

## APPENDIX 1: NEIGHBOURHOOD PLANNING PROTOCOL

The neighbourhood planning protocol has been prepared in accordance with the regulatory stages of The Neighbourhood Planning (General) Regulations 2012 (as amended) and refers to The Neighbourhood Planning (Referendums) Regulations 2012 (as amended).

Plan stage	Regulatory stage	Tasks	Responsibility	Member decision/ delegated authority	Outcome
General		In addition to the support and assistance given to parish councils and neighbourhood forums, as set out in MBC's Statement of Community Involvement: <ol style="list-style-type: none"> <li>1. Meetings with parish councils or neighbourhood forums, where appropriate.</li> <li>2. If requested by parish councils or neighbourhood forums, submission of informal general comments on pre-Regulation 14 and pre-Regulation 15 draft neighbourhood plans.</li> </ol>	MBC Strategic Planning Team	N/A	Neighbourhood plans meet statutory requirements and move forward to successful examination and referendum.
Neighbourhood area application made by a parish council where the area follows the parish boundary	5, 5A and 7	<ol style="list-style-type: none"> <li>1. Check the application meets statutory requirements and that the proposed area does not conflict with other designated areas.</li> <li>2. Acknowledge receipt of the application.</li> <li>3. Prepare a delegated report.</li> <li>4. Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the decision (by email).</li> <li>5. Publish details on the MBC website.</li> <li>6. Place a public notice in the local newspaper.</li> </ol>	MBC Strategic Planning Team	Delegated authority is given to the Head of Planning and Development.	Publicity requirements are met, and the neighbourhood area is designated.
Neighbourhood forum application made by a qualifying body (e.g. Residents Association)	8, 9, 9A and 10	<ol style="list-style-type: none"> <li>1. Check the application meets statutory requirements.</li> <li>2. Acknowledge receipt of the application.</li> <li>3. Arrange <b>local consultation to run for a minimum 6 weeks</b>:</li> </ol>	<u>Tasks 1-3 and 5-9</u> MBC Strategic Planning Team  <u>Task 4</u>	Delegated authority is given to the Head of Planning and Development.	Consultation and publicity requirements are met, and the neighbourhood forum is designated.

Plan stage	Regulatory stage	Tasks	Responsibility	Member decision/ delegated authority	Outcome
		<ul style="list-style-type: none"> <li>a) Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the consultation (by email)</li> <li>b) Publish details on the MBC website (to include a statement that no other body may be designated for the same neighbourhood area)</li> <li>c) Place a public notice in the local newspaper (to include a statement that no other body may be designated for the same neighbourhood area).</li> </ul> <ul style="list-style-type: none"> <li>4. The neighbourhood forum to publicise the consultation through its website and other means such as posters, meetings and newsletters.</li> <li>5. Manage representations received, and acknowledge receipt.</li> <li>6. Prepare a delegated report – <b>a decision must be made with 13 weeks of the start of consultation.</b></li> <li>7. Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the decision (by email).</li> <li>8. Notify those who submitted representations of the decision.</li> <li>9. Publish details on the MBC website.</li> </ul>	Neighbourhood Forum		<p>Or</p> <p>Consultation, publicity and notification requirements are met, and the neighbourhood forum application is refused.</p> <p><b>Note: Designation of a neighbourhood forum expires after five years and the appropriate body must re-submit an application.</b></p>
Neighbourhood area application made by a parish council or neighbourhood forum where the area does not follow the parish boundary	5, 6, 6A and 7	<ul style="list-style-type: none"> <li>1. Check the application meets statutory requirements.</li> <li>2. Acknowledge receipt of the application.</li> <li>3. Arrange <b>local consultation to run for a minimum 6 weeks:</b> <ul style="list-style-type: none"> <li>a) Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the consultation (by email)</li> <li>b) Publish details on the MBC website</li> <li>c) Place a public notice in the local newspaper.</li> </ul> </li> </ul>	<p><u>Tasks 1-3 and 5-9</u> MBC Strategic Planning Team</p> <p><u>Task 4</u> Parish Council or Neighbourhood Forum</p>	Delegated authority is given to the Head of Planning and Development	<p>Consultation, publicity and notification requirements are met, and the neighbourhood area is designated.</p> <p>Or</p> <p>Consultation, publicity and notification</p>

