

A GUIDE TO

# NEIGHBOURHOOD PLANNING IN WESTMINSTER



City of Westminster

January 2020

# CONTENTS

---

WHAT IS NEIGHBOURHOOD PLANNING .....	3	Stage 3: Submitting and adopting the neighbourhood plan .....	13
		Step 8: Submitting the neighbourhood plan .....	13
		Step 9: Consulting on the submitted plan .....	14
		Step 10: The examination .....	14
		Step 11: The referendum .....	15
		Step 12: Making the plan .....	17
		Stage 4: Delivering the neighbourhood plan .....	17
SECTION 1: INTRODUCTION .....	4	SECTION 3: COMMUNITY INFRASTRUCTURE	
What is a neighbourhood plan?.....	4	LEVY (CIL) .....	18
Council support .....	5	SECTION 4: COUNCIL SUPPORT FOR	
Overview of the neighbourhood planning process .....	6	NEIGHBOURHOOD PLANNING .....	19
SECTION 2: KEY STAGES OF THE		SECTION 5: MEETING THE BASIC	
NEIGHBOURHOOD PLANNING PROCESS .....	7	CONDITIONS.....	23
Stage 1: Designating a neighbourhood area and forum .....	7	CONTACT US .....	24
Step 1: Applying for a neighbourhood area/forum .....	8		
Step 2: Consulting on a neighbourhood area/forum application .....	8		
Step 3: Designating a neighbourhood area/forum .....	9		
Stage 2: Preparing the neighbourhood plan .....	9		
Step 4: Community engagement .....	10		
Step 5: Reviewing existing policy framework and preparing evidence ....	10		
Step 6: Drafting the plan .....	11		
Step 7: Consulting on the draft plan .....	13		

# WHAT IS NEIGHBOURHOOD PLANNING?

---

Neighbourhood planning was introduced in the Localism Act 2011; it is an important tool that gives communities statutory powers to shape how their local area develops. This guide explains how the neighbourhood planning system operates within the context of local, regional and national planning legislation. It outlines Westminster City Council's (WCC) role in supporting neighbourhood forums to prepare a neighbourhood plan and provides an overview of the entire process, from designation of a neighbourhood area to adoption of a plan.

## **What does this guide to neighbourhood planning do?**

- Helps you to identify whether a neighbourhood plan is the right fit for your community
- Outlines the neighbourhood planning process step-by-step
- Explains how the council will support neighbourhood forums in developing their plans
- Explains the legislation and regulations that defines your neighbourhood plan

For more advice and information on this guide, please contact us at [neighbourhoodplanning@westminster.gov.uk](mailto:neighbourhoodplanning@westminster.gov.uk). The guide includes a range of links to websites providing supporting information, data or guidance. These links are up to date as of January 2020.

# SECTION 1: INTRODUCTION

## What is a neighbourhood plan?

A neighbourhood plan is a community-led framework for guiding the future development, regeneration and conservation of a designated neighbourhood area. It is prepared by a local Neighbourhood Forum (or, where in place, a Community Council) and it sets out planning policies for the area that are used to determine whether to approve planning applications. The below diagram provides an overview of the neighbourhood planning process, which is explained further in [section 2](#) of this guide.



## A neighbourhood plan can be used to:

- Develop a shared vision for your neighbourhood;
- Choose where new homes, shops, offices and other development should be built;
- Identify and protect important local green spaces;
- Influence what new buildings look like; and
- Plan for the infrastructure needs of the area.

Before embarking on the neighbourhood planning process, you must understand what a neighbourhood plan can and cannot do.

What a neighbourhood plan can do	What a neighbourhood plan cannot do
Decide where and what type of development should happen in the neighbourhood.	Conflict with the strategic policies in Westminster’s City Plan and the Mayor’s London Plan.
Promote more development than is set out in Westminster’s City Plan.	Control development beyond planning matters e.g. street management.
Include policies that complement existing policies in the local plan for the neighbourhood.	Be used to prevent development that is promoted in the local plan.

Neighbourhood plans are optional. There is no legal requirement for a community to prepare a plan; the policies in the City Plan will still apply to your neighbourhood. If you are considering whether a neighbourhood plan is right for your area, reflect on whether your community has concerns relating to development and whether it has the volunteer capacity to create a plan. It can take between two to three years to develop a neighbourhood plan. The benefits and costs of creating a neighbourhood plan, and not relying solely on the City Plan to guide development in your area, are outlined below.

### Benefits of a neighbourhood plan:

- ✓ Gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area.
- ✓ Has statutory weight: planning applications are judged against the London Plan, the City Plan and neighbourhood plan together.
- ✓ Neighbourhood areas with a made neighbourhood plan are allocated 25% of Community Infrastructure Levy (CIL) receipts, instead of the default 15% (explained more in [stage 4](#)). The plan-making process can include identifying shared spending priorities for CIL.
- ✓ The process can bring the community together.

### Costs of a neighbourhood plan:

- It can be time and resource intensive. For example, the need to meet the statutory '[basic conditions](#)' adds time to the process, which is reliant on volunteer time.
- Planning expertise and support is required, which can often come from costly external consultants.

Community consultation can identify non-planning goals which communities can tackle themselves through other means. If your community decides that there is no need to create a neighbourhood plan, there are alternative options to contribute to shaping development in your area:

- Apply for a [Neighbourhood Development Order](#) (a means for neighbourhood forums to grant planning permission to certain types of development within their area)
- Apply for a [Community Right to Build](#) (a form of Neighbourhood Development Order that is used to grant planning permission for small scale development to the benefit of the community in a specific area)
- Influence the council's planning policies by making representations at consultation stages.

- Engage with planning applications, either by entering into pre-application community engagement or attending Planning Applications Sub-Committee meetings and making verbal representations.

### Council support

Whilst the council has a statutory requirement to provide support to neighbourhood forums preparing neighbourhood plans, it is a tool that Westminster embraces by putting local communities at the centre of the planning system. We will provide you with assistance and advice in your neighbourhood plan preparation and look forward to working with neighbourhood forums throughout the process.

