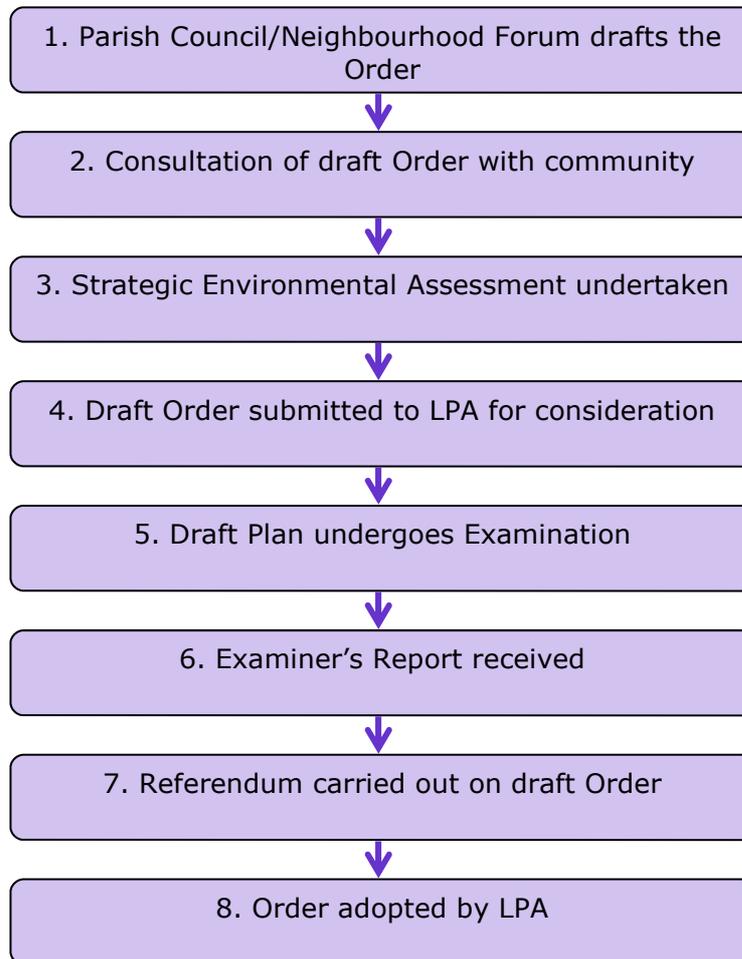


Neighbourhood Development Orders - The Process

The procedure for producing Neighbourhood Development Orders are summarised in the following flow chart with more detailed information provided below. The information is based on the available information and may be subject to change.



1. The parish Council or Neighbourhood Forum prepare the draft Neighbourhood Development Order.

2. The Parish/Neighbourhood Forum undertake extensive consultations on the plan with the community and the wider area. The Neighbourhood Planning (General) Regulations 2012 sets out who should be consulted and the process in more detail. Consultation is also important as it will give an indication of the support for the Plan before committing to the referendum.

3. The draft Order will also have to conform with the EU Directive on Strategic Environmental Assessments (SEA). It is anticipated that a screening procedure to determine whether the proposals in a Neighbourhood Orders are likely to have an environmental impact upon the environment. If the answer is 'Yes' then a minimum SEA will be needed. The cost of which will fall to the Parish Council/Neighbourhood Forum.

4. The draft Order is then considered by the Local Planning Authority to satisfy that it is suitable to go forward to independent examination. This is primarily to do with legal compliance matters, e.g. that the body putting the plan forward is a qualifying

body, the plan is consistent with the designated area and is in general conformity with the Development Plan.

5. Subject to the LPA agreement, the draft Order will then be subject to independent examination. It is anticipated that the Parish/Neighbourhood Forum will nominate a suitably qualified independent examiner which has to be agreed by the Local Planning Authority. The cost of the examination will fall to LPA. The Examiner will consider whether the order is appropriate having regard to national policy and whether it is in general conformity with the Development Plan for the area.

6. The Examiner's report will not be binding. They will be able to recommend that the Order is put forward for a referendum, or that it should be modified or that the proposal should be refused. The Local Planning Authority will then decide what should be done in light of the Examiner's report. Where the report recommends modifications to the Order the LPA will invite the Parish Council/Neighbourhood Forum to make modifications to the Order. Where the report recommends that the proposal is to be refused, the LPA will do so.

7. Where the examination is favourable, the draft Order will then be subject to a referendum, organised and paid for by the Local Planning Authority. If more than 50% of those who vote (not those who are eligible to vote) agree with the Order, then it will be passed to the Local Planning Authority with a request it is adopted.

8. Once adopted the Neighbourhood Development Order becomes part of the Development Plan for the area. There is a presumption that Local Authorities will adopt Orders provided they are in conformity with the Development Plan. There is no formal recourse for communities (apart from a Judicial Review) should the Local Authority refuse to adopt the Order.