

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). **The protocol aligns with the Maidstone Statement of Community Involvement (SCI) and, in response to government guidance on the neighbourhood planning process during the coronavirus pandemic, the Council has adopted an addendum to the SCI. The neighbourhood planning protocol will comply with the SCI addendum, which predominantly affects the availability of material at inspection points.**

Plan stage	Regulatory stage	Tasks	Responsibility	Committee 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"> 1. Meetings with parish councils or neighbourhood forums, where appropriate. 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. 	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"> 1. Check the application meets statutory requirements and that the proposed area does not conflict with other designated areas. 2. Acknowledge receipt of the application. 3. Prepare a delegated report. 4. Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the decision (by email). 5. Publish details on the MBC website. 6. Place a public notice in the local newspaper. 	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"> 1. Check the application meets statutory requirements. 2. Acknowledge receipt of the application. 3. Arrange local consultation to run for a minimum 6 weeks: <ol style="list-style-type: none"> a) Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the 	<u>Tasks 1-3 and 5-9</u> MBC Strategic Planning Team	Delegated authority is given to the Head of Planning and Development.	Consultation and publicity requirements are met, and the neighbourhood forum is designated.

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		<p>consultation (by email)</p> <p>b) Publish details on the MBC website (to include a statement that no other body may be designated for the same neighbourhood area)</p> <p>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).</p> <p>4. The neighbourhood forum to publicise the consultation through its website and other means such as posters, meetings and newsletters.</p> <p>5. Manage representations received, and acknowledge receipt.</p> <p>6. Prepare a delegated report – a decision must be made with 13 weeks of the start of consultation.</p> <p>7. Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the decision (by email).</p> <p>8. Notify those who submitted representations of the decision.</p> <p>9. Publish details on the MBC website.</p>	<p><u>Task 4</u> Neighbourhood Forum</p>		<p>Or</p> <p>Consultation, publicity and notification requirements are met, and the neighbourhood forum application is refused.</p> <p>Note: Designation of a neighbourhood forum expires after five years and the appropriate body must re-submit an application.</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	<p>1. Check the application meets statutory requirements.</p> <p>2. Acknowledge receipt of the application.</p> <p>3. Arrange local consultation to run for a minimum 6 weeks:</p> <p>a) Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the consultation (by email)</p> <p>b) Publish details on the MBC website</p> <p>c) Place a public notice in the local newspaper.</p> <p>4. The parish council or neighbourhood forum to publicise the consultation through its website and other means such as posters, meetings and newsletters.</p> <p>5. Manage representations received, and acknowledge receipt.</p> <p>6. Prepare a delegated report – a decision must be made with 13 weeks of the start of consultation.</p>	<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 requirements are met, and the neighbourhood area</p>

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		7. Notify the local and adjacent parish councils and ward councillors of the decision (by email). 8. Notify those who submitted representations of the decision. 9. Publish details on the MBC website.			application is refused.
Consultation on a pre-submission draft neighbourhood plan or modification proposal	14	<p>At this stage Maidstone Borough Council is a consultee</p> 1. Upon receipt of the draft plan or modification proposal, prepare an SEA/HRA ¹ Screening Report. 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. Update the Screening Report and forward to the parish council or neighbourhood forum. 2. 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. 3. The parish council or neighbourhood forum to undertake a minimum 6-week local consultation exercise 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. 4. Update the MBC website. 5. Assess whether the neighbourhood plan or modification proposal conforms to national and local planning policies, and provide written representations to the consultation.	<p><u>Tasks 1 and 4-5</u> MBC Strategic Planning Team</p> <p><u>Tasks 2- 3</u> 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.
Submission of a	15	1. Acknowledge receipt of submitted documents, i.e.	MBC Strategic	Appointment of	Draft neighbourhood

¹ Strategic environmental assessment/habitats regulations assessment

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draft neighbourhood plan or modification proposal to MBC		<p>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. 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.</p> <ol style="list-style-type: none"> 2. Check that statutory requirements were met at Regulation 14 consultation stage (including consultation with statutory consultees) and at Regulation 15 submission stage. 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. 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). 4. Agree suitable consultation dates with the parish council or neighbourhood forum, and prepare for public consultation (refer to Annex A). 5. Contact NPIERS/IPE² and request candidates for the Examiner, and agree a preferred Examiner with the parish council or neighbourhood forum. 6. Appoint the Examiner. 	Planning Team	Examiner from NPIERS/IPE in accordance with signed procurement waiver.	plan or modification proposal with supporting documentation is ready for consultation and examination.

