

# **Epsom and Ewell Neighbourhood Plan Guide (including list of Strategic Policies for Neighbourhood Plan purposes)**



This document has been produced to provide an informal locally specific guide to neighbourhood planning. Its main purpose is to provide answers to questions that the Council has been asked about preparing neighbourhood plans and to signpost to other available sources of information.

Official [planning guidance on neighbourhood plans](#)<sup>1</sup> is available in the Government's Planning practice guidance (regularly updated). In addition, the Government's agent for Neighbourhood Planning [Locality](#), has extensive information on its website, including but not limited to:

- Toolkits and guidance
- Funding and technical support

A number of pieces of formal legislation guide and determine the preparation of Neighbourhood Plans and statutory processes that must be followed, primarily [the Neighbourhood Planning \(General\) Regulations 2012](#) (as amended) sets out the key requirements.

## **What is neighbourhood planning?**

Neighbourhood planning is a way for communities to prepare a shared vision for their neighbourhood and shape the development and growth of their local area.

A neighbourhood plan is prepared by a neighbourhood forum for a designated neighbourhood area. Once 'made', Neighbourhood plans form part of the Development Plan for the Borough and thus carry weight in planning decisions, with the extent of weight depending on how up to date the plans are.

A neighbourhood plan or a neighbourhood development order (which also encompasses another type of development order, namely community right to build orders) can be prepared, or both.

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<sup>1</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2>

This Guidance document focuses on neighbourhood plans and does not provide additional detail on neighbourhood development orders.

## **What should a neighbourhood plan include?**

A neighbourhood plan should support and compliment the strategic development needs set out in the Local Plan and plan positively to support local development, in accordance with National Planning Policy. A neighbourhood plan includes development and land use policies (which can include site allocations) that guide development in the neighbourhood area. Any actions dealing with non-land use matters can be included but should be clearly identifiable and will not be examined these are often referred to as Community Aspirations or Actions.

By allocating sites and producing housing policies in neighbourhood plans, it demonstrates that the plan is planning positively for new homes and provides greater certainty for developers, infrastructure providers and the community. It also contributes to the local authorities' housing land supply, ensuring that the right homes are delivered in the right places.

Neighbourhood plans can be simple and short; they do not need to be overly complex or technical, making them easier to review and keep up to date, they do not need to repeat either National or Local planning policies. Their purpose is to add local detail.

The specific planning topics that a neighbourhood plan covers is for the neighbourhood forum to determine through community engagement and local research. Policies must be within the parameters of national and local development plan policies and EU obligations and human rights requirements.

## **How should a neighbourhood plan relate to the Local Plan?**

Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan which covers their area. The current Development Plan in Epsom and Ewell borough consists of:

- [The Core Strategy](#) (2007)
- [Plan Epsom](#) (2011)
- [Development Management Policies](#) DPD (2015)

The Council has prepared a Strategic Policies Assessment (Appendix 1) which clarifies the strategic policies in the borough for the purposes of neighbourhood planning.

It should support the delivery of strategic policies set out in the Local Authority's local plan or spatial development strategy. It should shape and

direct development that is outside of those strategic policies (as outlined in paragraph 13 of the [National Planning Policy Framework](#)).

Neighbourhood Plans do not need to be reviewed every five years, however, if not updated, they risk no longer being in conformity with strategic policies in the development plan, if the development plan is updated. If there is conflict between plans, the most recently adopted plan takes precedence.


However, in the reverse situation where a Local Plan is out of date and the presumption in favour of sustainable development is being applied, potentially threatening to undermine a recently made Neighbourhood Plan, provisions are made in the NPPF (paragraph 14) to provide a limited level (not blanket) of protection to Neighbourhood Plan policies, but only where the Neighbourhood plan was made within five years or less and the Neighbourhood Plan allocates sites for housing.


## What is the role of Epsom and Ewell Borough Council in neighbourhood planning?

The Council, as the local planning authority, has a duty to support and provide technical advice to any emerging neighbourhood plan, and a responsibility to make timely decisions.

