

Post Submission Guidance for Qualifying Bodies

You have finished your neighbourhood plan... now what?

You've no doubt been frantically busy for a long time now, deeply involved in the preparation, editing and promotion of your neighbourhood plan so it can be a big adjustment to hand it over to the Council and let go of the process. However, whilst the number of things you need to do decreases now, there remain some critically important tasks and decisions ahead. This short guide outlines what happens next and highlights the key things that you need to do as your plan moves toward its final adoption and is 'made'.

Submission and Publicity

Once you've completed consultation on the final version of your draft plan (regulation 14), and made the necessary amendments it's time to submit your plan to examination. The examination is not a process to further refine your plan, so it's essential that the plan you submit is your best and final version.

Submitting means sending the plan to the Council's Neighbourhood Planning Team, along with at least three supporting documents: 1) the consultation statement, 2) the basic conditions statement, 3) the strategic environmental assessment report (or screening report), and 4) any other associated documents such as an appendices. The Council will then consult on the submitted plan for six weeks with all comments passed onto the examiner.

Your key role:

Ensure all documents are submitted.

The Independent Examiner

The Council will then appoint an external examiner with significant experience and appropriate qualifications to review your plan. It's essential that the qualifying body (you) agree to the final appointment, so to make sure we get the right examiner for your plan, the Council will liaise with you through the selection process.

The examiner will then test whether your proposals meet the Basic Conditions, other planning regulations and legislation. Most examinations are conducted by the examiner reading all the material submitted, visiting your community (unaccompanied), and through questions to clarify any issues that arise. If it's felt necessary, an examiner can hold a public hearing to discuss issues in detail – this is unlikely in most cases but is more likely if land is allocated for development. If a hearing is called, the Council will support you, and attend to represent our own point of view. Across this stage the Council will act as the key liaison between the examiner and your group and publish all correspondence on our website.

Your key role:

Appointing an individual point of contact; Responding to the examiners queries (give some thought to how this will work – will you need meetings or agree an email protocol?).

The Independent Examiner's Report

Ultimately the examiners role is to assess whether the plan is compliant with the relevant tests, or can be modified to meet the tests, and should proceed to referendum or not. Once the examiner has reached a conclusion a report will be issued and may propose various modifications or even recommendations that policies are deleted if they cannot be corrected. If the conclusion is to proceed to referendum, the examiner will also recommend the area across which the referendum will take place. This is usually the neighbourhood area but can be wider.

Your key role:

Prepare to discuss implementing modifications; provide an editable version of your plan (MS Word version for example).

The examiners report is issued in two stages. First, a fact-check report is issued to enable you and the Council to review if there are any factual errors. If the examiner recommends modifications are made then the reasoning will be set out in the report. It's important to note that this is not a consultation on the report and that there is no scope to feedback your views on the conclusions reached.

Within 5 weeks of receiving the examiner's report, the Council will make a decision on how to treat the recommendations. The Council has very little discretion here but should the Council disagree with the recommendations, further consultation will be necessary. Ultimately, if you are unhappy with the proposed changes, you can withdraw your plan.

If the plan meets the Basic Conditions and the Council are satisfied, then this decision will be published and the plan will proceed to referendum stage. The Council is responsible for the costs of the examination and referendum and are also responsible to implement any modifications to the plan. Where modifications are needed we will do this in liaison with you.

Referendum and Adoption

The question your community will be asked to vote on will be: 'Do you want Cheshire East Council to use the neighbourhood plan to help it decide planning applications in the neighbourhood area?'

The referendum is organised much like a local election with any person within the neighbourhood area who is on the electoral register will be entitled to vote. Information, including poll cards, will be published 28 working days before the referendum itself. The qualifying body may advertise the referendum and provide factual information on the proposed neighbourhood plan, but must not promote a yes or no vote. If a 'vote yes' campaign is to be launched it must be done by individuals who are not associated with the qualifying body as either elected members of the parish council or as members of one of its sub- committees (the steering group).

Your key role:

Promoting the referendum; preparing of the key points of the plan.

For the referendum to be successful 50% of the turnout must vote 'yes', there is no minimum turnout required. The Neighbourhood Plan will be in effect as soon as the vote has concluded and a final decision by the Council will confirm that the plan is 'made'.

Once polling cards are issued residents are likely to raise various queries about the neighbourhood plan – what it is, where they can read it etc. Given that plans are inevitably long and complex, it is very helpful to have a summary document available. The Council will produce a summary of the policies in the plan but it is also helpful for the qualifying body to produce their own summary (stick to two pages) on the key points the plan seeks to address.

The estimated timeline from submission of the draft Plan to made plan:

