Neighbourhood Planning Guidance Note

April 2014





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1 Introduction

- 1.1 The Council has for a number of years supported the community led initiatives of Parish Plans, Village and Town Design Statements. The Localism Act 2011 has introduced further new initiatives which communities could pursue.
- **1.2** The purpose of this guidance note is to provide advice to those communities who would like to consider preparing a Neighbourhood Development Plan.

2 Background

- **2.1** Neighbourhood Planning was introduced through the Localism Act 2011 to give communities the opportunity to be able to lead, shape and influence the decisions that affect the places where they live.
- 2.2 The provisions of the Localism Act 2011 in relation to neighbourhood planning, and the formal regulations which prescribe both the process and the role of the Local Planning Authority, came into force in April 2012. Further legislation covering the referendum stage of Neighbourhood Planning came into force in August 2012.
- 2.3 There are three types of Neighbourhood Plans:-
 - 1. A Neighbourhood Development Plan (NDP) can set out planning policies for the development and use of land for a given neighbourhood area (usually a town or parish area). The plan might specify, for example, where new homes and offices should be built, and what they should look like. The plan could also set a vision for the future, and can be detailed or quite general depending on what local people might want.
 - 2. A Neighbourhood Development Order (NDO) grants planning permission for certain types of development, which are defined by the order, within the neighbourhood plan area. The permission could be full or outline, could have conditions attached and could be site specific or grant more general development rights across the whole area.
 - 3. The Community Right-to-Build (CRB) process is instigated by a 'community organisation' where the community decides to bring forward specific development proposals for the benefit of the community. This might include community facilities and affordable housing.

- 2.4 Neighbourhood planning is optional. As Test Valley is fully parished only parish or town councils can produce a neighbourhood plan. It is important that communities think carefully about whether preparing a neighbourhood plan will actually achieve what they want for their area. It may be more appropriate to produce a Village Design Statement or Parish Plan. Figure A shows the overlap between each type of document. It is strongly recommended that communities speak with Borough Council officers before deciding to proceed, to ensure that their chosen plan is best to meet their needs.
- 2.5 If local residents wish to protect the distinctive characteristics of the area they live in, Village or Town Design Statements (VDS or TDS) could be prepared which can provide guidelines to developers on what design, style and materials are appropriate. Their purpose is to help control development that will complement the character of the immediate setting. VDS have the status of a Supplementary Planning Document and are a material consideration when determining planning applications.
- 2.6 Communities can also choose to prepare a Parish Plan (also known as a Community Plan) which can identify common priorities through consultation and involvement, and set out a plan of action by which to achieve the ambitions of the local community either by using local resources or through agencies including the Borough Council, Hampshire County Council, Community Action Hampshire and Test Valley Community Services. Unlike Village Design Statements, the Borough Council does not adopt Parish Plans as Supplementary Planning Documents. However, any elements applicable to planning where justified and relevant will be taken into account in formulating new planning policy and in decisions on planning applications. More information on Parish Plans can be found on the Council's website.

Figure A



3 How do you develop a neighbourhood plan?

- 3.1 Whilst there are a number of legal requirements which have to be met, there is no set process in creating a neighbourhood plan. Section 3 10 provides a guide to creating a neighbourhood plan. Table A provides a summary of these steps and identifies the responsibilities of TVBC and Parish/ Town Councils. Figure 1 provides a flow diagram of the main stages.
- **3.2** Please be advised that this guidance note does not replicate the regulations¹ which you are advised to consider in detail before undertaken a neighbourhood plan. More details on the process can be viewed on the Planning Advisory Service website² and Planning Portal website³.
- 3.3 The amount of resources required to undertake a Neighbourhood Plan will vary depending on its contents. The cost of preparing a neighbourhood plans will be met partly by the Borough Council and partly by the parish or town council. Central Government estimates that the average costs of producing a neighbourhood plan to be between £17,000 to £60,000⁴. However, the amount will vary depending on a number of variables including the level of expertise which can be sourced locally, the willingness of the community to be involved and the evidence that is required. It is likely that the evidence produced by TVBC as part of the Revised Local Plan can be used to help support the development of a neighbourhood plan. The Department of Communities and Local Government have announced that grants are available to help fund neighbourhood plans. More details are available on http://mycommunityrights.org.uk/neighbourhood-planning/

¹ The Neighbourhood Planning (General) Regulations 2012. S.I. 2012/ 637

² www.pas.gov.uk

³ www.planningportal.gov.uk

⁴ Localism Bill: neighbourhood plans and community right to build – impact assessment (January 2011).