Plan stage	Regulatory stage	Tasks	Responsibility	Member decision/ delegated authority	Outcome
		<ol style="list-style-type: none"> <li>4. The parish council or neighbourhood forum to publicise the consultation through its website and other means such as posters, meetings and newsletters.</li> <li>5. Manage representations received, and acknowledge receipt.</li> <li>6. Prepare a delegated report – <b>a decision must be made with 13 weeks of the start of consultation.</b></li> <li>7. Notify the local and adjacent parish councils and ward councillors of the decision (by email).</li> <li>8. Notify those who submitted representations of the decision.</li> <li>9. Publish details on the MBC website.</li> </ol>			requirements are met, and the neighbourhood area application is refused.
Consultation on a pre-submission draft neighbourhood plan or modification proposal	14	<p><b>Pre-Consultation on a pre-submission draft neighbourhood plan or modification proposal</b></p> <ol style="list-style-type: none"> <li>1. Prior to consultation on a pre-submission draft neighbourhood plan or modification proposal, the Parish Council or Neighbourhood Forum to submit a draft plan or modification proposal.</li> <li>2. MBC to prepare an SEA/HRA<sup>1</sup> Screening Report. Forward the Screening Report and draft neighbourhood plan to Historic England, Natural England and the Environment Agency for their views. <b>The bodies have 5 weeks to respond.</b> Update the Screening Report and forward to the parish council or neighbourhood forum (refer to Annex A).</li> <li>3. If an SEA/HRA is required, the parish council or neighbourhood forum is responsible for preparing a Scoping Opinion and an SEA/HRA prior to the formal submission of its plan to MBC.</li> </ol>	<p>Tasks 2, 5 &amp; 6 MBC Strategic Planning Team</p> <p>Tasks 1, 3, 4 &amp; 7 Parish Council or Neighbourhood Forum</p>	Delegated authority is given to the Head of Planning and Development	Submission draft neighbourhood plan or modification proposal and, if required, an SEA/HRA.

<sup>1</sup> Strategic environmental assessment/habitats regulations assessment

Plan stage	Regulatory stage	Tasks	Responsibility	Member decision/ delegated authority	Outcome
		<p><b>Consultation on a pre-submission draft neighbourhood plan or modification proposal: At this stage Maidstone Borough Council is a consultee</b></p> <ol style="list-style-type: none"> <li>4. The parish council or neighbourhood forum to undertake a <b>minimum 6-week local consultation exercise</b> on the draft plan or modification proposal, in accordance with regulatory requirements, and to publicise the consultation through its website and other means such as posters, meetings and newsletters.</li> <li>5. Update the MBC website.</li> <li>6. Assess whether the neighbourhood plan or modification proposal conforms to national and local planning policies, and provide written representations to the consultation.</li> <li>7. If a modification is proposed, then the Neighbourhood Planning Groups needs to state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons.</li> </ol>			
Submission of a draft neighbourhood plan or modification proposal to MBC	15	<ol style="list-style-type: none"> <li>1. Acknowledge receipt of submitted documents, i.e. neighbourhood plan or modification proposal with a map of the neighbourhood area, basic conditions statement, consultation statement, and an environmental report (SEA/HRA) or a statement explaining why this is not required (refer to Annex A). In the case of a modification proposal, a statement as to why the modification proposal is so significant or substantial as to change the nature of the neighbourhood plan must form part of the submission.</li> </ol>	<p><u>All Tasks</u> MBC Strategic Planning Team</p> <p><u>Task 1</u> Parish Council or Neighbourhood Forum</p>	Appointment of Examiner from NPIERS/IPE in accordance with signed procurement waiver.	Draft neighbourhood plan or modification proposal with supporting documentation is ready for consultation and examination.

Plan stage	Regulatory stage	Tasks	Responsibility	Member decision/ delegated authority	Outcome
		<ol style="list-style-type: none"> <li>2. Check that statutory requirements were met at Regulation 14 consultation stage (including consultation with statutory consultees) and at Regulation 15 submission stage.</li> <li>3. A significant change to a neighbourhood plan between Regulations 14 and 15 that results in a 'likely significant effect' on the environment will require an amended SEA/HRA Screening Report and re-consultation with Historic England, Natural England and the Environment Agency. <b>The bodies have 5 weeks to respond.</b> Forward the final Screening Report to the parish council or neighbourhood forum. (Note: Where an SEA/HRA has been prepared, it is the responsibility of the parish council or neighbourhood forum to re-consult the bodies if there has been a significant change that results in a further 'likely significant effect' on the environment). Refer to Annex A</li> <li>4. Agree suitable consultation dates with the parish council or neighbourhood forum, and prepare for public consultation (refer to Annex B).</li> <li>5. Contact NPIERS/IPE<sup>2</sup> and request candidates for the Examiner, and agree a preferred Examiner with the parish council or neighbourhood forum.</li> <li>6. Appoint the Examiner.</li> </ol>			
Consultation on a submission draft neighbourhood plan or modification proposal	16	<ol style="list-style-type: none"> <li>1. Arrange <b>local consultation to run for a minimum 6 weeks:</b> <ol style="list-style-type: none"> <li>a) Publicise documents on the MBC website (refer to Annex B).</li> </ol> </li> </ol>	<u>Tasks 1 and 3-4</u> MBC Strategic Planning Team  <u>Task 2</u>	Executive decision  (The Head of Planning and Development has elected not to use his	Consultation, publicity and notification requirements are met.  MBC's formal representations on