The Council:

- Will confirm and designate the proposed
  - neighbourhood area to be covered by the neighbourhood plan
  - neighbourhood forum
- Provides information and advice at appropriate times
- Undertakes the Regulation 16 consultation
- Organises and submits the proposed neighbourhood plan to independent examination
- Organises and holds the referendum
- 'Makes' the neighbourhood plan (if it is successful at referendum)

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|  <p><b>What <u>can</u> the Local Authority help neighbourhood forums with?</b></p> | <ul style="list-style-type: none"> <li>✓ Advising on the neighbourhood planning process</li> <li>✓ Providing advice on the national and local policy framework</li> <li>✓ Attending certain meetings arranged by the Neighbourhood Planning Group (subject to officer availability)</li> <li>✓ Providing informal advice on plan preparation</li> <li>✓ Providing existing evidence base to support plan preparation</li> </ul> |
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|   | <ul style="list-style-type: none"> <li>✓ Providing advice on satisfying legislative requirements</li> <li>✓ Providing advice on how to collate/redact consultation responses</li> <li>✓ Providing a formal response to consultations at both Regulation 14 and 16 stages</li> <li>✓ Providing advice on promoting the neighbourhood plan</li> <li>✓ Funding examination and the referendum of the plan</li> <li>✓ Adding information to the Local Authority's website</li> </ul>   |
|  <p><b>What <u>can't</u> the Local Authority help neighbourhood forums with?</b></p> | <ul style="list-style-type: none"> <li>○ Attending all meetings arranged by the Neighbourhood Planning Group</li> <li>○ Leading on plan preparation</li> <li>○ Producing specific evidence base documents to support neighbourhood plan preparation</li> <li>○ Providing ongoing training.</li> <li>○ Create or print flyers, posters, maps and/or documentation outside of the regulation 16 consultation</li> <li>○ Providing or funding formal legal advice</li> <li>○ Assisting in collating/processing consultation responses</li> <li>○ Making comments at every stage of the plan making process</li> <li>○ Promoting the neighbourhood plan</li> <li>○ Providing financial assistance</li> <li>○ Setting up or supporting an external webpage for the neighbourhood plan</li> <li>○ Providing advice about pending or live planning applications within the borough</li> </ul> |

## **General Neighbourhood Planning FAQs**

### **Is neighbourhood planning compulsory?**

No, neighbourhood planning is optional, not compulsory. Any group considering preparing a neighbourhood plan should discuss the process, opportunities and risks with the Council and the community. The group is also advised to carry out their own research and discuss with other groups about their experiences.

### **Can neighbourhood planning stop development in an area?**

No. Neighbourhood plans cannot be used to stop development. Planning should be positive and promote sustainable development.

### **Does a neighbourhood plan affect who makes planning decisions?**

No, planning decisions will continue to be made by the local planning authority.

### **How are planning decisions made? (Planning balance and weight)**

Planning is about comparing the benefits of a proposed development with the harm it would cause. Very rarely are developments entirely without harm, or entirely without benefit. The more important an impact, the more weight it is given in the overall planning balance. All planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. When a planning authority makes a planning decision, the policies in the development plan are the first thing to be examined. Policies, impacts and harm are weighed to arrive at an overall decision. Note: a proposal may not comply with all aspects of a policy in a Local Plan or Neighbourhood Plan, but it may be considered in the overall planning balance that the proposal is appropriate to be approved.

### **What happens if preparation of a neighbourhood plan stops?**

The Neighbourhood Forum (qualifying body) can stop preparing a neighbourhood plan at any time; however, there is one exception to this. Near the final stages of the process when the independent examiner has issued their report, the council will issue a decision notice. Once the decision notice has been implemented the plan must go through to referendum. If the referendum has a positive outcome, then the council must make the plan.

### **Does the Neighbourhood Forum directly receive the Neighbourhood Proportion of the Levy?**

No.

In areas with an adopted Neighbourhood Plan, 15% of the CIL funds raised will form parts of the area wide neighbourhood CIL allocation and requests for this funding be accessed and considered through our annual bidding process. However, an additional 10% will be ringfenced for use in the Neighbourhood Forum Area.

The Council will work with the relevant Neighbourhood Forum, or appropriate other local groups if the Neighbourhood Forum no longer exists, to consider how to spend that 10% in the Neighbourhood Area, with a focus on delivering projects identified in the Neighbourhood Plan.

Further detail on CIL spending is contained in our adopted [CIL Spending Protocol](#).