4 Getting started

Gaining support from the community and stakeholders

- 4.1 A neighbourhood plan should be community-led with the parish or town council leading the project. Having support from the community and stakeholders will enable the plan to progress. If the community is not supportive it would be difficult to produce and attract support at the referendum stage. It is advisable that the community and stakeholders be notified about the intention to undertake a neighbourhood plan and are given the chance to be involved.
- **4.2** The following is a list of suggested stakeholders the parish or town council should seek to involve in the process (depending on what the neighbourhood plan is seeking to achieve). Please note that this is not an exhaustive list:-
 - Residents
 - · Community organisations
 - · Elected councillors
 - Businesses
 - Landowners and developers.

Establish a neighbourhood planning team to co-ordinate the project

4.3 Establishing a neighbourhood planning team may be appropriate to help coordinate the project. It is important to establish a formal link between the team and the parish or town council as they must be the official leaders of the project. It is important that the team has an array of skills and knowledge and represent a wide range of the community/ stakeholders. It is suggested that when selecting those who would comprise the project team the process is as inclusive and open as possible. This would help ensure greater community support.

Consider producing a project plan

4.4 The project team should establish clear terms of reference to help give direction and focus, as well as creating a project plan. Whilst there is not specific time period within which a neighbourhood plan should be produced experience from other authorities is that on average they can be prepared and adopted within 18 months.

Develop a communication strategy – how and when you will involve with the community and stakeholders

4.5 Good communication is important throughout the process. This ensures that the regulations are met; it gains public confidence; and avoids potential for delays and conflict. A communication strategy helps to set out how and when the local community and stakeholders will be engaged. The Borough Council's Statement of Community Involvement in Planning Matters (2013) provides guidance on methods of keeping stakeholders involved.

5 Vision and objectives

Draft the vision and objectives

5.1 The vision and objectives are a useful starting point for the neighbourhood plan. They establish what the goal of undertaking the neighbourhood plan is and what is meant to be achieved. The vision should be realistic, achievable and relate to planning matters. The details of the plans policies can then follow from these objectives.

Gather relevant evidence

5.2 To help produce the vision and objectives it will be necessary to understand the current characteristics and issues for the local community. It may be useful to establish the local profile for the community and identifying physical assets within the parish. The Borough Council has produced Ward Profiles for the Borough⁵. The Borough Council also has a number of evidence base studies which may be of use. These are available on the Borough Council's website⁶.

Identify strengths, weaknesses and issues

- 5.3 To inform the content of the neighbourhood plan it will be useful to identify the strengths, weaknesses and specific issues of the community. The neighbourhood plan should seek to address these in so far as they relate to planning matters. Some questions to consider could include:-
 - What do we do well?
 - · What can we improve or change
 - · What do we need to make the community a better place to live/ work?
 - What opportunities exist in the area?
 - What are the physical, financial and/or environmental barriers?

Check conformity against the development plan

5.4 The Localism Act (2011) requires that neighbourhood plans should be in general conformity with the strategic policies within the Development Plan. For Test Valley, this currently comprises the saved policies of the Borough Local Plan (2006) however the draft Revised Local Plan has reached an advanced stage. It may be relevant to also check conformity with the Hampshire Minerals and Waste Plan (2013). Please contact the Borough Council for more guidance on which documents to check for conformity.

⁵ www.testvalley.gov.uk/resident/communityandleisure/workingwithcommunities/mylocalarea

⁶ www.testvalley.gov.uk/resident/planningandbuildingcontrol/planningpolicy/local-developmentframework/evidence-base

Check draft vision and objectives with community and stakeholders

5.5 It is important to consult with the community and stakeholders to ensure that the vision and objectives are representative of what local people want and to get endorsement. Following consultation on the draft vision and objectives, any necessary amendments can be made before moving on to developing the detailed content of the neighbourhood plan.

