regulations have been followed. Following the submission of the Neighbourhood Plan or Development Order, to Kingston Council it will have to publicise the plan.

- 3.4.2 When the Neighbourhood Forum submits a Neighbourhood Plan or Development Order, it must include:
- a) a map or statement which identifies the area to which the proposed Neighbourhood Plan relates;
  - b) a Consultation Statement;
  - c) the proposed Neighbourhood Plan or Development Order; and
  - d) a statement explaining how the proposed Neighbourhood Plan meets the relevant legal requirements.

#### Publicising a Neighbourhood Plan or Development Order proposal

- 3.4.3 In line with Regulations, Kingston Council will publicise the Neighbourhood Plan or Neighbourhood Development Order proposal on its website for not less than six weeks and notify any consultation body which is referred to in the Consultation Statement that the Neighbourhood Plan or Development Order proposal has been received.
- 3.4.4 At this stage Kingston Council will be making a formal representation on the submitted Neighbourhood Plan.

#### Pre-examination Meeting

- 3.4.5 Depending on circumstances, Kingston Council will offer the Neighbourhood Forum a pre-examination meeting to provide an opportunity for procedural and administrative matters relating to the public examination to be explained and discussed, and to set out the main issues to be examined. It would be a private meeting held between Kingston Council and the Neighbourhood Forum, but would not be for the purpose of hearing any evidence in relation to the context of the Neighbourhood Plan submission version – this would be a matter for the examination itself. Any issues discussed at the meeting would be intended to help to ensure that the examination runs smoothly and efficiently, saving time and expense for all concerned.

#### Examination

- 3.4.6 Kingston Council will arrange and pay for an independent examination of the document and will decide, in consultation with the Neighbourhood Forum, on whom to appoint to undertake an independent examination of the Neighbourhood Plan. Once an Examiner has been appointed, Kingston Council will send to the person appointed all the relevant documents, including the Neighbourhood Plan, Consultation Statement, assessments and appraisals where applicable, and all the representations which were made at the previous stage.
- 3.4.7 The Examiner will check that the Neighbourhood Plan meets the 'basic conditions':
- a) The plan has regard to national policies and advice contained in guidance issued by the Secretary of State;

- b) it has 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;
- c) it has special regard to the desirability of preserving or enhancing the character or appearance of any conservation area;
- d) the making of the plan contributes to the achievement of sustainable development,
- e) the making of the plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area); and
- f) the making of the plan does not breach, and is otherwise compatible with, EU obligations.

3.4.8 The general rule is that the examination of the issues will be dealt with by written representations, unless the Examiner considers it necessary that the consideration of certain issues will be dealt with by oral representations to ensure adequate examination of the issue or so that a person has a fair chance to put a case.

3.4.9 The Examiner will send a report to Kingston Council with a recommend that the Neighbourhood Plan or Development Order is put to a referendum, or that it is modified, or refused. Kingston Council will consider the report and its recommendations. In addition, Kingston Council will ensure that it is satisfied that the proposal meets the ‘basic conditions’, including any EU requirements, or that the basic conditions can be met with modifications.

3.4.10 Where modifications to the Neighbourhood Plan or Development are required, Kingston Council will work with the local community to achieve a document that they are happy with.

3.4.11 If Kingston Council agrees to the Neighbourhood Plan or Development Order, it will proceed to a referendum. This will normally include any individual registered to vote in the Neighbourhood Area. However, the Examiner can recommend the area that should be covered by the referendum, so it could extend beyond the Neighbourhood Area. Kingston Council may also consider it appropriate to extend the referendum area to include other areas outside the Neighbourhood Area. A map of the referendum area will be published by Kingston Council.

### 3.5 Stage 5 - Referendum

Neighbourhood Forum’s Role	Kingston Council’s Role
<ul style="list-style-type: none"> <li>• Proceed to referendum seeking adoption</li> </ul>	<ul style="list-style-type: none"> <li>• Fund and undertake the referendum</li> </ul>

3.5.1 Neighbourhood Plans and Development Orders will require a referendum before they can become part of the local development plan for the area. This will be held among the registered electors of the Neighbourhood Area and any adjoining Neighbourhood

Area which might be affected. A positive result requires more than half of the turnout to vote in favour.

- 3.5.2 A separate referendum will be held within Business Neighbourhoods Areas for residents and businesses. A person is entitled to vote in the additional referendum for businesses if they are a non-domestic ratepayer in the referendum area. If both referendums approve the Neighbourhood Plan or Development Order, it will be adopted. If both oppose it, the Neighbourhood Plan or Neighbourhood Order will not be adopted. If there is a split vote Kingston Council will seek to resolve differences - a decision on how to proceed will be made at the discretion of Kingston Council.
- 3.5.3 Kingston Council's Electoral Services team will administer and fund the local referendum on the Neighbourhood Plan or Development Order.