## **What are the key Stages involved in developing a neighbourhood plan?**

This guide identifies nine Stages for preparing a Neighbourhood Plan in the borough which are detailed below:

Stage 1 - Designating a neighbourhood area

Stage 2 - Designating a neighbourhood forum

Stage 3 - Preparing a draft neighbourhood plan - evidence gathering and public engagement.

Stage 4 - Pre-Submission publicity and consultation

Stage 5 - Submission of a neighbourhood plan to the Council as the local planning authority

Stage 6 - Independent Examination

Stage 7 – Referendum

Stage 8 - Bringing the neighbourhood plan into force

Stage 9 – Monitoring and review

More detail on each Stage is provided in the following sections along with some frequently asked questions.

## STAGE 1 - Designating a Neighbourhood Area

- A community group apply for a neighbourhood area to be designated. They should explain why the area applied for is considered appropriate to be designated.
- The group must demonstrate that it is capable of becoming the designated neighbourhood forum (see Stage 2) for the neighbourhood area they are applying to have designated.
- Once the Council receive an application to designate a neighbourhood area, applications must be determined within 13 weeks of first being publicised, or 20 weeks where the application relates to more than one local planning authority area.
- The Council will undertake a six-week consultation on the designation and any representation received during this period will be considered.
- Following the close of the consultation the council will decide whether to designate the area with the decision made at the Council's Licencing and Planning Policy committee.
- The Council can refuse to designate the specific area applied for if it considers that the area is not appropriate. We will give reasons in instances where such a decision is made.

### Stage 1 – Frequently Asked Questions

#### Can the council refuse to designate the area?

Yes - The Council can refuse to designate the specific area applied for if it considers that the area is not appropriate. The Council will provide reasons in instances where such a decision is made.



## **STAGE 2 – Designating a Neighbourhood Forum**

- The community group seeking to become a designated neighbourhood forum must be made up of the following:
  - People living and working in the area
  - Elected members for the area
- The group membership should reflect the diversity of the local population and be drawn from different places in the area and different sections of the community.
- The community group applies to the Council as the Local Planning Authority to establish themselves as the Neighbourhood Forum
- The Council determines the application within statutory timescales, typically within 13 weeks of first being publicised
- The Council as the Local Planning Authority designates the Neighbourhood Forum.

### **Stage 2 – Frequently Asked Questions**

#### **Can Stages 1 and 2 be undertaken at the same time?**

Yes – the designation of the area and neighbourhood forum can be undertaken at the same time.

#### **Is there a minimum number of people that need to be members of the neighbourhood forum?**

Yes - A neighbourhood forum must comprise of at least 21 people (residents and business representatives), who lead and co-ordinate the plan-making process.

## **STAGE 3 – Preparing a draft neighbourhood plan - evidence gathering and public engagement.**

The Neighbourhood Forum:

- Gather baseline information and evidence
- Engage and consult those living and working in the neighbourhood area and those with an interest in or affected by the proposals (e.g. service providers)
- Identify and assess options / potential policy focus areas
- Develops a vision, aims and objectives for the Neighbourhood Plan
- Determine whether the plan is likely to have significant environmental effect to satisfy legislative requirements

### **Stage 3- Frequently Asked Questions**

#### **What must a Neighbourhood Plan do?**

- specify the plan period
- not relate to more than one neighbourhood area
- not include excluded development (i.e. matters relating to minerals and waste)

#### **What evidence is needed to support a Neighbourhood Plan**

There is no prescribed list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan. Further information about evidence to consider gathering can be found in the [Quick Guide to Neighbourhood Plans](#)

If a neighbourhood plan wants to allocate land for housing it may be necessary to carry out a housing needs assessment.

For any development that may have adverse effects on the environment; a Strategic environment assessment (SEA) may be needed. Further information on the requirements of SEA and HRA are contained in Appendix 2.

Various Technical support packages can be applied for via Locality (for example Design Codes and Guidance, allocating sites for housing (site options, assessment and viability including housing needs assessments)).

### **What level of community engagement is required?**

There is no prescribed amount of engagement that needs to take place with the exception of statutory consultation stages at Regulation 14 and 16. However, there is an expectation that the neighbourhood forum has sufficiently engaged with the local community throughout the process to gather information and feedback to determine key issues and local matters of importance to be reflected in the neighbourhood plan.