<sup>2</sup> Neighbourhood Planning Independent Examiner Referral Service (NPIERS)/Intelligent Plans and Examinations (IPE)

Plan stage	Regulatory stage	Tasks	Responsibility	Member decision/ delegated authority	Outcome
		<ul style="list-style-type: none"> <li>b) Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the consultation (by email)</li> <li>c) Notify the consultation bodies referred to in the Regulation 15 consultation statement</li> <li>d) Place a public notice in the local newspaper</li> <li>e) Press release (optional).</li> </ul> <ol style="list-style-type: none"> <li>2. The parish council or neighbourhood forum to publicise the consultation through its website.</li> <li>3. Manage the representations received by email or post, and acknowledge receipt.</li> <li>4. Prepare PI PAC/Executive report seeking approval of MBC's response to the Regulation 16 consultation.</li> </ol>	Parish Council or Neighbourhood Forum	delegated authority at Regulation 16 because it is important that the Executive has the opportunity to have input into a document that becomes part of the Maidstone Development Plan).	<p>the draft neighbourhood plan or modification proposal are submitted.</p> <p>The draft neighbourhood plan or modification proposal with supporting documentation is ready for examination.</p>
Submission of a draft neighbourhood plan or modification proposal for Examination	17	<ol style="list-style-type: none"> <li>1. Send the following documents prepared by the parish council or neighbourhood forum to the Examiner: <ul style="list-style-type: none"> <li>a) Neighbourhood plan or modification proposal with a map of the neighbourhood area</li> <li>b) Basic conditions statement</li> <li>c) Consultation statement</li> <li>d) An environmental report (SEA/HRA) or a statement explaining why this is not required</li> <li>e) In the case of a modification proposal, two statements are prepared independently by both the LPA and the NPG as to why the modification proposal is so significant or substantial as to change the nature of the neighbourhood plan</li> <li>f) Copies of the representations submitted during Regulation 16 consultation.</li> </ul> </li> </ol>	MBC Strategic Planning Team	N/A	<p>Completion of the examination.</p> <p>Receipt of the Examiner's report.</p> <p><b>Note:</b>  <b>Neighbourhood plan examinations are usually dealt with by written representations, but the Examiner may arrange a Hearing where plans or the issues arising from</b></p>

Plan stage	Regulatory stage	Tasks	Responsibility	Member decision/ delegated authority	Outcome
		<ol style="list-style-type: none"> <li>2. Liaise as required with the Examiner and the parish council or neighbourhood forum. <ol style="list-style-type: none"> <li>a. Where a modification is proposed the qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan.</li> </ol> </li> <li>3. If a Fact Check report is produced by the Examiner, arrange for checking with the parish council or neighbourhood forum to enable submission of a joint response.</li> </ol>			<b>representations are complex.</b>
MBC decision on an Examiner's recommendations	17A	<ol style="list-style-type: none"> <li>1. On receipt of the Examiner's final report, prepare PI PAC/Executive report recommending the course of action to be taken (accept report / decline report / accept and make modifications).</li> <li>2. If Executive accepts the Examiner's recommendations (with or without modifications) to hold a referendum, then the next step is to arrange the referendum. <ol style="list-style-type: none"> <li>a. Where a modification is proposed that would not change the nature of the plan (and the examiner finds that the proposal meets the basic conditions or would with further modifications) a referendum is not required. Executive accepts the examiners recommendation and proceeds to Regulation 19.</li> </ol> </li> <li>3. If Executive accepts the Examiner's recommendation that a neighbourhood plan or modification proposal does not pass examination, the plan will not proceed to referendum.</li> <li>4. If Executive declines to accept the Examiner's recommendations, then MBC must undertake a 6-week</li> </ol>	MBC Strategic Planning Team	Executive decision  (The Head of Planning and Development has elected not to use his delegated authority at Regulation 17A because it is important that the Executive has the opportunity to have input into a document that becomes part of the Maidstone Development Plan).	MBC decision to accept (with or without modifications) or decline to accept the Examiner's report.  <b>Note: Following a decision to move a plan to referendum, the 'post-examination draft neighbourhood plan' (as modified by the Examiner) gains more weight as a material consideration in decisions on planning applications.</b>