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

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Consultation on a submission draft neighbourhood plan or modification proposal	16	<ol style="list-style-type: none"> 1. Arrange local consultation to run for a minimum 6 weeks: <ol style="list-style-type: none"> a) Publicise documents on the MBC website (refer to Annex A). b) Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the consultation (by email) c) Notify the consultation bodies referred to in the Regulation 15 consultation statement d) Place a public notice in the local newspaper e) Press release (optional). 2. The parish council or neighbourhood forum to publicise the consultation through its website. 3. Manage the representations received by email or post, and acknowledge receipt. 4. Prepare SPI Committee report seeking approval of MBC's response to the Regulation 16 consultation. 	<p><u>Tasks 1 and 3-4</u> MBC Strategic Planning Team</p> <p><u>Task 2</u> Parish Council or Neighbourhood Forum</p>	<p>SPI Committee decision</p> <p>(The Head of Planning and Development has elected not to use his delegated authority at Regulation 16 because it is important that the Committee has the opportunity to have input into a document that becomes part of the Maidstone Development Plan).</p>	<p>Consultation, publicity and notification requirements are met.</p> <p>MBC's formal representations on 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"> 1. Send the following documents prepared by the parish council or neighbourhood forum to the Examiner: <ol style="list-style-type: none"> a) Neighbourhood plan or modification proposal with a map of the neighbourhood area b) Basic conditions statement c) Consultation statement d) An environmental report (SEA/HRA) or a statement explaining why this is not required e) 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 	MBC Strategic Planning Team	N/A	<p>Completion of the examination.</p> <p>Receipt of the Examiner's report.</p> <p>Note: Neighbourhood plan examinations are usually dealt with by written representations, but</p>

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		f) Copies of the representations submitted during Regulation 16 consultation. 2. Liaise as required with the Examiner and the parish council or neighbourhood forum. 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.			the Examiner may arrange a Hearing where plans or the issues arising from representations are complex.
MBC decision on an Examiner's recommendations	17A	1. On receipt of the Examiner's final report, prepare SPI Committee report recommending the course of action to be taken (accept report / decline report / accept and make modifications). 2. If SPI Committee accepts the Examiner's recommendations (with or without modifications) to hold a referendum, then the next step is to arrange the referendum. 3. If SPI Committee accepts the Examiner's recommendation that a neighbourhood plan or modification proposal does not pass examination, the plan will not proceed to referendum. 4. If SPI Committee declines to accept the Examiner's recommendations, then MBC must undertake a 6-week consultation on its decision ³ in accordance with the provisions of Regulation 17A. 5. Prepare a decision statement 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.	MBC Strategic Planning Team	SPI Committee decision (The Head of Planning and Development has elected not to use his delegated authority at Regulation 17A because it is important that the Committee 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. Note: 'post-examination draft neighbourhood plan' (as modified by the Examiner) becomes a significant material consideration in decisions on planning applications, but will receive full weight post a successful referendum.
Publication of the	18	1. Publish the Examiner's report and MBC's decision statement	Tasks 1-3	N/A	The draft

³ 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

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Examiner's report and MBC's decision statement on whether to proceed to referendum		<p>on the MBC website.</p> <ol style="list-style-type: none"> 2. Notify the parish council or neighbourhood forum of the outcome (by email). 3. If, following a successful examination, the Examiner's recommendations (with or without modifications) have been agreed by SPI Committee, organise the referendum (refer to Annex B). 	MBC Strategic Planning Team, liaising with MBC Electoral Services Team for task 3		<p>neighbourhood plan or modification proposal with supporting documentation is ready for referendum.</p> <p>Note: Where a decision statement detailing an intention to send a neighbourhood plan to referendum has been issued, that plan can be given significant weight in decision-making, so far as the plan is material to the application (PPG change in response to the coronavirus pandemic)</p>
Prescribed dates for making a neighbourhood plan	18A	<ol style="list-style-type: none"> 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 within 5 weeks of receipt of the report, or a later date agreed in writing with the parish council or neighbourhood forum. 2. Following a successful referendum, the neighbourhood plan must be made (i.e. adopted by Full Council) within 8 weeks of the date of referendum. 	MBC Strategic Planning Team	N/A	Prescribed dates for making a neighbourhood plan are met.

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Referendum	Separate regulations	Hold referendum (refer to Annex B).	MBC Electoral Services Team	N/A	Completion of referendum. Note: Following a successful referendum, unless material considerations indicate otherwise, the neighbourhood plan becomes part of the Maidstone Development Plan.
Decision to make a neighbourhood plan	19	<ol style="list-style-type: none"> 1. Following an unsuccessful referendum ('NO' result), prepare a statement and publish on the MBC website. Prepare SPI Committee report for information. 2. Following a successful referendum, prepare SPI Committee report with a recommendation that Full Council makes the neighbourhood plan. The plan must be made within 8 weeks of the referendum date. 3. Publish MBC's decision statement on the MBC website, together with details of where the decision statement may be inspected. 4. Notify the parish council or neighbourhood forum of the decision (by email). 5. Notify persons who asked to be notified of the decision. 	MBC Strategic Planning Team	<p>SPI Committee decision.</p> <p>Full Council decision to make a neighbourhood plan</p>	<p>Decision to make, or otherwise, a neighbourhood plan.</p> <p>Publicity and notification requirements are met.</p>
Publicising the making of a neighbourhood plan	20	<ol style="list-style-type: none"> 1. Publish the neighbourhood plan on the MBC website, together with details of where the plan may be inspected. 2. Notify the parish council or neighbourhood forum (by email). 	MBC Strategic Planning Team	N/A	Publicity requirements are met.

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		3. Notify persons who asked to be notified of the making of the neighbourhood plan. 4. Place a public notice in the local newspaper.			

7 July 2020

Annex A: 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 SPI Committee 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 SPI Committee 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 B: 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 SPI Committee 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'.