### **Do we need to appoint a planning consultant?**

No, however some neighbourhood planning groups decide to do so. Grant funding from the Government via Locality may be used for this purpose.

### **Can the council recommend a planning consultant?**

No, the Council cannot recommend a planning consultant. The Council can share a list of known planning consultants, but the qualifying body should interview and decide who to appoint.

### **Can the Council assist with the application for grant funds and technical packages?**

No – the qualifying body should source its own advice and make its own applications.

### **What should be considered when drafting Neighbourhood Plan Policies?**

Planning policies must be written in a manner that makes their intention clear to the end users of the neighbourhood plan. They should be based upon the information gathered during evidence gathering and community engagement.

There should not be room for a reasonable person to be able to misinterpret your aspirations.

In determining what policies to include in a neighbourhood plan, the following considerations should be made:

- a. Is there a clear intention behind your policy?
- b. Is it distinctive for your area and not duplicating local plan or national policy?
- c. Is it supported by robust evidence?
- d. Is it clear and unambiguous?
- e. Is it positively worded?

- f. Is there a clear link between the neighbourhood plan's vision, objectives and the policy?
- g. Does the policy relate to the development and use of land for which planning permission would be required?
- h. Is it in line with the National Planning Policy Framework?
- i. Is it in conformity with the strategic policies of the adopted local plan?
- j. Does it contribute towards sustainable development?
- k. Is it compatible with EU obligations e.g. does it need a SEA/HRA assessment? You will need to demonstrate conformity with h-k in the Basic Conditions Statement that accompanies the neighbourhood plan when submitted to the Council.

**What is the role of Epsom and Ewell Borough Council at this stage?**

The Council will share relevant evidence, including that gathered to support its own plan-making, with the qualifying body.

## Stage 4: Pre-Submission publicity and consultation

The Neighbourhood Forum:

- publicises the draft neighbourhood plan and invites representations
- consults the consultation bodies as appropriate
- sends a copy of the draft plan to the Council as the local planning authority for comment
- where European Obligations apply, complies with relevant publicity and consultation requirements
- considers consultation responses and amends plan if appropriate
- prepares consultation statement and other documents required to progress to Regulation 15.

Once the plan is in a final draft state the Neighbourhood Forum will start a consultation (known as Regulation 14 stage, in accordance with the Neighbourhood Planning Regulations 2012<sup>2</sup>).

The consultation must last no less than six weeks and be publicised, so that it is brought to the attention of people living, working and undertaking business in the neighbourhood area.

The Neighbourhood Forum must publicise:

- The draft neighbourhood plan
- Further information on where the plan can be viewed
- Further information on where and how representations can be made
- The date and time by which representations must be received by the Neighbourhood Forum.

The Neighbourhood Forum must keep and record all representations received during the consultation period and following the close of the consultation complete a report to summarise the comments received and any changes made to the plan resulting from the issues.

The plan will then be updated to reflect any modifications from the consultation representations, with note to those of the statutory consultees.

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<sup>2</sup> Schedule 1 of the Regulations details consultation bodies - <https://www.legislation.gov.uk/uksi/2012/637/schedule/1/made>

## **Stage 4 - Frequently Asked Questions**

### **Why does the neighbourhood forum run this consultation and not the Council?**

At this stage the neighbourhood forum as the qualifying body is still in charge of the promotion and drafting of the plan. It is only when the plan has been formally submitted to the Council (next Stage) that the Council as the lead authority takes over the neighbourhood plan making process.

### **Are there certain consultation periods that should be avoided?**

No. There are no regulated times a consultation should or should not be held. Regulations state that the publication of the consultation should reach people who “work, live and have business” within the designated neighbourhood area. It is at the discretion of the qualifying body to decide when to consult, the only proviso is the need to comply with the stipulated times i.e. 6 weeks allowing for bank holidays etc.

### **Who needs to be consulted at this stage?**

The Neighbourhood Planning Regulations 2012 – [regulation 3 \(schedule 1 consultation bodies\)](#) sets out the bodies that will need to be consulted.

