

APPENDIX B

REVISED TABLE A

NEIGHBOURHOOD PLAN DECISION MAKING PROCESS

DECISION NO.	DECISION AND DECISION CRITERIA	DECISION TAKER	TIMETABLE
<p>Decision 1</p> <p>Reg 5</p>	<p>Application for designation of a Neighbourhood Area</p> <p>The application</p> <p>Where a parish or town council (“Qualifying Body”) for the specified area submits an application to the local planning authority.</p> <p>It must include:</p> <ul style="list-style-type: none"> • A map identifying the area • A statement explaining why this area is considered Appropriate to be designated • A statement that the “Qualifying Body” is relevant for the purposes of the 1990 Act (as applied by section 38A of the 2004 Act) <p>As soon as possible after receiving an area application from a Qualifying Body the local planning authority must publicise on their website and any other ways considered relevant: a copy of the application, details of how to make representations and the date by which they must be received.</p>	<p>Chief Officer: Planning & Transport</p>	<p>Week (1-8)</p> <ol style="list-style-type: none"> 1. The local planning authority checks the application against the criteria in 61(G) of the Act and reg 5 of the 2012 Regulations. Where the area to which the application relates is the whole of the area of the “Qualifying Body” the “prescribed date” for determination of the application is an 8 weeks. 2. The 8 weeks period does not start until the application has first been publicised in accordance with Regulation 6A of the 2015 Regulations.
<p>Reg 6</p>	<p>Publicising the application</p> <p>As soon as possible the council must publicise on the</p>	<p>Chief Officer: Planning & Transport</p>	<p>The valid application will be published on the Council’s</p>

	website and in any other ways considered relevant the name of the Neighbourhood Area, a map, the name of the parish or town council who applied for the designation.		website and 6 week consultation will commence. Public consultation is undertaken, including with neighbouring parties
Reg 7	<p>Publicising designation</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>Following the close of the consultation period the Executive Member for Planning & Transport) shall make the decision to designate the Neighbourhood Area;</p> <p>If the Executive Member for Planning & Transport has an interest in the Neighbourhood Development Plan being consulted upon the decision to designate the Neighbourhood Area will be taken by the Full Executive.</p>	
Reg 7	<p>Publicising refusal to designate</p> <p>As soon as possible after deciding to refuse to designate a neighbourhood area a local planning authority must publicise on their website and in any other way</p>	<p>Executive Member for Planning & Transport.</p> <p>If the Executive Member for Planning &</p>	

	<p>considered relevant a document setting out the decision and a statement of their reasons for making that decision (“the Decision Document”) along with details of where and when the Decision Document may be inspected</p>	<p>Transport has an interest in the Neighbourhood Development Plan being consulted upon, the decision to refuse to designate will be taken by the Full Executive.</p>	
Decision 2	<p>Voluntary withdrawal of designation</p> <p>A parish or town council may apply to the local planning authority to withdraw an application for the designation of a Neighbourhood Area at any time up prior to the local planning authorities decision upon the recommendations of the Examiners Report in accordance with paragraph 2(1) of Schedule 4B 1990 Act.</p> <p>If a withdrawal of an application occurs after the proposal is submitted for examination the withdrawal will not affect the validity of the proposal in accordance with paragraph 2 (3) of Schedule 4B of the 1990 Act.</p> <p>The local planning authority withdraw the designation as soon as possible and publish the following on the website and in any other way it considers appropriate</p> <ul style="list-style-type: none"> • A Withdrawal Statement, setting out the reasons for withdrawal • Details of where withdrawal statement can be inspected. 		Chief Officer: Planning & Transport
Reg 14	<p>Neighbourhood development plans - Pre-submission consultation and Publicity</p> <p>Before submitting a plan proposal to the local planning authority a parish or town council “a Qualifying Body” must publicise the plans to people who live, work or use the area the following:</p>		Parish or Town Council

	<ul style="list-style-type: none"> • Details of the proposals • Details of where and when the proposals may be inspected • Details of how to make representations • The date by which those representations must be received (at least 6 weeks) • Consult consultation bodies in schedule 1 paragraph 1 of the regulations • Send a copy of the proposals to the local planning authority 	
Decision 3	<p>Local planning authority's formal pre-submission consultation response</p> <p>The local planning authority shall formally respond to the pre-submission consultation, providing editorial and technical comments on the draft proposals as appropriate.</p>	<p>Executive Member for Planning & Transport) decision to approve the Council's pre-submission consultation response.</p> <p>If the Executive Member for Planning & Transport has an interest in the Neighbourhood Development Plan being consulted upon the decision to formally respond to the pre-submission consultation on behalf of local planning authority will be taken by Full Executive.</p>
Decision 4	<p>Neighbourhood development plans – publicising a plan proposal</p> <p>As soon as possible after receiving a plan proposal which includes each of the documents referred to in Schedule 4B (1) 1990 Act,</p>	<p>Chief Officer: Planning & Transport to review the proposal and confirm in writing to the "Qualifying</p>

