

## **Addendum to the Lambeth Statement of Community Involvement 2015**

### **How Lambeth Council provides advice or assistance for neighbourhood planning**

#### **A1. Introduction**

- A1.1 The primary purpose of this addendum to the Statement of Community Involvement (SCI) 2015 is to satisfy the requirements of section 6 of the Neighbourhood Planning Act 2017 for local planning authorities to set out in their SCI their policy for discharging their duty to give advice or assistance to qualifying bodies to facilitate proposals for neighbourhood development plans or neighbourhood development orders, including proposals for the modification of neighbourhood development plans. The approach to providing advice and assistance with neighbourhood development orders applies equally to community right to build orders. References to legislation and government guidance are correct as of May 2018. Changes in legislation or government guidance may affect the way in which the principles set out in this addendum are applied in the future.
- A1.2 This addendum sets out how the Council will provide advice or assistance at the different stages involved in making neighbourhood development orders and neighbourhood development plans, and in the modification of neighbourhood development plans. It also gives a brief overview of the process for preparing a neighbourhood development plan or neighbourhood development order.
- A1.3 National Planning Practice Guidance ([www.nppg.gov.uk](http://www.nppg.gov.uk)) provides extensive guidance on the neighbourhood planning process. The Council encourages those embarking on neighbourhood planning to refer to this online guidance for the most up-to-date information on legislation, process and requirements.
- A1.4 Section 149 of the Equality Act 2010 requires public authorities to comply with the public sector equality duty. This requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. An Equalities Impact Assessment (EqIA) will generally be undertaken in relation to decisions relating to neighbourhood planning, for example on designation of a neighbourhood area or forum, or when a neighbourhood plan is ready to be put into place. Neighbourhood forums are therefore advised to include as much information as possible about their view of the potential impacts of their proposals on different sections of the community in the documents they prepare for consultation and submission. Council officers can provide neighbourhood forums with technical advice about how to go about collating and presenting this information.
- A1.5 Officers can provide advice about the neighbourhood planning process generally, including the statutory requirements that apply at various stages. Requests for advice or for further information about neighbourhood planning should be made in writing to [planningpolicy@lambeth.gov.uk](mailto:planningpolicy@lambeth.gov.uk). A response can be expected within ten working days of receiving the request, or other agreed timeframe.

#### **A2 Initial meeting with the Council**

- A2.1 The Council recommends prospective neighbourhood forums request a meeting with officers in the Council's Planning Strategy and Policy team at an early stage to go through the neighbourhood planning process and statutory requirements. Officers will aim to arrange this meeting as soon as possible after it has been requested. This meeting will provide an opportunity to discuss the potential area proposed for neighbourhood designation, and to discuss the scope of any potential neighbourhood plan, including the

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inter-relationship with the existing development plan for the borough and, where relevant, forthcoming reviews of the development plan.

- A2.2 Neighbourhood forums are advised to produce, prior to the initial meeting with Council officers, a draft project plan for the preparation of a neighbourhood plan or neighbourhood development order. The draft project plan can be discussed in the meeting, after which officers can provide written feedback if necessary.

#### **A3 Stage 1: Designating neighbourhood area and forum**

##### Designating neighbourhood area

- A3.1 An application must be made to the local planning authority by a prospective neighbourhood forum for a neighbourhood area to be designated. The prospective neighbourhood forum is advised to send a draft application for comment to Council officers prior to submitting an application for neighbourhood area designation.
- A3.2 The application must include a map which identifies the area to which the application relates, and a statement explaining the status of the body that is making the application and why this area is considered appropriate to be designated as a neighbourhood area. For further information about the application requirements, please refer to the online [Planning Practice Guidance](#).
- A3.3 To assist production of a map, Lambeth's Open Mapping portal provides access to boundaries for all designated planning policy areas in the borough. It also offers some functionality for creating and exporting maps. Groups will need access to GIS software and expertise to be able to use the mapping data. The Ordnance Survey (OS) provides a number of free background mapping datasets through their website. Again, GIS software is needed to create maps using these OS datasets. Other mapping freeware may also be available.
- A3.4 More detailed OS background mapping may be available via the Council in limited circumstances. The relevant data has stringent copyright requirements associated with it, and groups will be asked to demonstrate that they have a specific need for the data and how they intend to publish it. Officers can if requested provide groups with further advice about how to access mapping information, either from the Council or more generally.
- A3.5 Legislation does not allow for the overlap of neighbourhood areas. Sometimes there can be different views about which neighbourhood(s) a particular area most closely aligns to. Should this happen officers will aim to broker a discussion between relevant stakeholders.
- A3.6 Where an area application crosses one or more borough boundaries, Lambeth officers will make contact with officers in the other borough(s) with the aim of reaching agreement about how the application will be handled at officer level. Where a proposed neighbourhood area includes land in more than one borough, each affected local planning authority will as a rule remain responsible for taking decisions about the designation of the part of the proposed neighbourhood area falling within its boundary.
- A3.7 Once an application is made to designate a neighbourhood area, the Council will publicise the application and seek comments for a period of six weeks (or 12 weeks for business-led