### **What happens after the consultation has closed? What does the neighbourhood forum do with the responses received during the consultation period?**

The Neighbourhood Forum is required to produce a statement of consultation which sets out how it consulted, who it consulted, and a summary of the responses received along with how these have been considered in any amendments to the draft neighbourhood plan.

The Neighbourhood Forum should make the necessary modifications to the plan before moving onto the next Stage.

### **What support do the Council offer at this stage?**

The Council can provide advice on regulatory requirements and how to consult with the consultation bodies defined in the regulations.

## **Stage 5: Submission of a neighbourhood plan to the local planning authority**

The Neighbourhood Forum:

- Submits the plan to the Council as the local planning authority
- The Council as lead authority checks that submitted proposal complies with all relevant legislation
- If the Council is satisfied that the plan meets the legal requirements it:
  - publicises the proposal for minimum 6 weeks and invites representations
  - notifies consultation bodies referred to in the consultation statement
  - appoints an independent examiner (with the agreement of the Neighbourhood Forum)

The Neighbourhood Forum as the qualifying body submits the following submission documents to the Council in its role as lead authority:

- The submission neighbourhood plan
- A map and statement showing the area to which the neighbourhood plan relates
- The Strategic Environment Assessment (SEA/HRA) screening assessment
- A consultation statement including appendices
- A basic conditions statement

The Council will advertise the consultation on its website and organise for the consultation documents to be deposited at certain locations within the designated area. This consultation is known as Regulation 16 stage in accordance with the Neighbourhood Planning Regulations 2012.

In this time the Council as lead authority will contact the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) to arrange and appoint an examiner.

## **Stage 5 - Frequently Asked Questions**

### **Does the neighbourhood forum respond to the representations made during the regulation 16 consultation process?**

No - At this stage the representations that are made are sent straight to the independent examiner. The examiner can decide if a representation should result in a modification to the plan and recommend that modification be made to ensure the neighbourhood plan meets the basic conditions test.

### **What is the role of Epsom and Ewell Council at this stage?**

Once the plan has been submitted, the Council must be satisfied that the draft neighbourhood plan complies with all the relevant statutory requirements ready for examination. The Council will also check that all the relevant submission documents have been submitted.

The Council will start a statutory six-week consultation on the submitted neighbourhood plan and supporting documents. The Council will invite representations and notify any consultation body referred to in the consultation statement. When the consultation has closed the Council will collate all the relevant documents and representations received and send this information to the appointed independent examiner.

### **What is the government funding provided to the Council as a local authority used for?**

The Council can currently claim funding via the neighbourhood planning grant once the plan reaches this stage. This is to fund the Council's resource to support the neighbourhood plan group including undertaking the formal consultation, finding an examiner, and to fund the examination process (including a hearing if one is required) and the referendum processes.



## Stage 6: Independent Examination

- The Council as the local planning authority sends the neighbourhood plan and representations received to the independent examiner
- The independent examiner undertakes examination of the neighbourhood plan
- The independent examiner issues a report to the Council as local planning authority and Neighbourhood Forum
- The Council publishes the examiners report
- The Council considers the examiners report and reaches own view (except in respect of proposals for modifications of neighbourhood plans where the modifications do not change the nature of the plan, where the report is binding)
- The Council decides whether to send the neighbourhood plan to referendum

After the six-week consultation (Stage 5), The Council will collate the responses alongside the submission documents and send them to the independent examiner. At this time the representations will also be redacted and uploaded to the Council's website together with other examination documentation.

The examiner will usually reach a view by considering the written representations received. The basic conditions statement is therefore highly important as it is the main way that the Neighbourhood Forum as the qualifying body can seek to demonstrate to the independent examiner that the plan meets the basic conditions.

The examiner's role is limited to testing whether or not the draft plan meets the basic conditions and will make any modifications necessary for the plan to be able to comply. If the changes are substantial a further consultation may be held. The Council as the local planning authority will oversee the plan liaising with the qualifying body. If the modifications are not accepted the Plan cannot proceed to referendum.

It is not expected that the neighbourhood plan examination will include a public hearing, although an examiner can use this forum if it is considered necessary to ensure adequate examination of an issue or to give a person a fair chance to present their case. If required, there must be a minimum of four weeks allowed to advertise the public hearing and the examiner will invite representors that they would like to participate.