Plan stage	Regulatory stage	Tasks	Responsibility	Member decision/ delegated authority	Outcome
		<p>consultation on its decision<sup>3</sup> in accordance with the provisions of Regulation 17A.</p> <p>5. Prepare a decision statement <b>within 5 weeks of receipt of the Examiner's report, or by a later date agreed in writing with the parish council or neighbourhood forum.</b></p>			
Publication of the Examiner's report and MBC's decision statement on whether to proceed to referendum	18	<ol style="list-style-type: none"> <li>1. Publish the Examiner's report and MBC's decision statement on the MBC website.</li> <li>2. Notify the parish council or neighbourhood forum of the outcome (by email).</li> <li>3. If, following a successful examination, the Examiner's recommendations (with or without modifications) have been agreed by Executive, organise the referendum (refer to Annex C).</li> </ol>	Tasks 1-3 MBC Strategic Planning Team, liaising with MBC Electoral Services Team for task 3	N/A	The draft neighbourhood plan or modification proposal with supporting documentation is ready for referendum.
Prescribed dates for making a neighbourhood plan	18A	<ol style="list-style-type: none"> <li>1. MBC's decision on the Examiner's report (together with any minor modifications proposed by MBC and agreed with the parish council or neighbourhood forum) must be made <b>within 5 weeks of receipt of the report, or a later date agreed in writing with the parish council or neighbourhood forum.</b></li> </ol>	MBC Strategic Planning Team	N/A	Prescribed dates for making a neighbourhood plan are met.

<sup>3</sup> This is not a full consultation – it includes the parish council or neighbourhood forum, those who submitted representations at Regulation 16 stage, and statutory consultees included in the Regulation 15 consultation statement



Plan stage	Regulatory stage	Tasks	Responsibility	Member decision/ delegated authority	Outcome
		2. Following a successful referendum, the neighbourhood plan must be made (i.e. adopted by Full Council) <b>within 8 weeks</b> of the date of referendum.			
Referendum	Separate regulations	Hold referendum (refer to Annex B).	MBC Electoral Services Team	N/A	Completion of referendum.  <b>Note: Following a successful referendum, unless material considerations indicate otherwise, the neighbourhood plan becomes part of the Maidstone Development Plan.</b>
Decision to make a neighbourhood plan	19	<ol style="list-style-type: none"> <li>1. Following an unsuccessful referendum ('NO' result), prepare a statement and publish on the MBC website. Prepare PI PAC/Executive report for information.</li> <li>2. Following a successful referendum, prepare PI PAC/Executive report with a recommendation that Full Council makes the neighbourhood plan. <b>The plan must be made within 8 weeks of the referendum date.</b></li> <li>3. Publish MBC's decision statement on the MBC website, together with details of where the decision statement may be inspected.</li> <li>4. Notify the parish council or neighbourhood forum of the decision (by email).</li> <li>5. Notify persons who asked to be notified of the decision.</li> </ol>	MBC Strategic Planning Team	Executive decision.  Full Council decision to make a neighbourhood plan	Decision to make, or otherwise, a neighbourhood plan.  Publicity and notification requirements are met.

Plan stage	Regulatory stage	Tasks	Responsibility	Member decision/ delegated authority	Outcome
Publicising the making of a neighbourhood plan	20	<ol style="list-style-type: none"> <li>1. Publish the neighbourhood plan on the MBC website, together with details of where the plan may be inspected.</li> <li>2. Notify the parish council or neighbourhood forum (by email).</li> <li>3. Notify persons who asked to be notified of the making of the neighbourhood plan.</li> <li>4. Place a public notice in the local newspaper.</li> </ol>	MBC Strategic Planning Team	N/A	Publicity requirements are met.
Publishing a modification	30	<ol style="list-style-type: none"> <li>1. Publish the modified neighbourhood plan on the MBC website, together with details of where the plan may be inspected.</li> <li>2. Notify the parish council or neighbourhood forum of the decision (by email).</li> <li>3. Notify persons who asked to be notified of the making of the neighbourhood plan that it has been modified.</li> <li>4. Place a public notice in the local newspaper.</li> </ol>	MBC Strategic Planning Team	N/A	Publicity requirements are met.