	<p>Regulation 15(1) of the Neighbourhood Planning (General) Regulations 2012 which meets the requirements of publicity and consultation requirements of Schedule 4B (4) 1990 Act and Reg 2(4) e (1) & (ii) of the 2015 Regulations, the local planning authority must confirm to the “Qualifying Body” if the plan meets the statutory requirements, and must publicise the proposal on its website and in such other manner as they consider is likely to bring the proposal to the attention of people who live, work and carry on business in the Neighbourhood Area as set out below.</p>	<p>Body” whether the statutory criteria has or has not been satisfied.</p> <p>If satisfied the Chief Officer: Planning & Transport to prepare a report to the Executive Member for Planning & Transport/ Executive (as appropriate) to approve the decision to publicise the plan proposal and appoint the Examiner in accordance with the criteria set out in regulation 16 and 17.</p>
	<p>In accordance with para 6 of Schedule 4B of the 1990 Act if a proposal has been made to the local planning authority and it has not exercised powers to reject the proposal the local planning authority must consider:</p> <p>Whether the Qualifying Body is authorised to act in relation to a Neighbourhood Area pursuant to paragraphs 1 & 2 of s61F and if it complies with the provisions under that section. Section 61F provides that:</p> <ol style="list-style-type: none"> (1) A parish (<i>or Town</i>) council is authorised to act in relation to a Neighbourhood Area if that area consists of or includes the whole of any part of the area of the council. (2) If the Neighbourhood Area also includes the whole or any part of the area of another parish (<i>or Town</i>) council. The parish (<i>or Town</i>) council is authorised for 	

	<p>authority must publicise the following on their website and wherever else they consider appropriate:</p> <ul style="list-style-type: none"> • Details of the proposal • Where and when it may be inspected • Details of how to make representations • A statement that representations may include a request to be notified under regulation 19 • The date for representations to be received (being not less than 6 weeks from the date on which the plan proposal is first publicised) • Notify any consultation body referred to in Consultation statement that plan proposals have been received. 	
<p>Decision 5 Regulation 18</p>	<p>Local Planning Authorities decision to decline to consider or refuse a plan proposal</p> <p>Where a local planning authority decide :</p> <ul style="list-style-type: none"> • To decline to consider a plan proposal under para 5 of Schedule 4B of the 1990 Act (as applied by section 38A of the 2004 Act); • To refuse a plan proposal under paragraph 6 of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) • That they are not satisfied with the plan; or proposal under paragraph 12 (10) of Schedule 4B to the 1990 Act as applied by Section 38A of the 2004 Act <p>The local planning authority may decline to consider proposals submitted to them if they consider them to be repeat proposals, pursuant to paragraph 5 in Schedule 4B to the 1990 Act.</p> <p>Local planning authorities must consider whether</p>	<p>If not satisfied the Chief Officer: Planning & Transport to prepare a report to the Executive Member for Planning & Transport/ Executive (as appropriate) to refuse to publicise the plan proposal and appoint the Examiner.</p> <p>If the Executive Member for Planning & Transport has an interest in the Neighbourhood Development Plan the decision will be</p>

	<p>the proposal complies with the requirements in paragraph 6 of Schedule 4B to the 1990 Act. It must notify the qualifying body as to whether or not the requirements are satisfied. If the requirements are not satisfied, it must refuse the proposal and notify the body of its reasons for refusal.</p>	<p>taken by Full Executive.</p>
	<p>Criteria for Decision making</p> <ul style="list-style-type: none"> • Is the draft plan a 'repeat proposal' (as defined in paragraph 5 of Schedule 4B to the 1990 Act)? [if so, the authority can decline to consider it] • Is the proposal made by a qualifying body (parish or town council) under s.61F (1) and (2) of the 1990 Act? [if not, the proposal must be refused] • Does the proposal comply with the provisions of s.61F? [if not, the proposal must be refused] • Does the proposal and the documents and information accompanying it comply with the provisions in paragraph 1 of Schedule 4B to the 1990 Act? [if not, the proposal must be refused] • Has the draft plan been publicised in accordance with paragraph 4 of Schedule 4B to the 1990 Act? [if not, the proposal must be refused] • Does the draft Neighbourhood Development Plan specify the period for which it is to have effect? • Does the draft neighbourhood Development Plan include provision about development that is excluded [it must not] • Does the draft Neighbourhood Development Plan relate to more than one Neighbourhood Area? [it must not] • Is there already a Neighbourhood Development Plan in place for that Neighbourhood Area? [there must only be one neighbourhood Development Plan in respect of each Neighbourhood Area] • If to any extent a policy set out in a Neighbourhood Development Plan 	

	conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.	
Decision 5A	<p>Local planning authority's representation to the Examiner</p> <p>The local planning authority shall formally respond to the Regulation 16 submission consultation, providing comments on whether it is considered the Plan meets the basic conditions/ legislation, and technical comments on the submitted draft proposal as appropriate.</p>	<p>Executive Member for Planning & Transport) decision to approve the Council's representation to the Examiner.</p> <p>If the Executive Member for Planning & Transport has an interest in the Neighbourhood Development Plan being consulted upon the decision to approve the Council's representation to the Examiner on behalf of local planning authority will be taken by Full Executive.</p>
Decision 6 Regulation 17	<p>Appointment of examiner and submission of neighbourhood plans for examination</p> <p>The local authority appoints an Examiner as soon as possible to carry out an examination under paragraph 7(2) of Schedule 4B to the 1990 act (as applied by section 38A of the 2004 Act). The authority can only appoint a person to carry out the examination if the qualifying body consents to the appointment. If no consent is forthcoming, the Secretary of State may appoint an Examiner.</p> <p>As soon as possible after appointment the local authority must send the following to the Examiner:</p>	Chief Officer: Planning & Transport

	<ul style="list-style-type: none"> • The Neighbourhood Development Plan proposal • The documents referred to in Regulation 15(1) and any other document submitted to the local Planning authority by the qualifying body in relation to the Plans proposal. • The Conservation of Habitats and Species information if relevant • Copies of representations which have been made in accordance with Regulation 16. 	
Decision 7 (non LPA Decision) Schedule 4B (8) 1990 Act	Examination Criteria for decision making (basic conditions) <ul style="list-style-type: none"> • The Neighbourhood Development Plan must have regard to national planning policy • The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development. • The neighbourhood plan must be in general conformity with strategic policies in the development Plans for the local area (or part of that area) • Special regard has been given to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest. • Special regard has been given to the desirability of preserving or enhancing the character or appearance of any conservation area. • The neighbourhood plan must be compatible with EU obligations and human rights requirements • Prescribed conditions are met in relation to the neighbourhood Development Plan and all prescribed matters have been complied with (61J and 61(L)(2)(b) 1990 Act. 	Examiner
	The Examiners Report The Examiner must prepare a report on the draft	Examiner

	<p>proposal containing recommendations in accordance with paragraph 10 of Schedule 4B 1990 Act.</p> <p>The report must recommend either:</p> <ul style="list-style-type: none"> (a) That the draft order is subject to a referendum; or (b) That the modification/s specified in the report are made to the draft proposal and that the draft proposal as modified is submitted to a referendum (in accordance with paragraph 10 (3)(a)-(e) Schedule 4B 1990 Act; or (c) That the draft proposal is refused. <p>The Examiners report must:-</p> <ul style="list-style-type: none"> (a) Give reasons for each of its recommendations; and (b) Contain a summary of its main findings (paragraph 10(6) Schedule 4B 1990 Act. 	
Decision 8	<p>Publication of Examiner's Report</p> <p>Upon receipt of the Examiner's Report the local planning authority must:</p> <ul style="list-style-type: none"> • Arrange for the publication of the report in accordance with paragraphs 10 (8) Schedule 4B 1990 Act. 	Chief Officer: Planning & Transport
Decision 9	<p>Consideration of recommendations made in the Examiner's report</p> <p>The local planning authority must consider each of the recommendations made in the examiner's report (and the reasons for them) and decide what action to take in response to each recommendation.</p> <p>If the local planning authority propose to make a decision which differs from that recommended by the examiner and the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact, the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations. If</p>	Chief Officer: Planning & Transport shall consider the Examiners Report and prepare report for Executive Member for Planning & Transport to make a decision upon the local planning authority's response to the report.