However, we cannot draft your plan for you. Your plan belongs to your community; the council's role is to consider and approve your neighbourhood area, forum and plan, ensuring that they meet all the relevant regulations. We will also check that it generally conforms with the London Plan and strategic policies in the City Plan. [Section 2](#) of this guide identifies the key stages at which the council will provide support and direction for the neighbourhood planning process.

### Overview of the neighbourhood planning process

The key stages to produce a neighbourhood plan are outlined in the next [section](#). Whilst the process is listed in defined steps and as a logical progression, the reality of neighbourhood planning is often more complex, with different steps running in parallel. The statutory requirements for neighbourhood plans must be properly addressed within the relevant timescales (marked with an \*), but there is flexibility with several of the steps outlined in the table below.

Stage	Steps	Time required (statutory timescales*)	Responsibility of
<b>Stage 1: Designating a neighbourhood area and forum</b>	Step 1: Applying for a neighbourhood area/forum	Take as much time as you need	Neighbourhood forum
	Step 2: Consulting on a neighbourhood area/forum	Six weeks*	Neighbourhood forum, facilitated and promoted by WCC
	Step 3: Designating a neighbourhood area/forum	Decision made within 13 weeks from receipt of the application*	Westminster City Council
<b>Stage 2: Preparing the neighbourhood plan</b>	Step 4: Community engagement	Take as much time as you need	Neighbourhood forum
	Step 5: Reviewing existing policy framework and preparing evidence	Take as much time as you need	Neighbourhood forum
	Step 6: Drafting the plan	Take as much time as you need	Neighbourhood forum
	Step 7: Consulting on the draft plan	Six weeks*	Neighbourhood forum, facilitated and promoted by WCC
<b>Stage 3: Submitting and adopting the neighbourhood plan</b>	Step 8: Submitting the neighbourhood plan	Take as much time as you need	Neighbourhood forum
	Step 9: Consulting on the submitted plan	Six weeks*	Westminster City Council
	Step 10: The examination	As long as the Examiner needs	WCC and an independent Examiner
	Step 11: The referendum	Voters notified 28 days before referendum date*	Westminster City Council
	Step 12: Making the plan	When Full Council meets to make the plan, which takes place every two months	Westminster City Council
<b>Stage 4: Delivering the neighbourhood plan</b>	Applying the neighbourhood plan policies in the determination of planning applications in that neighbourhood area	Until the plan needs to be refreshed (for example when policies in the City Plan have been updated)	Westminster City Council

## SECTION 2: KEY STAGES OF THE NEIGHBOURHOOD PLANNING PROCESS

---

### Stage 1: Designating a neighbourhood area and forum

The process for designating a neighbourhood area and a neighbourhood forum are very similar. The steps in the first stage of the neighbourhood planning process are:

- Step 1: Applying for a neighbourhood area/forum
- Step 2: Consulting on a neighbourhood area/forum application
- Step 3: Designating a neighbourhood area/forum

#### How will we help?

- ✓ Provide you with maps and consider the boundary/ composition of your neighbourhood area
- ✓ Consider your application against the legal requirements
- ✓ Publicise consultation updates and events for designation

### Neighbourhood areas

Nearly all of Westminster is covered by a neighbourhood area designation. Up-to-date information on existing neighbourhood areas is provided on the council's [neighbourhood planning webpage](#).

The neighbourhood area does not have to follow existing administrative boundaries e.g. ward boundaries. You may decide that one area is particularly cohesive and has its own identity, or that adjacent neighbourhoods would benefit from being designated as one neighbourhood area because the subsequent plan could tackle shared issues.

You should check whether there are other neighbourhood areas nearby. If you think that part of an area that is already designated as a neighbourhood area should be part of your area, you will need to talk to us about how to proceed. Whatever area you decide upon, you will need to say why you have chosen it when you make your application to the council. Both the council [website](#) and the [National Planning Practice Guidance \(NPPG\)](#) website outline the process for designating a neighbourhood area. There are no time constraints in setting up an area: you can take as long as you need.

Neighbourhood forum designations are subject to the following tests, highlighted on the council's [neighbourhood planning webpage](#):

- The neighbourhood forum has been established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned;
- There are at least 21 members who live in the area, work in the area or are an elected member for any part of the area; and
- The area is not governed by a parish council.

### Step 1: Applying for a neighbourhood area

To apply for the designation of a neighbourhood area, the community needs to write a letter to the council that includes the following legal requirements:

- a map showing the area you want designated a neighbourhood area (the council can help you to create this map);
- a statement explaining why this area is appropriate for designation; and
- a statement that the organisation or body is a parish council or capable of being designated as a neighbourhood forum, for the purposes of [section 61G](#) of the Town and Country Planning Act 1990.

This process is outlined in [Regulation 5](#) of the Neighbourhood Planning Regulations 2012.

### Business neighbourhood areas

Where a proposed neighbourhood area is one that is wholly or predominantly business in nature, the council may decide to designate it as a business area. This has the effect of allowing business people to vote in an additional referendum on whether to bring the neighbourhood plan into force. While such areas may choose to prepare a plan with a greater business focus, the additional referendum is the only procedural difference between a designated business area, and other neighbourhood planning areas. Even in normal neighbourhood areas, it is important to engage with and involve the business community.

This process is outlined in [section 61H](#) of the Town and Country Planning Act 1990.

### Step 2: Consulting on a neighbourhood area application

The council is required to consult on applications for new neighbourhood areas. Once the council receives an application, we will publish the application on our [neighbourhood planning webpage](#) to give people who live, work or carry out business in the area an opportunity to comment. Residents and businesses can subscribe to the [Planning Consultation List Enrolment](#).

We aim to set up and start the consultation within two weeks of receiving a complete application. An application will be subject to public consultation for at least six weeks, in alignment with [Regulation 6](#) (2012). Consultation events will be published online on the council's [consultation webpage](#), but we advise that you also promote the consultation locally.