Draft and consult for the strategic environmental assessment and habitats regulation assessment

- Neighbourhood plans need to comply with European legislation and therefore may require a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA) to be undertaken. This will depend on the nature and content of the neighbourhood plan. You should discuss this with TVBC (the screening stage). This work should be undertaken in parallel with the neighbourhood plan to demonstrate how it has informed its content. The neighbourhood plan could be subject to a legal challenge if an SEA/HRA is not carried out correctly.
- 5.7 If a SEA is required, the first stage is to consider the scope of the assessment. This can be done through a Scoping Report which identifies the baseline situation, the key sustainability issues for the area and considers sustainability objectives. English Heritage, the Environment Agency and Natural England need to be consulted on the scope of the SEA. There needs to be further consultation on the SEA for the draft Neighbourhood Plan, this includes the above organisations and the wider public.
- All plans and projects, which are likely to have a significant effect on certain designated Sites (e.g. Special Areas of Conservation, Special Protection Areas and Ramsar sites), are required to undertake an assessment based on the requirements of the Habitats Regulation. These assess their effect on the flora and fauna that are listed, as the reason for the designation. Neighbourhood Development Plans may only proceed to examination where there are no adverse effects on the designations, both on their own and in combination with other plans.
- **5.9** You are advised to read the National Planning Practice Guidance (2014)⁷ for more detail.

http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/#paragraph 033

6 Propose the neighbourhood area

6.1 The neighbourhood area is the area to which the neighbourhood plan will relate. It can either cover all or part of a single parish, or it can include more than one parish. If more than one parish is covered this will require the agreement of all the parish councils involved and it is advisable that they are represented on the project group. The boundaries for separate neighbourhood plans cannot overlap. Details of the proposed neighbourhood area must be submitted to TVBC and will be subject to public consultation for six weeks.

7 Developing the neighbourhood plan

7.1 Once the vision and objectives have been agreed and all evidence is gathered the project group can begin to draft the neighbourhood plan. Depending on the aims of the neighbourhood plan it is likely that it will comprise policies, proposals maps and an implementation plan.

Develop and assess policies including collecting evidence to justify approach. Produce the draft neighbourhood plan. Check conformity against the development plan

- 7.2 The draft policies should be based on the evidence gathered during the previous stage and look to achieve the vision and each of the objectives that have already been developed. The policies must be justifiable and achievable and conform with the Development Plan as well as the National Planning Policy Framework (NPPF)⁸. The types of policies which could be drafted include:-
 - General planning policies (e.g. design)
 - Identification of specific sites to be protected or enhanced (e.g. open space, landscaping)
 - Allocations for specific types and scale of development including specific requirements for these sites (e.g. employment or housing)
- 7.3 Any site specific policies should be drafted in consultation with the respective landowner if they are not already a member of the project group.

Develop an implementation plan

7.4 An Implementation Plan may be useful in setting out what is required to achieve the vision and objectives of the neighbourhood plan. It should not set out policies but contain actions that need to be undertaken in order to deliver the policies that are in the neighbourhood plan.

Produce strategic environmental assessment (SEA) and habitats regulation assessment (HRA)

7.5 The policies within the neighbourhood plan will need to be tested against the SEA and HRA. There needs to be written evidence to show that this has been undertaken and that the correct options for policies and proposals have been chosen. This has to be undertaken as part of the process and not once the policies and proposals have been agreed.

Consult statutory bodies and community on draft neighbourhood plan

7.6 Prior to submitting the neighbourhood plan to TVBC the community, stakeholders and statutory consultees (see Table A, note 1) will need to be consulted by the parish council. The details of the consultation must be publicised including details on where and when the document can be viewed. The consultation should also include the SEA and HRA and the relevant evidence. The regulations require that the consultation should last for a minimum of six weeks.

Amend the plan following consultation, if necessary

7.7 Following the consultation an analysis of the comments should be undertaken. It may be necessary to amend the neighbourhood plan in light of the issues raised. If the changes are significant it may be necessary to undertake further consultation.

8 Submitting a neighbourhood plan to TVBC

- 8.1 Following consultation the neighbourhood plan can be submitted to the Borough Council by the parish or town council. A consultation statement will also need to be submitted setting out who has been consulted, the main issues raised and how these have been addressed. The Council will need to ensure that it is legally compliant and that the procedural steps have been completed including process and outcome of consultation.
- 8.2 If the Borough Council consider that everything is in order they then publicise the neighbourhood plan for further public consultation for a six week period. Once this is completed the Borough Council forwards any further comments to the examiner.