## **Stage 6 - Frequently Asked Questions**

### **What is the purpose of an examination?**

The purpose of the examination undertaken by an independent examiner is to ensure that the neighbourhood plan has met the basic conditions and that legislative requirements have been met throughout the process.

### **How long does the examination process take?**

This will depend on the level of detail within the neighbourhood plan and issues raised during the consultation at Stage 5.

### **What are the basic conditions?**

There are five basic conditions that are relevant to a neighbourhood plan. These are:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
2. The 'making' of the neighbourhood plan contributes to the achievement of sustainable development
3. The 'making' of the neighbourhood 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)
4. The 'making' of the neighbourhood plan does not breach, and is otherwise compatible with EU obligations
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan

A neighbourhood plan needs to adhere to and 'meet' the basic conditions set out above. The examiner will test the neighbourhood plan against these to determine whether it should proceed to referendum.

### **What if the Neighbourhood Forum does not want to accept the examiners modifications?**

If the independent examiner considers that the neighbourhood plan does not meet the right standards, they will recommend changes and recommend if it should proceed to a referendum. The Council as planning authority will then need to consider the examiner's views and decide whether to make those changes.

If the Neighbourhood Forum does not wish to accept the changes, this should be discussed with the Council before a decision is made to accept the changes and take the plan to referendum. **Note: This is the last opportunity that the Neighbourhood Forum as the qualifying body group can request the plan be withdrawn.**

If significant changes are being recommended, then the qualifying body may wish to re-consult the local community before proceeding to a referendum.

### **What is the Council's role at this stage?**

Once the Council has sent the relevant documents to the independent examiner, the examiner will look at the neighbourhood plan documents against the basic conditions.

The council will lead during this period, liaising with the qualifying body as necessary particularly with regard to any questions from the examiner and uploading any documents to its website. All examination documentation and representations with personal information redacted will be placed on the neighbourhood planning webpages of the Council's website.

The examiner will issue their confidential 'fact check' report to the Council to share with the Neighbourhood Forum. The Council will consider the recommendations and decide whether to hold the referendum, this must be undertaken within 5 weeks of receiving the examiners final report.

The Council will oversee any changes made to the neighbourhood plan alongside the Neighbourhood Forum. The Council will also be able to assist the Neighbourhood Forum (the qualifying body) in understanding the implications of the examiner's modifications.

### **What is the government funding provided to the Council as a local authority used for?**

The Council can currently claim funding via the neighbourhood planning grant once the Council has issued a statement of their intention to send the plan to Referendum. This is to fund the Council's resource to support the neighbourhood plan group including undertaking the formal consultation at Regulation 16, finding an examiner, funding the examination process (including a hearing if one is required) and the referendum processes.

### **When can the neighbourhood plan carry weight in the decision making process?**

When a decision has been made to proceed to Referendum, the plan can be given significant weight in decision making, so far as the plan is material to the application.

## Stage 7: Referendum

- The Council publishes an information statement
- The Council publishes notice of referendum
- polling takes place
- results of poll declared
- should more than half of those voting vote in favour of the neighbourhood plan, the plan comes into force as part of the statutory development plan for the area.

Once the plan has been updated to reflect any modifications detailed in the examiner's report, the Council as electoral authority will hold a referendum. The Council will be responsible for holding the referendum and supplying the supporting documentation.

A referendum will be held. A majority of votes (over 50% of those voting) in favour of the neighbourhood plan is sufficient for the plan to succeed.

Within 8 weeks of a positive referendum result the Council must decide whether to 'make' the plan so that it becomes part of the development plan for the borough.

### STAGE 7 - Frequently Asked Questions

#### **What is the question that is asked at referendum?**

The question is as follows: "Do you want Epsom and Ewell Borough Council to use the neighbourhood plan for [insert name of neighbourhood plan area] to help it decide planning applications in the neighbourhood area?"

#### **What does the result of the vote mean?**

A majority yes vote at this stage would mean the local planning authority is required to 'make' (formally adopt) the neighbourhood plan and it would form part of its development plan – alongside the adopted Local Plan. A majority no vote at this stage would mean the planning authority wouldn't 'make' (formally adopt) the plan, and planning applications in the neighbourhood area would only need to adhere to policies in the Local Plan.