### Step 3: Designating a neighbourhood area

After consultation, the responses will be considered. A report detailing the main issues raised in responses will be prepared for the Cabinet Member for Place Shaping and Planning. In most circumstances, this report will have a recommendation for the area to be designated. In accordance with [Regulation 6a](#) of the Neighbourhood Planning Regulations (2015), the council has a total of 13 weeks to determine the application from the date that the consultation started. If the area extends outside Westminster, we will have 21 weeks to determine the application.

### Neighbourhood forums

Once a neighbourhood area has been designated, members of the community can form a neighbourhood forum to take forward the development of a neighbourhood plan. The steps (1-3) to designate a neighbourhood area are similar to that of designating a neighbourhood forum. A neighbourhood forum application must contain:

- The name of the proposed neighbourhood forum;
- A copy of your written constitution;
- The name of the neighbourhood area and a map identifying it;
- Contact details for at least one member (which will be made public); and
- A statement explaining how the neighbourhood forum meets the requirements of [section 61F\(5\)](#) of the Town and Country Planning Act 1990 (as amended). This statement should explain how the forum was put together and include contact details of the people in the forum.

The factors affecting the council's decision to designate are:

- How widely the membership is drawn (including different places and different sections of the community); and
- How the purpose of the group generally reflects the character of the area.

If a neighbourhood forum is designated, no other organisation or body can be designated as a forum for that neighbourhood area until the existing designation expires or is withdrawn. A neighbourhood forum designation expires after five years from the date it is made. The re-designation process is identical to the initial designation process.

The council is also required to consult on applications for new neighbourhood forums. On receiving an application, the council will publicise it for a six week period to provide an opportunity for people in the local area to comment. We aim to set up and start the consultation within two weeks of receiving a complete application. Similarly to consultations for neighbourhood areas, the council will publish consultation updates and events on our website, but we advise that you also promote the consultation locally. In accordance with [Regulation 2](#) of the Neighbourhood Planning and Development Management Procedure (Amendments) Regulations 2016, the council has a total of 13 weeks to determine the application from the date that the consultation started. For applications that extend beyond Westminster and require an application to more than one council, we will have 21 weeks to determine the application.

### Stage 2: Preparing the neighbourhood plan

Once an area and forum have been designated, there are four steps in this initial stage of drawing up a draft plan:

- Step 4: Community engagement
- Step 5: Reviewing existing policy framework and preparing evidence
- Step 6: Drafting the plan
- Step 7: Consulting on the draft plan

#### Step 4: Community engagement

Community engagement should aim to involve everyone in the local area whom might be affected by the neighbourhood plan. This will mainly be residents, but it will also include anyone who travels into the area to work, visitors and local businesses. You should seek to include landowners or their agents if you are considering designating land or if development is proposed in the plan. A priority early in the plan-making process should be to list all the people and groups you can think of whom you will need to involve.

We can help you decide how best to involve the community in developing your neighbourhood plan. Before you begin writing your plan, it may be helpful to:

- Focus on informing people about what a neighbourhood plan is, that a neighbourhood plan is being prepared for their area, and how they can get involved;
- Ask the community open questions, enabling everyone to say what is important to them, rather than limiting views to specified issues; and
- Delve deeper into key issues/themes that have been highlighted as important to the community.

The engagement methods you choose to use are up to you. Be creative to engage people's interest and imagination. Methods could include:

- Polls or surveys (paper and/or online);
- Online discussion forums, social media comments;
- Market/street stalls/stalls at community events;
- Open workshops;
- A walk round your area, with people taking pictures of what they like or dislike; and
- Making a 3D model of your area, using approaches like [Planning for Real](#).

It is important to balance the views of the community with robust local evidence. Secondary evidence can help inform community discussion, moving the debate beyond one based solely on opinion.

#### Step 5: Reviewing existing policy framework and preparing evidence

There are several sources of information on a range of topics that can support your plan, including:

- **Plans and strategies:** as explained in [section 5](#) of this guide, neighbourhood plans must be in general conformity with the statutory development plan (the City Plan and London Plan). It is crucial that a neighbourhood plan does not repeat policies already included in the development plan; it is not necessary and can lead to confusion as to how the policies are applied if they are worded differently.
- **Policy designations:** policy designations for buildings (e.g. listed buildings), sites (e.g. scheduled ancient monuments), routes (e.g. public rights of way) and areas (e.g. Royal Parks) highlight what is special in your area, and what should be protected or enhanced when planning for development. You need to take account of these kinds of designations when preparing your plan.
- **Evidence:** the policies you include in your plan must be based upon robust evidence as well as upon community priorities. There is a huge range of Westminster-based evidence sources available in different formats, including written reports, data presented as interactive mapping or charts, and raw data. Most of this is available on the council's [neighbourhood planning webpage](#), but the council will also be able to provide more specific data sets upon request for you to analyse. Given the breadth of information available, think carefully about what is the most relevant evidence that will actively inform your plan. Try to minimise the collection of your own data: you may be able to use or build upon evidence gathered for the City Plan, or for other nearby neighbourhood plans.

## Step 6: Drafting the plan

Once you have gathered community views and evidence, there is a wide range of things to think about when drawing up the draft plan:

- Identify key issues/themes for the plan to address: based on the engagement and consultation you have done and the evidence that you have collected. Some plans may only have one policy: do not feel obliged to write lots of policies that may well repeat planning policies in the City Plan.
- Identify the strategic City Plan policies: strategic policies are indicated as such by the prefix 'S' in the adopted [City Plan](#) (November 2016). In the draft [City Plan 2019-2040](#), Appendix 3 lists which policies, or parts of policies are strategic. Neighbourhood plan policies must be in general conformity with the London Plan and the strategic policies in the City Plan and must not repeat local or national policies; such policies already apply and repeating them causes confusion, wastes time and may lead to unintended consequences.
- Develop clear aims for the neighbourhood plan: that tackle the key issues/themes, whilst recognising that the policies with which to achieve these aims can only deal with planning matters.
- Write relevant planning policies: policies are best written in a concise, positive and unambiguous way, in order to give clear requirements for development to meet, to inform decision makers and those applying for planning permission. There is no need to use jargon or to write in a legalistic way; it is better if the policies are written in simple and plain english. Examples of positive language in a policy could be 'development will demonstrate how it will enhance or maintain the public realm' instead of the negatively phrased 'development will not harm the public realm'.
- Identify any special projects or proposals for the neighbourhood area: consider whether these projects need to be enabled by policies. If they do, we advise that you include any special projects as an appendix to the neighbourhood plan.
- Consider allocating specific sites for different uses: if there are different options for where the development can go, you should highlight in your plan what is the best option(s).
- Use appraisal tools to optimise the impacts of the proposals in the plan. The content of your plan will influence whether there is a need to consider the use of mechanisms like Strategic Environmental Assessment (SEA) and other EU obligations.<sup>1</sup>