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neighbourhood plans). The Council will also notify parties who have previously expressed an interest in being kept informed about planning policy in the borough, and whose up to date contact details have been provided along with any appropriate consents to data processing, about receipt of the application.

A3.8 The Council will aim to determine the application within the prescribed timescales, which at present are 13 weeks from it first being publicised or 20 weeks where an application relates to more than one local authority area.

#### Designating a neighbourhood forum

A3.9 Once an application is made for designation of a neighbourhood forum, the Council will publicise the application and seek comments for a period of six weeks (or 12 weeks for business-led neighbourhood forums). The same notification procedure will apply as set out at A3.7 above.

A3.10 The Council will aim to take a decision on an application to designate a neighbourhood forum within the prescribed timeframes, which at present are 13 weeks (or 20 weeks, where the application must be submitted to more than one local planning authority) (these timescales do not apply in cases where there is already a neighbourhood forum application under consideration that relates to all or part of the same area).

A3.11 The neighbourhood forum designation expires after five years. Forums will then need to reapply for their neighbourhood forum designation. The process of reapplying for designation will follow the process for initial designation.

#### **A4 Stage 2: Preparing a draft neighbourhood plan or draft neighbourhood development order**

A4.1 At this stage, neighbourhood forums may find it useful to meet with Council officers again to discuss potential scope of any proposed neighbourhood plan or order and other matters related to the plan/order making process. Officers encourage groups to share an early working draft of their neighbourhood plan or order so that officers may provide comments that the forum may wish to take into account in preparing a draft to proceed to public consultation at the next stage of the process. Officers will need sufficient time and information in order to be able to provide comments. Timescales and information requirements can be discussed and agreed with officers.

A4.2 Officers will aim to provide comments on working draft(s) of a neighbourhood plan/neighbourhood development order by the timescales that are being worked to by neighbourhood forums. To facilitate this, neighbourhood forums need to keep officers up to date with their proposed timetables for neighbourhood plan/development order preparation. This will help officer resources to be managed so as to provide effective support.

A4.3 In preparing a neighbourhood plan or neighbourhood development order, the [PPG](#) encourages neighbourhood forums to:

1. gather baseline information and evidence about the neighbourhood area
2. engage and consult those living and working in the neighbourhood area and those with an interest in or affected by the proposals

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3. talk to land owners and the development industry
  4. identify and assess options
  5. determine whether a plan or an order is likely to have significant environmental effects
  6. start to prepare proposal documents e.g. basic condition statement.
- A4.4 Up-to-date planning policy evidence base and monitoring data is [published](#) online by the Council and is available to neighbourhood forums to inform the work they are doing.
- A4.5 A neighbourhood plan must be in general conformity with the strategic policies of the development plan for Lambeth, which includes the London Plan and the Lambeth Local Plan. Officers can provide guidance if requested about the relationship between proposed neighbourhood development plan policies and strategic policies in development plans.
- A4.6 Neighbourhood planning groups need to be aware that the role of officers is to provide advice and guidance about the content of a draft neighbourhood plan or order. Officers cannot produce a neighbourhood plan or order, write policies, commission or endorse specific consultancy companies, undertake administrative tasks associated with plan preparation, or provide financial support or any other form of dedicated resource.
- A4.7 Funding from external organisations or agencies may be available to neighbourhood forums in connection with formulating neighbourhood plans and/or development orders. Officers can if requested provide further information about possible sources of funding.
- A4.8 Officers can on request comment on an early draft of the basic conditions statement and other individual draft submission documents.
- A4.9 Once neighbourhood forums consider that they are ready to proceed to the next stage of formal public consultation (referred to in more detail at stage 3 below), they are strongly advised to provide officers with the proposed consultation version, especially if officers have not previously been asked to review working or early drafts. The reason for this is to make the public consultation period as effective as possible and to identify any key issues before a draft neighbourhood plan/order is formally submitted to the Council for consideration at stage 4 of the process set out below.
- A5 Stage 3: Pre-submission publicity and consultation – regulations 14 and 21 of the Neighbourhood Planning (General) Regulations 2012 (the Regulations)**
- A5.1 The neighbourhood forum must publicise the draft neighbourhood plan or neighbourhood development order for at least six weeks in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area and consult any consultation body referred to in the relevant paragraphs of Schedule 1 of the Regulations whose interests the neighbourhood forum considers may be affected by the proposals for a neighbourhood development plan or order. It must send a copy of the draft plan or order to the Council. The neighbourhood forum should consider consultation responses and amend the plan/order if appropriate. A consultation statement needs to be prepared by the neighbourhood forum.