9 Examination

- **9.1** It is the Borough Councils responsibility to appoint an Examiner while the parish council must 'consent' to the appointment. The Examiner must be independent from both parties, have no prejudicial interest in the proposals and have suitable qualifications and experience. The Examiner can be the employee of another local authority.
- **9.2** The Borough Council is responsible for paying the costs of the examination in relation to the Examiner's time, venue hire and publicising the examination.
- **9.3** The Examiner will check that the neighbourhood plan satisfies those requirements set out in the Localism Act (2011).
- **9.4** Following the six-week publicity period, the Borough Council, as local planning authority, must send to the independent Examiner a range of documents including any representations received on the neighbourhood plan. It is generally anticipated that most LPA's will make their own representations on the neighbourhood plan and to advise the Examiner as to whether the plan meets the basic conditions but there is no requirement to do so.
- **9.5** The documents to be submitted should include:
 - Map or statement identifying the area to which the plan relates
 - Consultation statement
 - The proposed neighbourhood plan
 - A note stating how the neighbourhood plan meets the basic conditions of Schedule 4B to the Town & Country Planning Act 1990 (known as the "basic conditions statement") including:
 - a) the plan's compliance with national policy and advice contained in guidance issued by the Secretary of State
 - b) how the plan contributes to the achievement of sustainable development
 - c) the general conformity of the plan with the strategic policy of the Development Plan for the local area
 - d) the compatibility of the plan with EU and human rights obligations.
 - · Any relevant environmental assessments (where appropriate).
- **9.6** The examination can either be dealt with via written representations or, if the Examiner considers it appropriate, hearing sessions to either consider a matter in more detail or to ensure that a person has a fair chance to put across their case.
- **9.7** The Examiner will report on the neighbourhood plan with one of the following recommendations:-
 - That the draft neighbourhood plan should proceed to a referendum, or
 - That the draft neighbourhood plan should proceed to a referendum, subject to certain amendments, or
 - That the draft neighbourhood plan should be refused.

9.8 The Examiner's report will be sent to both the Borough Council, which is responsible for its publication, and the relevant parish or town council. Upon receipt of the Examiner's report, the Borough Council will decide whether or not the recommendations of the Examiner should be followed. This decision will be publicised. If the Examiner's recommendation is that the neighbourhood plan should not proceed, then reasons should be given and the community have the opportunity to consider whether these can be addressed, and if so how. If changes would make it acceptable, then the parish or town council can decide to submit a revised version for re-examination.

10 Referendum

- 10.1 A referendum is required to gauge the community support for the neighbourhood plan. The referendum is open to any individual registered to vote in the parish covered by the neighbourhood plan (or a wider area if relevant). If more than half of those voting have voted in favour of the neighbourhood plan, the Borough Council must make (adopt) the neighbourhood plan as soon as reasonably practical.
- 10.2 The area which the referendum should take place must, as a minimum, be the neighbourhood area to which the neighbourhood plan relates. The Borough Council can decide to extend the referendum to a wider area if it considers that it is appropriate to do so e.g. if certain policies or proposals within the plan have implications for surrounding parishes. If this occurs the Borough Council will publish a map of that extended area.
- **10.3** The Borough Council will make arrangements and pay for the referendum to take place.

11 Adoption

11.1 Upon adoption the neighbourhood plan will form part of the Development Plan for the Borough. This means that it, along with the Borough Local Plan, will be the starting point for considering any future planning application.

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12 Further information

For further information about neighbourhood plans please contact:

Write: Planning Policy and Transport Service

Test Valley Borough Council

Beech Hurst Weyhill Road Andover Hampshire SP10 3AJ

Telephone: 01264 368000

E-mail: planningpolicy@testvalley.gov.uk

If you are unsure which type of plan is the most suitable for your circumstances please seek advice and guidance from:

Write: Community and Leisure Service

Test Valley Borough Council

Beech Hurst Weyhill Road Andover Hampshire SP10 3AJ

Telephone: 01264 368000

E-mail: communityandleisure@testvalley.gov.uk

Further information can be obtained from the following resources:

Department for Communities and Local Government:

www.gov.uk/neighbourhood-planning

Neighbourhood Planning Regulations

www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf

The Royal Town Planning Institute:

www.rtpi.org.uk/planning-aid/neighbourhood-planning/

Planning Advisory Service:

www.pas.gov.uk/neighbourhoodplanning

Locality:

www.locality.org.uk

Table A: Stages for producing a Neighbourhood Plan

Stage	Responsibilities of the parish or town council	Responsibilities of Test Valley BC
Getting started	 Gaining support from the community and stakeholders Establish a neighbourhood planning team to co-ordinate the project Consider producing a project plan and terms of reference. Develop a communication strategy – how and when you will engage with the community and stakeholders 	 Advice on consultation techniques provided by the Community Engagement team in the Statement of Community Involvement in Planning Matter (2013)
Vision and objectives	 Draft the vision and objectives Gather relevant evidence Identify strengths, weaknesses and issues Check conformity against the Development Plan Check draft vision and objectives with community and stakeholders Draft and consult on scoping report for the strategic environmental assessment and habitats regulation assessment 	 Identifying existing data sources and evidence. Advice on pertinent Borough Local Plan policies Advice on whether a strategic environmental assessment/ habitats regulation assessment is required.