When drafting your neighbourhood plan, ensure that the priorities in it have a realistic chance of being delivered. To achieve this, you could create an action plan for how to achieve the aims you have identified in the plan. An action plan could also be an effective way to identify your priorities for spending Community Infrastructure Levy (CIL) receipts. More information on CIL is available in [Stage 3](#) of this section: 'Delivering the neighbourhood plan'.

### Draft plan 'health-check'

As set out in [section 5](#) of this guide, your plan will need to meet the basic conditions to pass examination. We recommend you share an initial first draft with us for which we will provide written feedback for you to consider, and a second draft prior to submission. This is particularly important when you have finished your final draft and are preparing to consult on it, so that we can advise you on any changes needed to ensure it meets the basic conditions.

<sup>1</sup> The Court of Justice of the European Union's ruling in the 'People Over Wind' case (2018) has impacted the Habitats Directive and subsequently the screening process for neighbourhood plans. The Court clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an 'Appropriate Assessment' must be undertaken. There is now an expectation that a plan needs to be screened without considering mitigation, meaning more plans could be considered to have a likely effect on EU-protected sites. For more information on the implications of the decision, visit: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/762518/180723\\_-\\_Notes\\_on\\_Neighbourhood\\_Planning\\_Nov\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762518/180723_-_Notes_on_Neighbourhood_Planning_Nov_2018.pdf)

### Top Tips for drafting your plan

- Engage early with the council to let us know you intend to start working on a Neighbourhood Plan
- Engage early with the local community to identify the key themes and issues you want to address through the Plan
- Make the plan focussed on issues specific to your neighbourhood area that are not covered already by the City Plan, London Plan or NPPF
  - there is no need for a policy on every possible topic area if already adequately addressed elsewhere
- Avoid repeating or simply rephrasing City Plan, London Plan or NPPF if you are not adding anything locally specific to it that will impact on how applications are determined
- Focus on planning policies that can be used to determine planning applications rather than seeking to impose additional procedural requirements on the council as planning authority e.g. additional consultation requirements
- Ensure the plan does not stop development encouraged by the London Plan or City Plan
- Focus on issues that can be controlled through land use planning – i.e. not matters such quality of retail occupiers, licensing hours, changes to bus routes etc.
- Set priorities for future spend of neighbourhood CIL in your area in a ‘projects’ on ‘neighbourhood CIL priorities’ section appendix to the plan
- The plan should have a clear and organised structure, which avoids repetition and clearly sets out the plan’s vision and objectives and how the policies contribute to achieving them. It should also clearly identify what is policy and what is supporting text, and ensure there is evidence justifying the policies – including any standards or development thresholds and their impact on development viability (these can be added as an appendix).
- Number paragraphs and policies, provide clear maps and ensure maps and pictures in the document clearly relate to and support the policies and supporting text. Areas and buildings that are referred to in policies should be clearly identified (e.g. through a map).
- Use plain english, avoid jargon and the use of acronyms. Add a glossary at the end of the document.

#### We can advise on:

- ✓ Making best use of the evidence;
- ✓ What makes a good policy;
- ✓ The role of supporting text to the policies;
- ✓ The requirement for a Strategic Environmental Assessment (SEA);
- ✓ The need to gather more evidence to support your plan;
- ✓ Addressing EU obligations;
- ✓ The use of monitoring indicators;
- ✓ Providing a health-check of your draft plan; and
- ✓ Advising you on whether changes may be needed to ensure it meets the basic conditions.

#### Regulations and guidance

[NPPG: Preparing a neighbourhood plan](#)  
[Locality: How to write planning policies for your neighbourhood plan](#)  
[Locality: How to create a neighbourhood plan: Your step by step roadmap guide](#)  
 The Neighbourhood Planning (General) Regulations 2012: [Regulation 14](#) and [Regulation 21](#)  
[NPPG: Consulting on, and publicising, a neighbourhood plan](#)  
[Neighbourhood Planning and the Historic environment](#)

## Step 7: Consulting on the draft plan

### Pre-submission consultation

The neighbourhood forum is required to undertake consultation for a period of at least six weeks on the draft neighbourhood plan. You should try to publicise the consultation as widely as possible. Consider contacting:

- Local residents and businesses;
- Key consultees, based on the content of the plan (e.g. Natural England, the Environment Agency, Historic England);
- Neighbouring neighbourhood forums;
- Significant landowners, particularly if you are proposing to allocate their land for any reason; and
- Local community organisations.

We can help you publicise the consultation via social media and other online tools and we can provide you with contact details for key consultees subject to GDPR restrictions<sup>2</sup>. You must record the contact details of those that respond to the consultation - an email address is usually sufficient - so that they can be informed of any changes made to the neighbourhood plan. You must also clearly set out how their contact details will (and will not) be used to comply with GDPR legislation. These details need to be sent to the council as part of the consultation statement when you submit the neighbourhood plan.

---

<sup>2</sup> The General Data Protection Regulation (GDPR) came into effect on Friday 25 May 2018. If you are handling personal information as part of your neighbourhood plan consultations, you may want to read associated guidance that the Information Commissions Office (ICO) have prepared: <https://ico.org.uk/for-organisations/guide-to-data-protection/>. This will help you ensure the personal data you hold meets the GDPR 2018 and inform you of the data you can share with the council and the Examiner.

