



Neighbourhood Planning NEWS

Updates, Advice, Good Practice

August 2015

Welcome to the SUMMER edition of East Staffordshire Neighbourhood Planning NEWS!

This newsletter is produced to help keep all parishes in the Borough in touch with what is happening locally in the world of Neighbourhood Plans (NPs). We have **news of where Parish Councils are up to** in producing their NPs, including the latest on **consultations and referenda**; an update on **new Regulations** from Government, news on from what the **Examiners** have been saying and some more **top tips** on preparing your Plan.

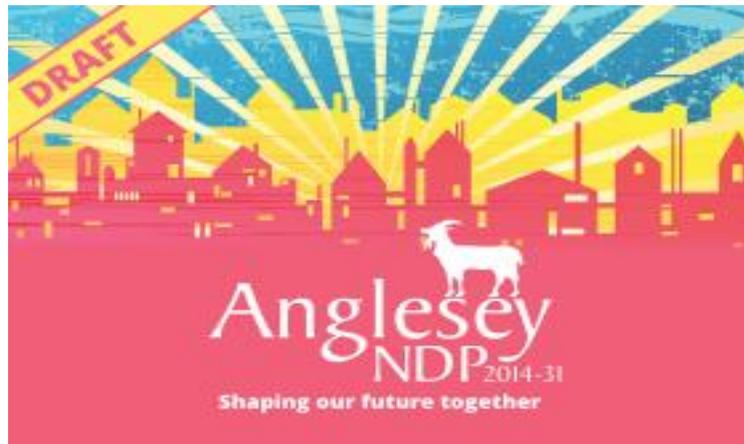
WHAT'S BEEN HAPPENING SINCE JANUARY 2015?

We now have a second “made” Neighbourhood Plan in East Staffordshire! Following Anslow’s lead in July 2014, **Horninglow & Eton’s** NP received a resounding ‘Yes’ vote (87%) at a Referendum held in the Parish on 5th March, and the Borough Council have officially incorporated the Plan as part of its suite of documents known as the Development Plan. The Steering Group, Parish Council and Parish Clerk are to be congratulated on all their hard work and success in guiding their Plan to completion. The Borough Council has already refused one planning application because it did not meet the criteria of one of the Neighbourhood Plan’s policies.

Newborough has completed its pre-Submission consultation (Section 14 of the Regulations) which was held between 21st January and 18th March. Meetings were described as “lively” and following further public meetings in May a consultation on the options on how to manage future development in the parish is being carried out until the end of July. Section 14 consultation will be re-run in the autumn on a Plan based on the most popular option – allocating sites, surrounding the village with a development boundary, or creating a set of criteria by which all new development proposals will be assessed.

Outwoods, Branston and **Yoxall** Plans have been examined, and they all went to Referendum on 23rd July – only the second time in the whole country that this many

Plans have gone to referendum on the same day! All received a resounding “Yes” vote so will be “made” at ESBC’s Cabinet meeting on 17th August.



The **Anglesey** Plan was out to consultation until 13th July, and in **Uttoxeter** the Town Council and their consultants have been busy consulting on options prior to consulting on a draft Plan.

Work on evidence-base gathering continues apace at many other parishes, for instance, **Shobnall** were consulting businesses during July.

And a request to be designated has been received from **Abbots Bromley** Parish Council, which will make them Number 17 in the Borough!

Let us know what you are up to – Corinne and Glenn aim to keep in touch with you all on a regular basis, but if you would like any help or advice, or just want to tell us what you are doing, please contact us – our details are at the end of this newsletter.

GOOD PRACTICE & ADVICE

What if you don't agree with the Examiner's Recommendations?

A number of Parishes have had Examinations, but have been disappointed at some of their Examiners' recommendations, feeling that a major part of what their local community expressed as being important would be undermined if they agreed to the Examiners' changes. Consequently, they believe that they would not receive a 'Yes' vote at Referendum.

In these cases, we at the Borough Council are working with the Parish to see if a wording can be found that achieves what the community want to see as well as meeting the Basic Conditions. The Council does not have to accept the Examiner's recommendations, but if they don't, they will have to clearly demonstrate why they believe that the Parish's wording meets the Basic Conditions and the Examiner's conclusions do not. In practice this would be very difficult.

Under section 18 of the Regulations, the Council has to publish a 'Decision Statement' in which it sets out its decision on the plan proposals and what action it intends to take in response to the Examiner's recommendations. With all the hard work that the Parishes have put into creating a Plan, the Council is very reluctant to either (a) refuse all the plan proposals and therefore refuse to take the whole Plan to Referendum, or (b) to take it to Referendum, but without the policies the Parish feel are vital, which is likely to lead to a "No" vote.

Sometimes, the Parish and the Council can agree to an alternative wording which would achieve what the Parish feel is important, whilst meeting the Basic Conditions. In this case, the Decision Statement sets these out and the Plan can move on to Referendum without delay.

However, if the Examiner's changes are fundamental, but the Parish are prepared to produce additional evidence to support a policy sufficiently, in the Council's judgment, to overcome the Examiner's objections and meet the Basic Conditions, then the Council may consider repeating the previous stages. The Council has obtained Counsel's opinion on this (there being no direct advice from central government). His opinion is that the Neighbourhood Plan would need to return to the formal Submission stage (Reg.16) again and another 6 weeks allowed for comment on the new/revised policies.

The Plan would then be examined again. Counsel has advised that the same Examiner be used as before, to ensure consistency. Although the changes from the previously examined Plan can be highlighted, so that it is easy to see what's new this time round, we are advised that comments can be made on the whole Plan, not just the new parts. There is, of course, a risk that the Examiner's recommendations will not be different the second time around.

Tatenhill, Stretton and Rolleston are currently going down this route, and we will keep you posted on the progress of these "Re-submissions".

Monitoring your Neighbourhood Plan

You may want to spend some time considering how the effectiveness of your Plan's policies might be monitored once the Neighbourhood Plan has been "made" by the Borough. This will also help to ensure that the Plan stays up to date.

In the Council's emerging Local Plan there is a policy (currently enigmatically called "SPX") that says that it is expected that all Neighbourhood Plans will include proposals for monitoring the policies within them.

The Council has to monitor its own Local Plan annually in a document called the Authority Monitoring Report. In monitoring whether development is coming forward or not it will look at sites allocated in the Neighbourhood Plans as well as the Local Plan, and if sites are not coming forward will take action to identify deliverable sites

through preparing a Development Plan document (i.e. a document that has the same weight as the Local Plan).

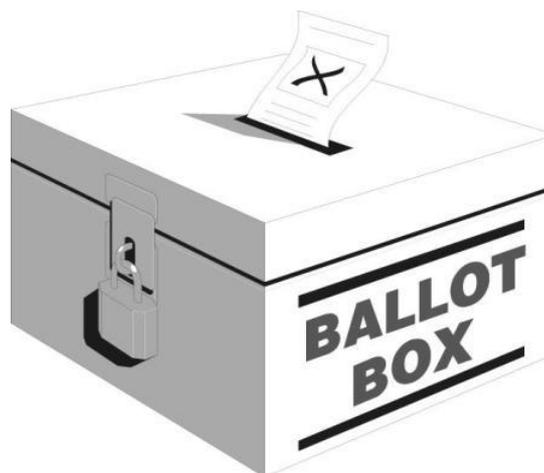
You might like to think about how this monitoring might be done – a ‘task and finish’ subgroup of the Parish Council? a new Steering Group with a membership including non-parish councillors? Whilst the Borough Council might have to gather information from the Parish Council every year, the Parish Council would not be expected to review the whole Neighbourhood Plan more frequently than every 5 years or so.

Referendum

For many of you the Referendum may still be a little way ahead. ESBC takes care of the practicalities, so you don’t have to worry. However, we’re sure the Parish Council will want to help in publicising the importance of voting on the day. We may also ask you to help with a photo shoot to accompany our press release.

The referendum is treated like any other election in the Borough, so postal votes and proxy voting are both available for those unable to visit the polling station on the day. We are now sending out a little leaflet with poll cards, so those who haven’t heard of the Neighbourhood Plan (where have they been all this time?!) will be informed of what it is and where they can inspect it.