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- A5.2 The Council is not in a position to share its database of planning policy contacts with neighbourhood forums. However, if requested by neighbourhood forums, Council officers can issue notifications to relevant contacts on behalf of neighbourhood forums.
- A5.3 The Council will generally provide a full written representation when the statutory pre-submission consultation takes place.
- A5.4 At this stage the Council will prepare an initial Strategic Environment Assessment (SEA) screening report in relation to a draft neighbourhood plan, and will decide whether a full assessment is required under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). Officers will consult the relevant statutory bodies as part of that process and inform the neighbourhood forum of the outcome. The Council may need to ask the neighbourhood forum to obtain additional information in order to enable the Council to carry out these steps.
- A5.5 Should it be determined as a result of the SEA screening process that a draft neighbourhood plan would have significant environmental effects, a full SEA assessment will be required. The responsibility to produce this will fall on with the neighbourhood forum. If a neighbourhood forum wishes to rely on a Sustainability Appraisal (SA) to show how the objective of sustainable development is met, it would be the responsibility of the forum to produce the SA. Further advice on the SEA and SA processes can be found on the PPG [webpages](#). The Council is not able to undertake full SEA and/or SA on behalf of a neighbourhood forum, but officers can provide advice about how to approach this task. If a full assessment under the Habitats Regulations is required, officers will discuss with the neighbourhood forum what this will need to contain and how this should be progressed.
- A5.6 In the case of a proposal for a neighbourhood development order, the Environmental Impact Assessment (EIA) Regulations 2017 will need to be considered (in addition to the Habitats Regulations) and the proposal may require screening by the Council under the EIA Regulations. Officers will advise the neighbourhood forum if any steps are required to be taken by the forum, including if an Environmental Statement (ES) is necessary, and if any further information is needed in connection with the EIA process. Officers can if requested provide further guidance about how to go about preparing an ES, but they cannot prepare the document on behalf of a neighbourhood forum.
- A5.7 If as a result of the Council's full written representation (referred to at A5.3) the neighbourhood forum considers that they require time to modify the draft plan, the neighbourhood forum may request a further round of comments from officers on their revised draft plan, prior to the formal submission stage (referred to at A6). This can include further consideration by officers of whether revisions to documents would be likely to meet the various statutory requirements. Should this offer be taken up by the neighbourhood forum, the forum and officers would need to agree a revised timetable for the additional round of comments and submission.
- A5.8 Neighbourhood forums are strongly advised to send a full set of draft submission documents to officers for comment prior to the formal submission of documents to the Council (at step 4 below), whether or not there has been prior contact with officers about earlier or working

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versions of these documents. Officers will aim to give the neighbourhood forum an indication at that stage (as part of the advice and assistance process) of whether those documents would be considered to be compliant with the various requirements in the legislation, if the documents were to be formally submitted in this format. The neighbourhood forum should allow sufficient time for officers to provide comments on the draft submitted proposal documents.

**A6 Step 4: Submission of a neighbourhood plan or order proposed to Lambeth Council**

- A6.1 Following the completion of step 3 above and on formal submission of a draft neighbourhood plan and associated submission documents, the Council will consider and make a decision about whether the documents satisfy various statutory requirements.
- A6.2 If the Council finds that the draft plan or draft order does not meet those statutory requirements, it will inform the neighbourhood forum outlining the reasons why it considers that the submission documents fall short of the applicable legal requirements.
- A6.3 If the Council finds that the draft plan or draft order meets the statutory requirements it will:
- publicise the proposal for a minimum of six weeks and invite representations
  - notify consultation bodies referred to in the consultation statement
  - appoint an independent examiner, with agreement of the neighbourhood forum.
- A6.4 In publicising the draft plan or draft order, the Council will use the same consultation mechanisms that it uses for publicising its own draft development plan documents, i.e. make available for public inspection all submission documents at the principal Council office and other such places as appropriate (normally the library local to the neighbourhood area) and publish the documents on the Council website. The Council will also send notification of the availability of submission documents to contacts on its planning policy database, including consultation bodies referred to in the consultation statement.
- A6.5 The Council will prepare an updated SEA screening report on the submission version of the draft neighbourhood plan taking into account statutory consultee comments.

**A7 Step 5: Independent examination**

- A7.1 The Council will send the draft plan/order proposal and representations to the independent examiner. A hearing is not normally required. However if the independent examiner considers it necessary to ensure adequate examination of an issue or to give a person a fair chance to put their case, a hearing must be held to listen to oral representations about a particular issue. In this instance, the Council, in consultation with the examiner, will arrange the date and location for the hearing. The independent examiner decides the format and scope of the hearing and who will be invited to speak.
- A7.2 On receipt of the independent examiner's report the Council will make the report available at the principal Council office and such other places as appropriate (normally the library local to the neighbourhood area), and publish the report on the Council website. The neighbourhood forum receives a copy of the report direct from the independent examiner.
- A7.3 The Council will consider the examiner's report and recommendations upon receipt of the report. The Council will decide what action to take in response to each of the report's

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recommendations, including whether to send the plan/order to referendum.

Neighbourhood forums are able to ask the Secretary of State to intervene, should they disagree with certain of the Council's decisions at this stage. Such a request would need to be made in accordance with the relevant statutory requirements. These are contained in paragraph 13B of Schedule 4B to the Town and Country Planning Act 1990 and include a time limit and format for making the request to the Secretary of State.

- A7.4 If the Council proposes to make a decision which differs from that recommended by the examiner, it will notify the following people or groups of its proposed decision, including reasons for it, and invite representations from:
- the neighbourhood forum;
  - anyone whose representation was submitted to the examiner; and
  - any consultation body that was previously consulted.
- A7.5 Representations must be submitted to the Council within six weeks of the Council inviting representations. If the Council considers it appropriate, it can refer the issue to independent examination. The Council will issue its final decision within five weeks of the closing date for representations, or within five weeks of receipt of the examiner's report if the issue was referred to examination.
- A7.6 If necessary, the Council will at this stage update any applicable environmental screening documents and any assessments that have been carried out by the Council to take account of any modifications to the draft plan or order recommended through the examination process.
- A7.7 Once step 5 of the plan/order-making process has been reached, officers anticipate that there will be less need for advice or assistance to be provided. However if neighbourhood forums have specific questions that are not addressed through contact with officers as part of step 5, these can be raised as outlined at A1.5 above.
- A8 Steps 6 and 7: Referendum and bringing the neighbourhood plan or order into force**
- A8.1 The Council will make arrangements for the referendum to take place. In the case of a business-led neighbourhood plan there would need to be two referendums with businesses and residents. The referendum will be run by the Council's electoral services team. Officers in planning policy will liaise with the electoral services team in discussion with the neighbourhood forum about the arrangements for the referendum. The Council will publish an information statement and notice of referendum(s). Polling takes place and results are declared. If the majority of those who vote in a referendum are in favour of the draft neighbourhood plan or order, then the neighbourhood plan or order must be made by the Council within eight weeks of the referendum. The eight week time limit does not apply where a legal challenge has been brought in relation to the decision to hold a referendum or the conduct of the referendum. The Council will publish on its website the neighbourhood development plan or order and details of where and when the neighbourhood development plan or order may be inspected. It will notify any person who asked to be notified of the making of the neighbourhood development plan or order.
- A8.2 As regards the availability of advice or assistance from the Council, the comments at A7.7 apply equally to steps 6 and 7.

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**A9 Modifying Neighbourhood Plans**

- A9.1 Neighbourhood Plans can be modified. The Council can modify neighbourhood plans if the proposed change is minor and will not materially affect planning policies. Any other modification must go through the neighbourhood plan preparation process again, with the following additional requirements:
- the neighbourhood forum must state at pre-submission publicity and consultation stage, and when the modified plan is submitted to the Council, whether they believe the modifications are so significant or substantial as to change the nature of the plan and give reasons;
  - the Council must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. The Council must also submit a copy of the original plan to the examiner;
  - the neighbourhood forum must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan.
- A9.2 Neighbourhood forums are able to ask the Secretary of State to intervene, should they disagree with certain of the Council's decisions at this stage. Such a request would need to be made in accordance with the relevant statutory requirements. These are contained in paragraph 13B of Schedule 4B to the Town and Country Planning Act 1990 and include a time limit and format for making the request to the Secretary of State.
- A9.3 Accordingly the Council aims to offer the same level of advice and assistance in relation to proposals for modifying neighbourhood plans as it does when they are first prepared. Neighbourhood forums are therefore advised to discuss proposed modifications with Council officers at an early stage to allow consideration of and advice on the process that will need to be followed.