## Responding to the consultation

Once you have identified the main issues raised in comments on the draft plan, you must decide whether you want to change the plan to try to address these issues. It may be necessary to prompt people to suggest how the draft plan could be changed to address the issue raised. However, you do not have to change the plan as they suggest. We will comment on the revised draft plan and determine whether the plan meets the basic conditions.

You will need to set out information about the consultation in the consultation statement. You may find it beneficial to look at how other neighbourhood forums have done this, or how we have done it for the emerging City Plan or our Supplementary Planning Documents (SPDs).

## Stage 3: Submitting and adopting the neighbourhood plan

This is the formal stage of the plan whereby most of the actions are taken by the council. There are five steps to this stage:

- Step 8: Submitting the neighbourhood plan
- Step 9: Consulting on the submitted plan
- Step 10: The examination
- Step 11: The referendum
- Step 12: Making the plan

### How will we help?

- ✓ Inform you of the documents required for submission
- ✓ Publicise consultation updates and events for the final plan
- ✓ Suggest options for the appointment of the Examiner
- ✓ Send the submission documents to the appointed Examiner
- ✓ Arrange and facilitate the referendum

### Step 8: Submitting the neighbourhood plan

The neighbourhood forum passes over the neighbourhood plan to the council at this step. When you are ready to submit your plan, you will need to send us a:

- **Basic conditions statement:** a statement setting out how the neighbourhood plan meets the basic conditions (see [section 5](#)).
- **Consultation statement:** a statement setting out whom and how you consulted on the neighbourhood plan, the main issues raised and how you have addressed them in the final version of the plan. This should include a list of all the people/organisations that made comments on the draft plan (but not their personal details).
- **Consultees' contact details:** the contact details (usually an email address) for all the people/organisations that made comments on the draft plan. This is important as we need this information when we consult on the submitted plan. This should not be part of the Consultation Statement as the contact details need to be kept private to comply with GDPR legislation.
- **Copy of the neighbourhood plan:** please send us an editable version of the final plan e.g. a Word file; if modifications are necessary following the examination, an editable version will enable the post-examination steps to be handled efficiently.

The submission documents also need to include a map of the neighbourhood area, which we can provide for you. It will take us up to four weeks to check the submission documents include everything that is required.

### Step 9: Consulting on the submitted plan

We will publicise the submitted neighbourhood plan and consult on it for a period of six weeks. You can help us by publicising the consultation locally, but this step is ultimately our responsibility.

### Step 10: The examination

#### Choosing an Examiner

We will discuss the appointment of the Examiner with you. There are two main appointment options:

- Both the [NPIERS](#) (Neighbourhood Planning Independent Examiner Referral Service) and [IPE](#) (Intelligent Plans and Examinations) can send the council details of three potential Examiners, based on any specialisms we specify. We will discuss with you whom we think is most appropriate.
- We can send you the contact details of an Examiner that we think would be appropriate - for example, someone who has examined another neighbourhood plan in Westminster.

The council will send the comments received during the submission consultation to the Examiner along with the submission documents. Whilst it is up to the council to decide on the final Examiner, we will make the decision jointly with you.

#### The examination

The examination will most likely be conducted by 'written representations', but could also include public hearings. The Examiner will decide if hearings are necessary based on the complexity of the issues raised and the impact of policies and on whether the plan will meet the basic conditions. The Examiner may ask us to produce a Statement of Common Ground (SCG) between your forum and the council, which informs them of agreements and disagreements between both parties. This statement may recommend modifications to sections of the plan to ensure it meets the basic conditions (see [section 5](#)).

## Examiner's report

### The Examiner writes a report that sets out whether:

- the plan meets the basic conditions as it stands;
- modifications will be necessary for the plan to meet the basic conditions; or
- modifications cannot be made to enable the plan to meet the basic conditions.

If the plan meets the basic conditions as it stands, or if modifications are needed, the recommendation is that the plan can proceed to a referendum. However, if the Examiner concludes that it is not possible to modify the plan to enable it to meet the conditions, the recommendation will be that the plan cannot proceed to a referendum.

The Examiner will take as long as they need to properly examine the plan. The Examiner usually asks us to check their draft report within two weeks. The report will be sent to the neighbourhood forum and the council in draft for 'fact checking', when basic information in the report - dates, sequences of events or names - can be corrected before publication. It is not an opportunity to query or question the Examiner's conclusions. This version is not for publication and should be kept confidential to the council and the neighbourhood forum.

Any necessary modifications will need to be incorporated into the plan by the neighbourhood forum: make sure you include all the modifications. Factual updates and corrections can be addressed at this stage, but more substantial changes must be avoided.

## Regulations and Guidance

[Neighbourhood Planning Independent Examiner Referral Service](#)  
[NPPG: The independent examination](#)  
[Locality: Neighbourhood Plans Roadmap \(page 35\)](#)

## Step 11: The referendum

### Progressing to referendum

The council has a procedure in place for when an Examiner's report is received. Although the Examiner's report is not binding, there are limited options to make changes at this stage. We can:

- **Act upon the Examiner's report and progress the neighbourhood plan to referendum:** this option should be taken when the Examiner either recommends that the plan meets the basic conditions as it stands or can meet them subject to modifications and if the forum agrees to the modifications.
- **Propose to take a substantially different decision from the Examiner's recommendation:** this option can only be taken because of new evidence or a different view taken by the council about an issue. In this case the council must notify all those identified in the consultation statement and invite representations on the alternative decision. Following these representations, the examination may need to be reopened.
- **Decide not to progress the neighbourhood plan because of the Examiner's report:** this is only permissible where the Examiner has recommended that the plan does not proceed to referendum, because it fails to meet the basic conditions or legislative requirements and cannot be modified to do so. As the neighbourhood plan will become part of the statutory development plan (subject to a majority 'yes' vote), the decision as to whether the plan proceeds to referendum is an important one. A report will therefore be prepared for the Cabinet Member for Place Shaping and Planning to determine the course of action to be taken. There are currently no procedures in place for how long we have in order to decide whether or not a neighbourhood plan will proceed to referendum. We will aim to complete this process within nine weeks.