	<p>the authority considers it appropriate to do so, they may refer the issue to independent examination. This does not apply in relation to recommendations as to the referendum area.</p>	<p>If the Executive Member for Planning & Transport has an interest in the Neighbourhood Development Plan Examiners Report being considered, the decision will be taken by Full Executive.</p>
<p>Decision 10 Reg 18</p>	<p>Local Planning Authorities decision regarding plan proposal and its response to Examiner's Report</p> <p>The local planning authority must consider:</p> <ul style="list-style-type: none"> • What action to take in response to the recommendation of the Examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) • What modifications, if any, they are to make to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) • Whether to extend the area to which the referendum (or referendums) are to take place; or • Decide that they are not satisfied with the plan proposal under paragraph 12 (10) of Schedule 4B to the 1990 Act as applied by Section 38A of the 2004 Act. <p>Local planning authorities must consider whether the proposal complies with the requirements in paragraph 6 of Schedule 4B to the 1990 Act. It must notify the qualifying body as to whether or not the requirements are satisfied. If the requirements are not satisfied, it must refuse the proposal and notify the body of its reasons for refusal.</p>	<p>Executive Member for Planning & Transport.</p> <p>If the Executive Member for Planning & Transport has an interest in the Neighbourhood Development Plan Examiners Report being considered, the decision will be taken by Full Executive.</p>

<p>Decision 11</p>	<p>Decision Statement publication</p> <p>As soon as possible after making the above decisions a local planning authority must:</p> <ul style="list-style-type: none"> • Publish on their website and in any other way it considers likely to bring the decision statement and, as the case may be, the report to the attention of people who live, work or carry on business in the neighbourhood area. • A statement setting out the decision and their reasons – the Decision Statement • Details of where and when the Decision Statement may be inspected <ul style="list-style-type: none"> • The Examiners Report <p>The authority must send a copy of the matters required to be published to the qualifying body in accordance with paragraph 12(a) of Schedule 4B to the 1990 Act.</p>	<p>Chief Officer: Planning & Transport</p>
<p>Decision 12</p>	<p>Neighbourhood development plans - referendum</p> <p>If the local planning authority is satisfied that the draft plan meets the conditions in paragraph 8 (2) of Schedule 4B to the 1990-Act, is compatible with Convention rights and complies with the provisions in Section 38A and 38B of the Planning and Compulsory Purchase Act 2004, or that the draft plan would meet those conditions if modification were made to it (whether or not recommended by the examiner), paragraph 12(4) of Schedule 4B to the 1990 Act states a referendum must be held on the making of the Neighbourhood Development Plan.</p> <p>The local planning authority can modify the proposed plan in the ways set out in paragraph 12(6) to Schedule 4B to the 1990 Act.</p> <p>If the draft Neighbourhood Development Plan relates to an area which has been designated as a</p>	<p>Executive Member for Planning & Transport decision to approve the commencement of publicity by Electoral Services in regards to the holding of the referendum.</p> <p>If the Executive Member for Planning & Transport has an interest in the Neighbourhood Development Plan proceeding to referendum, the decision will be taken by Full</p>

	business area, an additional referendum must be held in accordance with paragraph 15 of Schedule 4B to the 1990 Act.	Executive.
Decision 13	<p>Conduct of the referendum (or referendums)</p> <p>The area in which the referendum (or referendums) takes place must, as a minimum, be the neighbourhood area to which the draft Neighbourhood Development Plan relates.</p> <p>The referendum must be conducted in accordance with the Neighbourhood Planning (Referendum) Regulations 2012 (as amended).</p> <p>The local planning authority may extend the area in which the referendum is (or referendums are) to take place to include other areas (whether or not those areas fall wholly or partly outside the authority's area). If it decides to extend the referendum area it must publish a map of the area.</p> <p>The Local authority decide on the following:</p> <ul style="list-style-type: none"> • The conduct of the referendum • The boundary for consultation, this should include everyone within the area and anyone where there is an impact outside the area • Whether the referendums need to be for residents and also for businesses. <p>Proposed Neighbourhood Development Plans need to gain the approval of a majority of voters for the plan to come into force. In the case that two referendums have taken place with two different results the local authority will need to adjudicate and decide whether to progress the plan to the Executive to make the Neighbourhood Development Plan. If proposals pass the referendum the local planning authority is under a legal duty to bring them into force.</p>	Chief Officer: Planning & Transport in consultation with the Head of Democratic Services
Decision	Neighbourhood Development Plan – Decision Statement on ‘making’ a plan proposal	Full Executive