#### **Is there a minimum turnout required at a neighbourhood plan referendum?**

There is no minimum turnout required for a neighbourhood plan referendum. Therefore, even if turnout is very low, if there is a majority yes vote, the local authority would 'make' the plan.

## **What is the role of EEBC at this stage?**

Epsom and Ewell Borough Council is the electoral authority.

Referendum documents will be compiled by the Council. These documents will be made available on the Council's website and are a regulatory requirement. This includes;

- The Neighbourhood Plan as modified by the independent examination
- The final independent examiners report
- Summary of representations submitted to the examiner
- A map showing the neighbourhood plan area
- A statement that the Council is satisfied that the Neighbourhood Plan meets the various legal requirements
- A statement that sets out general information as to town and country planning, neighbourhood planning and the referendum process to include:
  - Date and place of referendum
  - Question to be asked
  - Description of those entitled to vote in the referendum
  - Referendum expenses limit
  - Date and times the specified documents can be inspected
- Notice of referendum and notice of poll

## Stage 8: Bringing the neighbourhood plan into force

Once a neighbourhood plan has been successful at referendum, the Council as the local planning authority will make the plan. This means it is formally adopted.

- there are limited circumstances where the local planning authority is not required to make the neighbourhood plan. These are where it considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any EU or human rights obligations.
- in respect of proposals for modifications of neighbourhood plans that have previously been 'made' where the modifications do not change the nature of the plan and meet the basic conditions, a referendum is not required. The local planning authority is required to make the modified neighbourhood plan.

### STAGE 8 - Frequently Asked Questions

#### **What role does a local authority have once the Neighbourhood Plan has been approved at a referendum?**

After a neighbourhood plan has been approved at referendum by the local community, it is 'made' by the Council in its role as local planning authority, this must happen within 8 weeks of the referendum.

The process for making a neighbourhood plan is at a meeting of the Council's Licencing and Planning Committee where a decision will be made as to whether to make the neighbourhood plan a part of the planning authorities' development plan.

Once the plan has been formally made by the planning authority, it then sits alongside adopted local plans as part of the development plan.

## Stage 9: Monitoring and Review

As with Local Plans, Neighbourhood Plans have a plan period. However, this does not mean the plan once adopted, is valid for that period without review and update.

Neighbourhood Plans do not need to be reviewed every five years, however, if not updated, there is a risk that they will no longer be in conformity with the strategic policies in the development plan, if the development plan is updated. It is important to note that if there is conflict between plans, the most recently adopted plan takes precedence.

It is good practise to monitor and review neighbourhood plan policies to ensure that the policies are delivering the intended outcomes and to reflect any changes to the planning authority's Local Plan

Regular monitoring of a neighbourhood plan and how effective it is will help Neighbourhood Forums decide whether to undertake a review. For example, when monitoring neighbourhood plan policies, you should consider whether the policies are influencing development in your area as expected?

A neighbourhood plan should include a section (or appendix) that shows how the policies in the plan will be monitored. The steering group or the planning authority will monitor the policies.

### Updating or reviewing a Neighbourhood Plan

Whilst there is no requirement for made/adopted Neighbourhood Plans to be reviewed after a specified time period, we would recommend at least every five years or at any time one of the following applies:

- A change in local circumstances;
- Issues with policy wording or references;
- Updates to the Local Plan or national planning policy.

There are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:

- Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to

the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.

- Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.



## Appendix 1 Strategic Policies for Neighbourhood Plan Purposes

### How is a strategic policy determined?

Strategic policies will be different in each area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the local plan or spatial development strategy
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the local plan or spatial development strategy
- whether the local plan or spatial development strategy identifies the policy as being strategic

Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan which covers their area. The current Development Plan in Epsom and Ewell borough consists of:

- [The Core Strategy](#) (2007)
- [Plan E – Epsom Town Centre](#) (2011)
- [Development Management Policies](#) DPD (2015)