### The referendum for neighbourhood forums

The council will coordinate the necessary administration for setting up the referendum. We will work with you to decide on a suitable date, providing at least 28 working days' notice that the referendum is going to take place. We will publicise the details of the referendum on our neighbourhood planning webpage.

The Examiner may advise that the area for the referendum should be enlarged from the neighbourhood area. If this is the case, those residents living in the larger area outside the neighbourhood area would be eligible to vote in the referendum. It is our responsibility to publicise the details and arrangements for the referendum, whilst it is the responsibility of the neighbourhood forum to campaign for a 'Yes' vote.

#### Factors that will make a 'Yes' vote more likely include:

- Publicity at all stages, so that the voting population are aware of which organisations have contributed to the development of the plan. The result of the referendum should be available within one week.
- Robust community involvement and engagement from the beginning and throughout the plan-making process, involving and engaging with as many people as possible, including minority groups, land owners and their agents, and local businesses.
- Basing the content of the plan on robust evidence and on the outcomes of community engagement. You must explain how key decisions were made in producing the plan and ensure that decision-making has been conducted in an open and transparent way.
- Clearly explaining the choices and compromises made in the plan, whilst addressing the diverse range of local needs and wants.

### The referendum for business neighbourhood areas

If a neighbourhood plan has been drawn up for a neighbourhood business area, two referendums will be held: a resident and a business one. A 50% or more 'Yes' vote from at least one referendum must be returned for the plan to proceed to be made. If the plan only gathers majority support at one referendum, the council decides if the plan should be made, taking into account:

- How close the result is in each referendum (i.e. did one referendum have a much larger majority voting one way than the other); and
- The level of turnout in each referendum (i.e. percentage of eligible voters who voted in the relevant referendum).

Once the neighbourhood plan has been through examination and the Examiner's report has recommended the plan to proceed to referendum, the council will contact all non-domestic rate payers within the neighbourhood area (or beyond if directed by the Examiner's report to invite them to join the Neighbourhood Plan Business Referendum Register and to nominate a single person to represent the business by casting the vote. This will be no less than 56 days before the referendum is due to be held.

#### The procedures for businesses to vote in the referendum are:

- Only businesses on the register will be eligible to vote in the referendum;
- A business must be registered on the business voting register on the day of the referendum; each business gets one vote by one named vote holder. The named vote holder will be named on the form businesses are required to fill out to join the business voting register;
- To be eligible to vote, the named vote holder must be 18 or over and either a British, Irish or EU citizen or a Commonwealth citizen who has leave to enter or remain in the UK or does not require such leave; and
- Rate payers have one vote each regardless of the number of properties they are liable to pay rates on.

Once the date for the referendum has been set, all businesses registered will be contacted with details of the date of the referendum and how to vote. The Regulations for Business Referendums are set out in the [Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(Schedule 6-8\)](#).

### Regulations and Guidance

[NPPG: The neighbourhood planning referendum](#)  
[Locality: Neighbourhood Plans Roadmap \(page 37\)](#)

### Step 12: Making the plan

The neighbourhood plan can be made (i.e. adopted) by Full Council if more than 50% of those voting support the plan. Following a successful referendum, Full Council will formally make the plan at one of their regular meetings, which take place every two months. Once the neighbourhood plan is made it becomes part of the statutory development plan for Westminster. This means that it is a statutory consideration in guiding future development and in the determination of planning applications within the neighbourhood area.

### Stage 4: Delivering the neighbourhood plan

The making of the neighbourhood plan is not the end of the process; the final neighbourhood plan stage is about delivering the priorities identified in your plan. You will find below a number of considerations to ensure that your neighbourhood plan creates positive change locally.

- ✓ **Planning decisions:** the council will determine planning applications in accordance with the statutory development plan for the area – which will include your neighbourhood plan when it is made.
- ✓ **Allocations of land for development:** as you write your neighbourhood plan, you can start thinking about how you will ensure that the development you want to see happens. This could involve talking to landowners or the council about how the development could be delivered, or starting to consider how a project might be funded.

- ✓ **Community Infrastructure Levy (CIL):** you can tap into the neighbourhood portion of CIL to assist the delivery of infrastructure projects that support neighbourhood priorities. It is recommended that such projects be identified in an appendix to the neighbourhood plan. More details on CIL can be found in the [Section 3](#).

### Guidance and Resources

[NPPG: Community Infrastructure Levy \(Spending the Levy\)](#)  
[Westminster City Council's Community Infrastructure Levy](#)

### Monitoring and reviewing your neighbourhood plan

Keeping track of the progress of the objectives and policies included in your plan (monitored either by you or in our annual [Authority Monitoring Reports](#)) will help you assess whether your plan's aims are being achieved, and if not, whether you need to do anything different to achieve them.

If circumstances in your area change, you may wish to refresh your neighbourhood plan. Any neighbourhood plan review will have to involve at least the formal processes of consultation, examination and referendum (steps 6 to 11). The [NPPG](#) contains advice about the procedures to follow when updating a neighbourhood plan.

### Neighbourhood forums as a statutory planning consultee

According to planning legislation (outlined in the [NPPG](#)), designated neighbourhood forums must be consulted on a planning application for certain types of development before a decision is made. Neighbourhood forums are under a duty to respond to an application within a given deadline and must provide a substantive response to the application in question.

## SECTION 3: COMMUNITY INFRASTRUCTURE LEVY (CIL)

---

### What is CIL?

CIL is a levy that local authorities can choose to charge on new developments in their area. Money secured in this way can be spent on infrastructure that supports growth anywhere in Westminster and is not time-limited.

Westminster's CIL is split into the following portions, as required by law:

- Strategic portion (70-80%): to be spent on infrastructure to support the growth of the area.
- Neighbourhood portion (15-25%): to be spent on local priorities (infrastructure and anything else required to address the impacts of growth) in agreement with the local community.
- Administrative portion (5%): to be spent on administering the collection of CIL.

### What about the 'neighbourhood portion' of Westminster's CIL?

The 'neighbourhood portion' is initially set at 15% of CIL receipts in each neighbourhood area, capped at £100 per council tax dwelling (calculated on an annual basis). This means that for example an area with 500 dwellings cannot receive more than £50,000 of CIL receipts per year. This will rise to 25% of receipts (uncapped) where a neighbourhood plan is in place.

This portion can be used to support the development of the area and can fund anything that is concerned with addressing the demands that development places on an area. The council is required to spend this portion in agreement with local communities.

Ideas put forward by those that live and/or work in the area should be considered along with projects that have been identified by communities through the development of their neighbourhood plans. Ward member support will be a key criterion in taking neighbourhood CIL spending decisions.

### How to bid for the 'neighbourhood portion' of CIL

The Cabinet CIL Committee meet twice per year to consider bids put forward for the 'neighbourhood portion' of CIL. In advance of each committee, the relevant neighbourhood forums and Ward Councillors will be contacted by council officers and informed of CIL monies available within their neighbourhood and the deadline for making applications. They will then be invited to submit bids for CIL funds on a simple standardised application form, which incorporates the criteria for CIL funding. At least two Ward Councillors will need to support a project for it to be successful.

Where there is no designated neighbourhood forum, other community groups will be contacted and invited to submit proposals. Primarily, this will be the various amenity societies, who will be required to consult with any relevant Business Improvement Districts (BIDs) and Ward Councillors for the area.

Once received by the council, applications for neighbourhood CIL funding will be evaluated by the relevant service area to assess their feasibility. In order to be successful, bids will need to fall within the parameters set out in legislation and in the council's CIL Spending Policy Statement. If the project is feasible and the criteria are met, proposals will be put to the CIL Governance Group of senior officers before being presented to the Cabinet CIL Committee for decision. Each application will require a council sponsor from the relevant service area in order to ensure effective monitoring and the delivery of projects allocated funds.

Further details on the process to bid for and on the allocation of the 'neighbourhood portion' of CIL will be provided on the council's website.

## SECTION 4: COUNCIL SUPPORT FOR NEIGHBOURHOOD PLANNING

The council has a statutory requirement to provide support for neighbourhood planning, which is known as the 'duty to support'. This includes two specific roles: taking decisions at key stages in the neighbourhood planning process; and providing advice and assistance to the neighbourhood forums preparing neighbourhood plans. Council officers can provide advice and assistance in several ways:

Advice	Assistance
Technical expertise (e.g. explaining how you can meet the legal requirements for neighbourhood plans; providing advice on policy writing)	Process guidance (e.g. explaining the timescales and processes for examination and referendum)
Critical friend (e.g. commenting on draft questionnaires, reviewing the draft plan)	Point to evidence (e.g. population and housing evidence sources and data)
	Point you towards further support and funding (e.g. connecting you with groups that are further ahead in the process)

Nonetheless, neighbourhood planning is led by the community; we cannot and should not write your plan for you. The support offer set out in this guide is therefore focused on providing specific support at key stages in the neighbourhood planning process, as detailed below.

Neighbourhood planning stage	Support from the council
Designating neighbourhood areas and forums	We will consider the boundary of your neighbourhood area and the composition of your neighbourhood forum before designation (the Cabinet Member for Place Shaping and Planning is ultimately responsible for the final designation decision). We will also publicise consultation updates and events for the designation of your neighbourhood area/forum on our website.
Community and stakeholder engagement	We can publicise consultation updates and events on our website. However, we are not responsible for informal consultation or community engagement.
Building the evidence base	We can steer you towards relevant evidence sources for your plan and provide you with local data sets (although we cannot analyse the data sets for you). We can also provide GIS shapefiles <sup>3</sup> so you can produce maps for your plan (although we cannot produce them for you). These sources can be found on our <a href="#">neighbourhood planning webpage</a> .
General conformity with the strategic policies in the statutory development plan	Before you draft the plan, we can discuss the requirement for general conformity with the strategic policies in the statutory development plan. This is made up of the adopted City Plan and London Plan. We will check your draft and submitted plan to assess how it meets the requirement for general conformity and advise where there is inconsistency.
Plan preparation	We can advise on key parts of the plan preparation process, from what makes a good plan to how to gather evidence (see <a href="#">section 4</a> of this guide). We can review your first draft of your plan at this stage and provide written comments for you to consider.
Draft plan health-check	Once we have provided feedback on your first draft and you have re-drafted where necessary, we ask that you share the second draft of your plan with us to ensure that it meets the basic conditions (see <a href="#">section 5</a> of this guide) – particularly before you consult on it.
Submitting the plan	We can inform you of the documents required for submission, including the: basic conditions statement, consultation statement, consultees’ contact details, and neighbourhood plan.
The examination	We can suggest options for the appointment of the Examiner and choose one in agreement with you. We will also draft the Statement of Common Ground (SGC) where requested by the Examiner and send the submission documents to the appointed Examiner.
The referendum	We will coordinate the necessary administration for setting up and facilitating the referendum. You will decide on a suitable date for the referendum to be held.

<sup>3</sup> A number of base layers may need to be ordered through Emapsite as the council cannot provide you with them. The council will however refund the cost.

Your neighbourhood forum will be allocated a dedicated lead officer and a support officer from the council's Policy & Projects team throughout the process. An initial meeting will be arranged to discuss your neighbourhood plan aims, resources and timescales, and its relationship with the City Plan. The best neighbourhood plans that have an impact on local development are the result of constructive and ongoing conversations with the council. Keeping in touch with us at key points in the process will ensure that your neighbourhood plan:

- is based upon the most relevant evidence;
- is additional and complementary to City Plan policies; and
- has 'teeth', in terms of influencing planning decisions.

It is recommended that neighbourhood planning enquiries are sent to [neighbourhoodplanning@westminster.gov.uk](mailto:neighbourhoodplanning@westminster.gov.uk). You will receive a response from the team within 14 days.

### Funding opportunities

There are funding sources available to support neighbourhood planning. All groups writing a neighbourhood plan or Neighbourhood Development Order will be eligible to apply for up to £9,000 in a basic neighbourhood planning grant. Groups facing more complex issues can apply for additional grant funding for up to £8,000 (in addition to the basic grant) or for specific packages of technical support, in the same application.

The council can also claim funding from central government once the referendum date for a neighbourhood plan has been set. This funding covers officer time to provide advice and assistance to communities in taking forward their neighbourhood plans and payments for examinations and referendums.

For further details of the funding opportunities you can access, use the following links from the neighbourhood planning website.

- [Basic neighbourhood planning grant](#)
- [Additional grant funding](#)
- [Technical support](#)

There are also opportunities to receive advice from consultants if you feel that you would benefit from more intensive planning support, to help you with specific parts of the process. If the cost of a consultant exceeds the grant allocated to the forum, it will need to be funded by the forum and the council will not provide any funding to support this.

### Online guidance

If you want to create a neighbourhood plan, there is a wealth of excellent guidance available online. This guide provides links to a wide range of other sources of neighbourhood planning advice and information. Locality's bespoke neighbourhood planning website is the most useful online tool to help you prepare for the neighbourhood planning process. Two particular documents are worth paying attention to:

- [How to create a neighbourhood plan: Your step by step roadmap guide](#)
- [Neighbourhood Planning Grant & Technical Support Guidance Notes](#)

The following list provides other helpful links to neighbourhood planning guidance available online. It is not an exhaustive list and if you find another resource that has been particularly helpful, we encourage you to share it with us so we can share it with other forums.

<a href="#">National Planning Practice Guidance (NPPG)</a>	Sets out the national requirements for the neighbourhood planning system including key stages and decisions (e.g. deciding neighbourhood areas, the legal tests for neighbourhood plans, and the process of independent examination and referendum).
<a href="#">Forum for Neighbourhood Planning</a>	Helpful to learn from other neighbourhood forums' experiences and for posting questions on a forum.
<a href="#">Ministry of Housing, Communities &amp; Local Government: notes on neighbourhood Planning</a>	Provides update bulletins on neighbourhood plan progress nationally, including links to new resources as they become available.
Twitter #neighbourhoodplanning	Useful for getting inspiration and following links to other's activities.

## SECTION 5: MEETING THE BASIC CONDITIONS

---

### Planning regulations

To be successful at examination, a neighbourhood plan must meet several tests, known as the 'basic conditions'.

The council can advise you at the start of the process about how to meet the [basic conditions](#). The [next section](#) of this guide provides further detail on planning regulations.

The Town and Country Planning Act 1990 (as amended) prescribes that your neighbourhood plan must demonstrate that it meets the following basic conditions:

- Have regard to national policy;
- Contribute to the achievement of sustainable development;
- Conform with strategic policies adopted in the statutory development plan; and
- Conform with EU obligations.

### National policy

As set out in the [National Planning Policy Framework](#) (NPPF), national policy outlines general planning principles and leaves the detail to local and neighbourhood plans. Policies in the NPPF must be considered when preparing a neighbourhood plan. However, it does not dictate how your plan should be written or the planning outcomes. It is a framework for producing distinctive neighbourhood plans which meet local needs. The [National Planning Practice Guidance](#) (NPPG) provides guidance on statutory processes for neighbourhood forums and planning authorities, as well as the application of national policy.

National and regional (i.e. the London Plan) planning policies are 'material considerations' for local and neighbourhood plans. If successful at referendum, a neighbourhood plan will become part of the statutory development plan for the area. This means that it is a statutory consideration in guiding future development and in the determination of planning applications within the neighbourhood area.

### Sustainable development

The key theme of the NPPF is sustainable development. Neighbourhood plans must demonstrate how their policies contribute to improvements in environmental, economic and social condition, using sufficient and proportionate evidence. You may be able to use the adopted City Plan Sustainability Appraisal (SA) – that forms part of the [Integrated Impact Assessment](#) – to provide some of this evidence. Plans can also show consideration to how potential adverse effects arising from the proposals may be prevented.

We can discuss with you the options for evidencing how your plan delivers sustainable development. A number of practical examples are listed in the Locality guide '[How to create a neighbourhood plan: Your step by step roadmap guide](#)' (see page 43). The [NPPG](#) also outlines how your plan can demonstrate sustainable development.

### Strategic policies in the statutory development plan

Neighbourhood plans need to be in general conformity with the strategic policies contained in the statutory development plan for the area. As of December 2019, Westminster's development plan is made up of: the [City Plan](#) (2016), the [London Plan](#) (2016), and the saved policies of [Westminster's Unitary Development Plan](#) (2007). However, you should be mindful of emerging changes to the Westminster's development plan. The City Plan is undergoing a complete review which is expected to be adopted in 2020, but will start to be a material consideration before that date depending on how the examination progresses. Once adopted, the new City Plan will replace the existing plan and all Unitary Development Plan (UDP) policies. Similarly, the London Plan is undergoing a complete review. Where a neighbourhood plan is brought forward before the emerging new City Plan is adopted, we will work positively with the neighbourhood forum to minimise any conflicts with the emerging plan.

The adopted City Plan sets the context for development in Westminster and includes both strategic and non-strategic policies. The policy areas in the City Plan that are considered to be strategic are indicated as such by the prefix 'S' in the adopted [City Plan](#) (November 2016). In the draft [City Plan 2019-2040](#), they can be found listed in Appendix 3.

We can discuss with you at the beginning of the process what the requirement for [general conformity](#) with the development plan's strategic policies means. We will check your draft and submitted plan to assess how it meets the legal requirements for general conformity.

### EU obligations

Your neighbourhood plan must be consistent with [EU obligations](#) in order to be legally compliant. The key planning obligations relate to the environmental impacts of your plan, such as the [Strategic Environmental Assessment](#) (SEA), which integrates consideration of environmental impacts into the process of preparing a plan. With our support, you will need to identify whether your plan could trigger these types of environmental obligations.

We will discuss with you the steps that you need to take and what evidence needs to be produced to comply with the EU obligations.

### Contact Us

If you have any questions about this guide, please contact the council at [neighbourhoodplanning@westminster.gov.uk](mailto:neighbourhoodplanning@westminster.gov.uk). For general planning policy queries, please contact [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk).



City of Westminster