### 3.6 Stage 6 - Making of the Neighbourhood Plan or Development Order

Neighbourhood Forum's Role	Kingston Council's Role
<ul style="list-style-type: none"> <li>Proceed to making of Neighbourhood Plan or Development Order by Kingston Council</li> </ul>	<ul style="list-style-type: none"> <li>If a majority vote in favour, make the Neighbourhood Plan or Development Order</li> <li>Check compatibility with EU obligations and Human Rights Act</li> <li>Publicise/notify decision</li> </ul>

- 3.6.1 If the referendum results in a simple majority, Kingston Council will 'make' a Neighbourhood Plan or Neighbourhood Development Order, provided that the making of the plan would not breach any EU obligation or any of the Convention rights or the Human Rights Act. It will then be published on Kingston Council's website and hard copies will be available for inspection at Kingston Council's main office and in the public libraries. Once adopted, a Neighbourhood Plan will form part of the Local Development Plan and will be used to determine planning applications within the relevant Neighbourhood Area.

## 4. Further Information and Guidance

There are several sources of advice and support for local communities that are interested in the Neighbourhood Planning process. Kingston Council neither recommends any source, nor guarantees the quality or applicability of any advice that receive from external sources.

### 4.1 Kingston Council

- Kingston Council's Neighbourhood Planning webpage contains links to this document and the Neighbourhood Planning Guidance document. It will also contain information and links to any formal consultations on applications for the designation of a Neighbourhood Area or Forum, and any material relating to the submission of a Neighbourhood Plan or Development Order:  
[www.kingston.gov.uk/neighbourhoodplanning](http://www.kingston.gov.uk/neighbourhoodplanning)

### 4.2 Useful Resources

- The **Forum for Neighbourhood Planning** website (run by Planning Aid and the RTP1) contains useful resources and case studies, and allows communities to share their experiences of Neighbourhood Planning:  
[www.ourneighbourhoodplanning.org.uk](http://www.ourneighbourhoodplanning.org.uk)
- The **My Community** website (run by Locality) provides information on support available for community projects, including details on funding:  
[www.mycommunity.org.uk/programme/neighbourhood-planning](http://www.mycommunity.org.uk/programme/neighbourhood-planning)
- The **Planning Advisory Service** website (now archived) contains useful guidance documents and case studies that help explain the Neighbourhood Planning process:  
[www.pas.gov.uk/neighbourhood-planning](http://www.pas.gov.uk/neighbourhood-planning)

### 4.3 Legislation and National Planning Policy

- The relevant legislation relating to Neighbourhood Planning can be accessed by clicking on the weblinks below:  
[Localism Act 2011](#)  
[The Neighbourhood Planning \(General\) Regulations 2012](#)  
[The Neighbourhood Planning \(General\) \(Amendment\) Regulations 2015](#)
- The **Planning Practice Guidance** website sets out national planning policy, including the NPPF and guidance on Neighbourhood Planning. The Government will update this website as and when needed:  
[planningguidance.communities.gov.uk](http://planningguidance.communities.gov.uk)

If you would like to discuss any aspect of this document or Strategic Planning and Regeneration generally, then please ring the Strategic Planning Team on 020 8547 5002 or email us at localplan@kingston.gov.uk

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## ENGLISH

If you are unable to read this document because of disability or language, we can assist you. Please call the Kingston Council Helpline on 020 8547 5000 or ask someone to call on your behalf.

## KOREAN

귀하가 장애나 언어 때문에 이 문서를 읽을 수 없다면, 저희가 도와 드릴 수 있습니다. 킹스톤 카운슬의 전화 상담 서비스(전화번호: 020 8547 5000)로 전화 주시거나 귀하를 위해 누군가에게 전화해 달라고 부탁드립니다.

## FARSI

شما اگر به دلیل مشکل زبان و یا نقص عضو قادر به خواندن این سند نمیباشید، ما میتوانیم به شما یاری رسانیم. لطفاً به شماره تلفن کمکی 020 8547 5000 شهرداری کینگستون (Kingston) تماس حاصل نمائید و یا از کسی درخواست نمائید که به نیابت شما تماس بگیرد.

## POLISH

Jeśli nie są Państwo w stanie zapoznać się z treścią tego dokumentu z powodu niepełnosprawności lub nieznamomości języka, służymy pomocą. Prosimy o telefon na linię pomocy Kingston Council: 020 8547 5000 lub o poproszenie kogoś innego by zadzwonił w Państwa imieniu.

## TAMIL

இயலாமை அல்லது மொழி காரணமாக இத்தகவல் பத்திரத்தை உங்களால் படிக்க முடியாவிட்டால் நாம் உங்களுக்கு உதவி செய்ய முடியும். தயவுசெய்து கிங்ஸ்டன் நகரசபை உதவி அழைப்பிற்கு 020 8547 5000 என்ற தொலைபேசி எண்ணில் தொடர்பு கொள்ளவும் அல்லது உங்களுக்காக ஒருவரைத் தொடர்பு கொள்ளச் சொல்லவும்.