 The Council should, as soon as possible after receipt of the application for area designation, publicise the application and invite representations for a period of 6 weeks. The information to be publicised is: 1. a copy of the area application 2. details of how to make representations 3. details of the deadline for representations, not less than 6 weeks after the date of publication. 	 The Council should be sure that the parish council's application covers part or all of the parish. In determining the application, the Council must consider: 1. how desirable it is to designate the whole of the parish area as a neighbourhood area, and 2. how desirable it is to maintain the existing boundaries of any areas already designated as neighbourhood areas (as areas designated as neighbourhood areas must not overlap), as well as 3. whether they should designate the area as a business area 	 If the Council approves the application it should publicise its decision and: 1. the name of the neighbourhood area 2. a map identifying the area 3. the name of the parish council who applied for the designation. 	 If the Council refuses the application for a neighbourhood area then it must publicise: 1. the decision and statement of reasons for making the decision (called a 'decision' document) – TVBC could consider that's some other area is more suitable for the purpose of neighbourhood planning. 2. the details of where and when the decision document can be inspected.
Designating, Propose the neighbourhood area publishing and determining the application for the NDP area			

Developing the	Develop and assess plan's policies including collecting	Provide screening opinion on whether the proposed NDP will require
L C	 evidence to Justiny approach. Produce the draft neighbourhood plan 	all SEA Comment on draft neighbourhood plan, strategic environmental
	Develop an implementation plan	assessment and habitats regulation assessment.
	 Check conformity against the Development Plan 	 Advise on whether any additional evidence base studies are needed
	 Produce strategic environmental assessment and 	
	habitats regulation assessment	
	 Consult statutory bodies and community on draft 	
	neighbourhood plan (see note 1).	
	 Amend the plan following consultation, if necessary 	
Submit the	The proposed NDP should include:	 The Council has responsibility for engaging with the statutory
proposed NDP to	1. a map or statement identifying the area to which the plan	consultees regarding significant environmental effects and assisting
TVBC	relates	with interpretation.
	2. the consultation statement – which contains details	
	of those consulted, and how they were consulted,	
	summarises the main issues and concerns raised and	
	how these have been considered, and where relevant	
	addressed in the proposed NDP	
	3. the proposed NDP	
	4. a statement explaining how the NDP meets the 'basic	
	conditions ⁹ ,	
	5. where appropriate, the information to enable appropriate	
	environmental assessments if required.	

The basic conditions to be met by a proposed NDP are set out para 8 (1) (a) (2) of Schedule 4B to the Town & country Planning Act 1990 (inserted by the Localism Act 2011)

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Has regard to national policy and guidance from the Secretary of State

Contributes to sustainable development

General conformity with the strategic policy of the development plan for the area or any part of that area.

Doesn't breach or is otherwise compatible with EU obligations - including the SEA Directive of 2001/42/EC ← ८i ю. 4.

The Council's assessment of the proposed	The Council must consider: 1. whether the parish council is authorised to act 2. whether the proposal and accompanying documents:
ADN	a. comply with the rule for submission to the Council (see 'submit the
	proposed NDP to I VBC section above) b. meet the definition of an NDP
	c. meet the scope of NDP provisions
	3. whether the parish council has undertaken the correct procedures in
	relation to consultation and publicity
	The Council must notify the parish council whether or not they are
	satisfied that the proposal complies with the criteria for a neighbourhood
	plan. Where it is not satisfied the Council can refuse to proceed to
	examination and must notify them of the reasons. It must also publicise its
	decisions in a decision statement.
Publicising the	The Council is required to publicise:
NDP proposal	1. the details of the plan
	2. where and when it can be inspected
	3. how to make representations on the plan proposals
	4. that a representation can include a request to be notified of the
	Council's decision on the plan proposal
	5. the deadline for receipt of representations on the proposals
	The Council is required to notify the bodies referred to in the parish
	council's consultation statement that the plan has been received as soon
	as possible.

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Examination		
Appointment of examiner	Agree the independent Examiner	 The Council appoints an independent Examiner once the Council is satisfied that the neighbourhood plan meets the requirements of the Town & Country Planning Act 1990
Council submits plan for examination		examination as soon as possible after receipt with any representations and any other documents submitted with the plan. This should include: 1. map identifying the area to which the plan relates 2. consultation statement 3. the proposed plan 4. a note stating how the plan meets the basic conditions, how it contributes to sustainable development, general conformity with the strategic policies of the development plan, compatibility with EU obligations 5. the SEA of the plan if required 6. a Habitats Regulations Assessment if required 7. any other relevant evidence 7. The Council makes the arrangements they consider appropriate to holding the examination
Council consideration of examiners recommendations		The Council must consider each of the Examiner's recommendations and the reasons for them and decide what action to take in response to each. Once the Council has considered each of the Examiner's recommendations and determined its response it can: 1. make modifications to correct errors, or to make the plan meet the conditions listed above 2. extend the area to which the referendum is to take place 3. decide that they are not satisfied with the plan proposal with respect to meeting the conditions listed above

Publication of the Examiner's report and the Council decision on NDP	As soon as possible after considering the Examiners recommendations and deciding to proceed to referendum the Council must publish its decisions and reasons in a decision statement.
Referendum	The Council is responsible for making arrangements for the referendum to take place.
	If a referendum results in more than half of those voting (i.e. 50 % plus 1), voting in favour of the proposal the Council must make (adopt) the NDP as soon as reasonably practical unless; it considers that this would breach, or be incompatible with any EU obligation of any of the Convention Rights.
Adoption	The Council makes, or approves, the NDP.

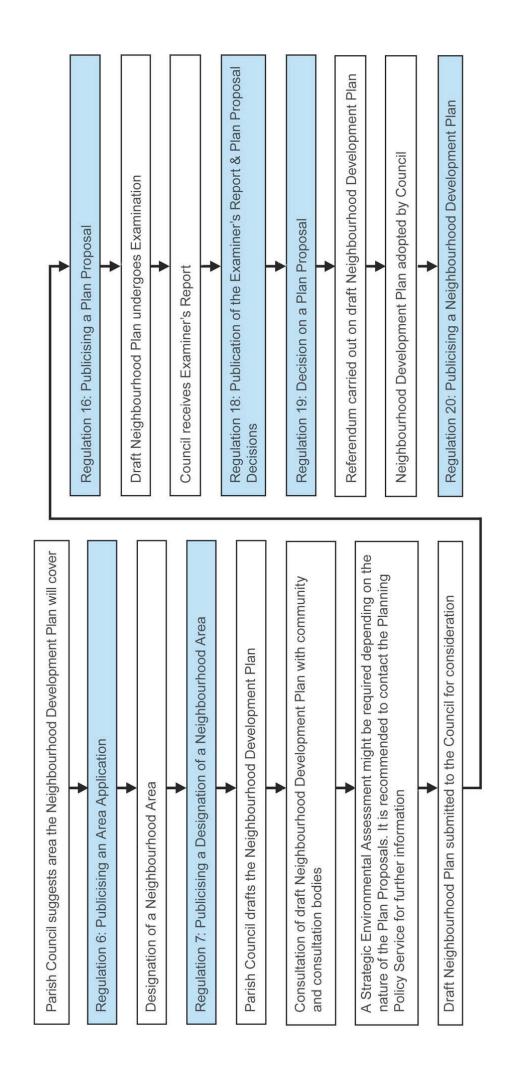
Note 1 - Consultation bodies that parish council should consult:

- A Local Planning Authority, county council or parish council any part of whose area is in or adjoins Test Valley Borough Council
- The Local Authority (Test Valley Borough Council)
 - The Home and Communities Agency
 - Natural England
- The Environment Agency
- **English Heritage**
- Network Rail Infrastructure Ltd
- Highways Agency
- The Marine Management Organisation

- Any person to whom the electronic communications code applies, or who owns or controls electronic communications apparatus situated in any part of the area of the LPA
- Where they exist a Primary Care Trust, licensee under the Electricity Act 1989, Licensee of the Gas Act 1986, sewerage undertaker and water undertaker Voluntary bodies whose activities benefit all or part of the neighbourhood area
 - Bodies representing the interests of different racial, ethnic or national groups in the neighbourhood area
 - Bodies representing the interests of different religious groups in the neighbourhood area and
- Bodies representing the interests of disabled people in the neighbourhood area.

Please also see the TVBC Statement of Community Involvement in Planning Matters (2013).

Figure 1: Main stages of producing a Neighbourhood Plan.



Planning Policy and Transport Service

Council Offices
Beech Hurst
Weyhill Road
Andover
Hampshire
SP10 3AJ

Email: planningpolicy@testvalley.gov.uk

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