For Neighbourhood Planning, policies in both the Epsom Town Centre Plan and Development Management Policies Plan are considered non-strategic as these add detail to the higher level policies in the Core Strategy adopted in 2007. Therefore, the strategic policies are:

| Policy Reference | Assumed title                       |
|------------------|-------------------------------------|
| CS1              | Sustainable Development             |
| CS2              | Green Belt                          |
| CS3              | Conservation and Biodiversity       |
| CS4              | Strategic open spaces               |
| CS5              | Heritage Assets                     |
| CS6              | Environment and Climate Change      |
| CS7              | Meeting Housing Need                |
| CS8              | Location of New Housing Development |
| CS9              | Affordable Housing                  |
| CS10             | Travellers                          |
| CS11             | Protection of Employment            |
| CS12             | Community Infrastructure            |

| <b>Policy Reference</b> | <b>Assumed title</b> |
|-------------------------|----------------------|
| CS13                    | Community Facilities |
| CS14                    | Epsom Town Centre    |
| CS15                    | Local Centres        |
| CS16                    | Transport            |

## **Appendix 2 - Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)**

### **What is a Strategic Environmental Assessment (SEA)?**

SEA stands for 'Strategic Environmental Assessment'. It is fundamental that any draft neighbourhood plan meets the basic conditions (see above) for it to proceed to referendum. One of these conditions is that any plan is compatible with the EU obligations under the EU SEA Directive.

SEA is a tool that helps to demonstrate whether your plan will contribute to the achievement of sustainable development. The SEA will establish if there would be any significant environmental effects from implementing the neighbourhood plan's policies and proposals.

Further information on strategic environmental assessment and sustainability appraisal can be found in the [National Planning Practice Guidance](#)<sup>3</sup> (NPPG).

### **Is a SEA needed for a neighbourhood plan?**

It depends on the scope of the plan. Essentially, it is mandatory for any plan that sets out policies for the development of land to carry out an SEA, where those policies are likely to have significant environment effects.

All neighbourhood plans should therefore be screened against relevant SEA objectives, to determine whether they are likely to result in significant (positive or negative) environmental effects. The SEA Regulations require the 'responsible authority' to 'determine' whether or not a plan is likely to have significant effects, and therefore whether SEA is required. The qualifying body could undertake this exercise or seek support and apply for this through the governments technical packages available, alternatively request the council to assist. In any event the council as the Local Planning Authority will ultimately be responsible for ensuring that the SEA requirements have been met prior to the Neighbourhood Plan being made. The screening report will either conclude that further assessment is or is not required after consultation with the statutory bodies: Environment Agency, Historic England and Natural England.

For the SEA to be an effective process which adds value to plan making, it is vital that a Neighbourhood Plan is screened at the appropriate time. The Neighbourhood Plan should be screened as soon as there is sufficient information available to consider whether the proposed content of the plan or its likely intent (e.g. will it allocate development sites or not?) are likely to lead to significant effects. It is suggested this takes as early as possible in the

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<sup>3</sup> <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#strategic-environmental-assessment-requirements-for-neighbourhood-plans>

preparation of the neighbourhood plan, and definitely no later than preparation of the Regulation 16 version.

The Council will need to be satisfied that the SEA determination is correct, for the plan to progress to referendum.

A full environmental assessment is likely to be required if the plan allocates sites for development, and/or if the neighbourhood area contains natural or heritage assets that would be affected by the neighbourhood plan's policies. Furthermore, any plan that is likely to have significant environmental effects that have not already been considered/mitigated through the adopted Epsom and Ewell Local Plan would require an SEA.

### **What is a Habitats Regulation Assessment (HRA) and is it needed?**

A HRA is a Habitats Regulation Assessment. This assessment is carried out if any development is thought to have an adverse or significant impact on any protected species of animals or plants, or areas of special protection; these areas are typically referred to as the Natura 2000 Network of European sites.

Whilst there are no Natura 2000 sites in the borough of Epsom and Ewell, some neighbouring authorities do contain these sites, for example the Mole Gap to Reigate Escarpment Special Area of Conservation.

The Core Strategy was supported by a HRA and the emerging Local Plan for the Borough is also supported by a [HRA](#).

On 28 December 2018 the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force. Amongst other things, these Regulations amend the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

The Regulations substitute this with a new basic condition which states:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Therefore, it is necessary to undertake an HRA screening exercise along the lines of the SEA above, to determine whether there are likely to be any significant effects on European sites. This will also include consultation with the statutory bodies: Environment Agency, Historic England and Natural England to determine if further assessment is required.