14 Regulation 19	(bringing into legal force)	
	<p>A local planning authority must make a Neighbourhood Development Plan as soon as reasonably practicable after the referendum if in each of the applicable referendum more than half of those voting have voted in favour of the plan, unless they consider making the plan would breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).</p> <p>If there are two applicable referendums (because the plan relates to a neighbourhood area designated as a business area), and in one of those referendums (but not in the other) more than half of those voting have voted in favour of the plan, the local planning authority may (but need not) make the Neighbourhood Development Plan.</p> <p>As soon as possible after deciding to make a Neighbourhood Development Plan under section 38A(4) of the 2004 Act or refusing to make a plan under section 38A(6) of the 2004 Act, a local planning authority must publish a “Decision Statement” on its website and in such other manner as it considers is likely to bring the decision to the attention of people who live, work and carry on business in the neighbourhood area setting out:</p> <ul style="list-style-type: none"> • The reasons for making the decision. • Details of where and when the decision statement may be inspected. <p>A copy of the decision statement must be sent to the “qualifying body” (Parish or Town council) and any person who asked to be notified of the decision.</p>	
Decision 14A	Neighbourhood Development Plan – Decision Statement on ‘making’ a plan proposal (bringing into legal force)	The administrative functions of publishing the Decision

		Statement and notifying the relevant persons will be the responsibility of the Chief Officer: Planning & Transport
Decision 15	Publicise the making of a Neighbourhood Development Plan	Chief Officer: Planning & Transport
	<p>As soon as possible after making a Neighbourhood Development Plan under section 38A(4) of the 2004 Act the local authority must</p> <ul style="list-style-type: none"> • Publish on the website and in whatever way they consider appropriate to bring it to the attention of people who live, work or carry out business in the area <ul style="list-style-type: none"> • The Neighbourhood Development Plan; and • Details of where and when the plan can be inspected • Notify any person who asked to be notified where and when it may be inspected. 	
Decision 16	Revocation or modification of a Neighbourhood Development Plan	
	<p>In accordance with Section 61M of the 1990 Act (as applied by section 38C of the 2004 Act):</p> <p>(2) a local planning authority may, with the consent of the Secretary of state, by order revoke a Neighbourhood Development Plan that they have made.</p> <p>(3) If a Neighbourhood Development Plan is revoked, the person revoking the order must state the reasons for the revocation.</p> <p>(4) A local planning authority may at any time by order modify a Neighbourhood</p>	<p>Executive Member for Planning & Transport.</p> <p>If the Executive Member for Planning & Transport has an interest in the Neighbourhood Development Plan</p>

	<p>Development Plan that they have made for the purposes of correcting errors</p> <p>(5) If the Qualifying Body that initiated the process for the making of the order is still authorised at the time to act for the purposes of a neighbourhood Development Plan in relation to a Neighbourhood Area the power under (4) is exercisable only with that body's consent.</p> <p>(6) A modification of a neighbourhood Development Plan is to be done by replacing the plan with a new one containing the modification.</p> <p>(7) Regulations may make provisions in connection with the revocation or modification of a neighbourhood Development Plan.</p> <p>(8) The regulations may make provision for the matters listed at (a) –(h).</p>	<p>the decision will be taken by Full Executive.</p>
Decision 17	Publicising a modification to the Neighbourhood Development Plan	
Reg 30	<p>As soon as possible after modifying a Neighbourhood Development Plan by under section 61M(4) (as applied by section 38C of the 2004 Act) a local planning authority must publish on their website and in any other way it considers appropriate</p> <ul style="list-style-type: none"> • A document setting out details of the modification 'the modification document' • Details of where and when the modification document may be inspected; and <p>•Send a copy of the decision statement to the qualifying body and any person who was previously notified of the making of the neighbourhood development plan.</p>	<p>Chief Officer for Planning and Transport in consultation with Executive Member for Planning & Transport.</p> <p>If the Executive Member for Planning & Transport has an interest in the Neighbourhood Development Plan the decision will be taken by Full Executive.</p>

<p>Decision 18</p> <p>Reg 31</p>	<p>Publicising revocation of the neighbourhood development plan</p> <p>As soon as possible after the revocation of a neighbourhood development plan by section 38C of the 2004 Act a local planning authority must:</p> <ul style="list-style-type: none">• Publish on their website and in any other way it considers appropriate• A document setting out details of the revocation ‘the revocation document’• Details of where and when the revocation document may be inspected; and• Send a copy of the revocation document to the qualifying body and any person who was previously notified of the making of the neighbourhood development plan.• Send a copy of the revocation document to any other person the local planning authority consider necessary to bring the revocation to their attention.• Cease to make the revoked neighbourhood development plan available on their website and at any other place where it was available for inspection.	<p>Chief Officer: Planning & Transport.</p>
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