27 July 2022

## **Annex A: SEA/HRA process**

1. Upon receipt of a draft plan or modification proposal prior to Regulation 14, MBC to prepare an SEA/HRA Screening Report to determine whether the neighbourhood plan is likely to have significant environmental effects.
2. Forward the Screening Report and draft neighbourhood plan to Historic England, Natural England and the Environment Agency for their views. **The bodies have 5 weeks to respond.**
3. Update the Screening Report and forward to the parish council or neighbourhood forum
4. If an SEA/HRA is **required**, the parish council or neighbourhood forum is responsible for preparing a Scoping Opinion and an SEA/HRA prior to the formal submission of its plan to MBC.
  - a. Identify other relevant policies, plans and programmes, and sustainability objectives
  - b. Collect baseline information
  - c. Identify sustainability issues and problems
  - d. Develop the strategic environmental assessment framework
  - e. Consult Historic England, Natural England and the Environment Agency on the scope
  - f. Test the neighbourhood plan objectives against the strategic environmental assessment framework
  - g. Develop the neighbourhood plan options including reasonable alternatives
  - h. Evaluate the likely effects of the neighbourhood plan and alternatives
  - i. Consider ways of mitigating adverse effects and maximising beneficial effects
  - j. Propose measures to monitor the significant effects of implementing the neighbourhood plan
  - k. Prepare the environmental report
5. If an SEA/HRA is **not required**, the parish council or neighbourhood forum is responsible for preparing a statement setting out why an SEA/HRA is not required prior to formal submission of its plan to MBC.
6. Regulation 14 to take place and include consultation on the environmental report
7. Parish council or neighbourhood forum to submit their submission neighbourhood plan to MBC (Regulation 15).
8. A significant change to a neighbourhood plan between Regulations 14 and 15 that results in a 'likely significant effect' on the environment will require an amended SEA/HRA Screening Report and re-consultation with Historic England, Natural England and the Environment Agency. **The bodies have 5 weeks to respond.** Forward the final Screening Report to the parish council or neighbourhood forum. (Note: Where an SEA/HRA has been prepared, it is the responsibility of the parish council or neighbourhood forum to re-consult the bodies if there has been a significant change that results in a further 'likely significant effect' on the environment).
9. Formal submission is confirmed by MBC.

## **Annex B: Regulation 16 Consultation Tasks**

1. Agree dates for the consultation with the parish council or neighbourhood forum (**min 6 weeks excluding bank holidays**).
2. Agree local deposit points for the documents to be viewed during the consultation (at least 1, preferably 2).

3. Ensure there is a meeting of PI PAC/Executive within the consultation window to allow for an MBC response to be approved.
4. Set up the consultation event and upload the neighbourhood plan and supporting documents to the website.
5. Draft a public notice with dates, information on deposit points and how to comment.
6. Send public notice to Kent Messenger **by the previous Friday before the start of the consultation** to book a space; raise and send a Purchase Order.
7. Use the public notice text to draft a media release and send to Communications for finessing and sending out (optional).
8. Identify all neighbouring wards, parishes and forums (both inside and outside the borough).
9. Draft an email to local and neighbouring ward councillors and parishes/forums advising of the consultation (again use the public notice text). Send out on the **day before the consultation starts**.
10. Liaise with the parish council or neighbourhood forum in producing publicity posters, if required, and request that the neighbourhood plan and supporting documents are uploaded to the qualifying body's website together with consultation details.
11. Arrange the printing and delivery of a copy of the neighbourhood plan and relevant supporting documents for every deposit point. **Make sure these are in place before the start of the consultation**.
12. Advise The Link / Customer Services of the start of the consultation.
13. Update the Neighbourhood Plan web pages.
14. Create a written notification for postal consultees and arrange a mail merge via the print room (if required) including the posting out of the notifications **on the Monday before the consultation**.
15. Write, circulate and publish an PI PAC/Executive report, seeking approval of MBC's formal representation to the consultation. Follow the standard processes in Modern.Gov and the Committee Services timetabling protocols.

### **Annex C: Referendum Planning**

1. Liaise with Electoral Services team.
2. Ensure approval to hold the referendum is in place, i.e. the referral period for a Committee decision has closed.
3. Provide a copy of the neighbourhood plan area as designated.
4. Referendums should ideally be held on a Thursday.
5. There is a **minimum 'referendum period' of 28 working days**, when specified documents and an information statement for the referendum must be published on the website and made available for public inspection. The referendum period cannot commence before a decision to move to referendum is made by PI PAC/Executive and, in accordance with the Council's Constitution, the referral period for a Committee decision has closed.
6. A detailed timetable will be provided by the Electoral Services team, in consultation with the Strategic Planning team and the parish council or neighbourhood forum.
7. Assistance from the Strategic Planning team will be required to complete the 'Information for Voters' and the 'Information Statement'.