Just to clarify, the Borough Council have to remain totally impartial at this Referendum – and we are advising that the Parish Council and Steering Group also be careful as to what they put out. So whilst the Parish Council can explain to the community what Plan is trying to achieve, and the importance of voting in terms of expressing an interest in their local environment, they SHOULD NOT promote a YES (or NO) vote for the Plan.



🚩 LATEST FROM CENTRAL GOVERNMENT

Back in February, some amendments to the Neighbourhood Planning Regulations came into force. They’re called ‘The Neighbourhood Planning (General)

(Amendment) Regulations 2015', in case you really wanted to know!). The full text can be found by clicking on:

<http://www.legislation.gov.uk/ukxi/2015/20/contents/made>

The only new requirement for parishes producing neighbourhood plans is that, at Submission stage, as well as submitting the Plan, a map of the area covered, a Consultation Statement and a Statement on how the Basic Conditions have been met, the Parish must now also submit either a Strategic Environment Assessment (SEA) or a statement as to why such an Assessment is not necessary.

This should not be too onerous, since we prepare a screening statement for you when your Plan is at first consultation stage (Regulation.14). You will, therefore, know whether or not you need to prepare a SEA early on, and if you don't need to, our screening report will explain why one is not required. This will then be sent to the Examiner, so that they can see that all statutory requirements have been met.

FROM RECENT EXAMINERS' REPORTS



As we receive more and more Examiners' reports we are becoming a little concerned that there is a lack of consistency between the approaches taken on certain issues by the Examiners. The two areas that have produced discrepancies are the designation of Local Green Spaces and the setting of parking standards.

In general, Examiners are beginning to be stricter in applying the criteria in para 77 of National Planning Policy Framework (NPPF):

<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/8-promoting-healthy-communities/>

It is crucial that if you are proposing to give sites this designation that a thorough explanation of how the site meets each of the criteria is provided (para 77 makes it clear that all the criteria must be met, not just some). There must be evidence of public access and usage, and it is a good idea to contact the landowner to find out

any future intentions. Once designated, para 77 states, the designation should be “capable of enduring beyond the end of the Plan period.”

On parking standards, there has been disparity between Examiners on how to interpret a Ministerial Statement issued in March 2015 and whether or not Neighbourhood Plans and Local Plans should be able to include numerical parking standards.

<https://www.gov.uk/government/speeches/planning-update-march-2015>

Some parishes, particularly urban ones, are understandably keen to have standards that will be sufficiently high to ensure that enough parking is provided within new developments to prevent overspill of parked cars onto surrounding streets.

The Statement adds to the National Planning Policy Framework by inserting the following sentence: *“Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.”*

Our current view is that in these cases, the Parish Council usually does have a “clear and compelling justification” to introduce their standards. To make sure they have a strong case, we suggest the following tips to the Parish Council:

- Identify the streets where there is, or may soon be, problems with on-street parking, and gather suitable evidence. The parking standards could be applied to new developments on, or near these streets only, or if applied throughout the Parish...
- ...introduce flexibility into the Policy – there may be genuine cases sometimes where a lower level of parking may be acceptable.
- Liaise with your next door parishes and if they have, or are considering, parking standards too, try to harmonise standards.

LOCAL PLAN UPDATE

The Local Plan has now passed through the Hearing stage. This started in October 2014, and was re-convened in May 2015. The Council is awaiting the Inspector’s Report – it is due in September. Modifications recommended by the Inspector are currently out for consultation.

FUNDING NEWS

Don’t forget that grants of up to £8000 are available from Locality and maybe a further £6000 if your parish has “complex issues” (!?!), in addition to the £5000 we as a Council give you. To find out more, go to:

http://mycommunity.org.uk/programme/neighbourhood-planning/?_a=funding

 **CONTACT US**

Corinne O'Hare - Neighbourhood Planning Policy Officer

Glenn Jones - Neighbourhood Planning Support Officer

01283 508645

neighbourhoodplanning@eaststaffsbc.gov.uk

