



## Neighbourhood Planning **NEWS**

Updates, Advice,  
Good Practice

January 2015

## Welcome to the latest edition of East Staffordshire Neighbourhood Planning NEWS!

Happy New Year to everybody!

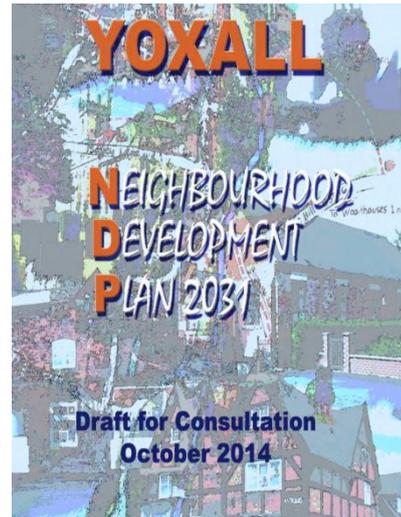
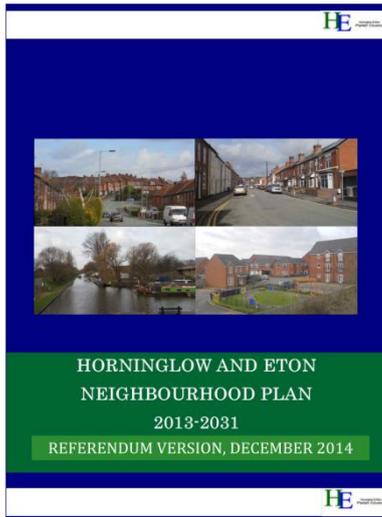
This newsletter is produced to help keep all parishes in the Borough in touch with what is happening locally in the world of Neighbourhood Plans (NPs). We have **news of where Parish Councils are up to** in producing their NPs, including the latest on **consultations and referenda**; we have **an announcement on bridging funding for some Parishes from Locality**. For those parishes busy preparing a Plan, there are **some tips on what to take into account, and the latest on what Examiners and Judges seem to be saying in recent Hearings and Court Cases** on issues that may also be important to other parishes still preparing their NPs.

This edition (and future editions) is being sent to all Parish Councils and ward councillors, including those not currently preparing NPs. In this edition we also look at some of the **alternative tools available to parishes other than NPs**. Would they be more appropriate in achieving what your parish would like to see? Might they complement what's in your NP?

### **What's been happening since August 2014**

Much has happened since our last update in August 2014. Tatenhill and Horninglow & Eton have both had their NPs examined. Horninglow & Eton are on track for a Referendum on 5<sup>th</sup> March 2015.

Because of the considerable variations in approach by Examiners that we have experienced (see below), the Council is now sending the Submission version of some NPs for a 'health check' before the Council advertises the formal consultation period before independent Examination.



We have asked Ann Skippers, a NP Examiner herself, and a former president of the Royal Town Planning Institute, to act as a 'critical friend' on how the Plan might be improved to meet the requirements of an NP, and how these requirements are being interpreted by Examiners throughout the country. There is no cost to the Parish for this health check. So far, reports have been received for Stretton, Outwoods and Branston.

As a result of these health checks, Stretton have made some changes before submitting their NP to the Council. The Plan is now on formal consultation until Monday 26<sup>th</sup> January 2015 (12 noon). Outwoods' NP is also out on consultation now, until Wednesday 18<sup>th</sup> February (12 noon).

After March 2015, no further referenda will be possible until summer 2015 due to the national and local elections. Stretton and Outwoods should be out to referendum then.

The draft consultation on the Yoxall Plan finished on 13<sup>th</sup> December. The Parish Council has considered comments made and are making a few adjustments to their plan before submitting to ESBC.

We know that many other parishes are busy at earlier stages – evidence base gathering, engaging with the community or writing policies.

And finally, Shobnall are applying for designation to become the 16<sup>th</sup> Parish preparing an NP in East Staffordshire.

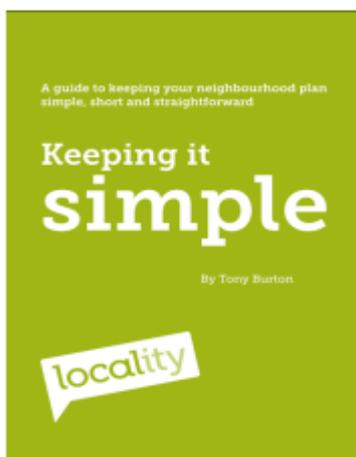
### **Bridging funding from 'Locality' announced**

The Department for Communities and Local Government has made available a **new bridging grant pot to cover further expenditure needed from November 2014-March 2015.**

Marchington Parish, who have recently started on their Neighbourhood Plan, were successful in their bid, and are using it to commission further evidence gathering on housing need.

Details about applying for a bridging grant or for direct support can be found [here](#). Those groups who have already completed an eligibility checker will be contacted as soon as the new program opens so that they can make an application.

The Department for Communities and Local Government are also devising a new support offer to start in April 2015 and a range of other free resources are also available to help you progress your plan. Go to Locality's [Grants page](#) for more information.



See more at:

<http://mycommunityrights.org.uk/neighbourhood-planning/#sthash.UvQIIIIGP.dpuf>

**NEW Workshop Grants available** New funding has become available from DCLG for local groups to organise workshops in their local area on neighbourhood planning. For more information on the new grants click on the following link:

<http://mycommunityrights.org.uk/neighbourhood-planning/#sthash.UvQIIIIGP.dpuf>

*Image courtesy of Locality*

## From recent Examiners' reports and legal judgements



Here are a few points to watch out for as you write your Neighbourhood Plan:

- Recently, Examiners have been pointing out that there is only a duty in the Basic Conditions that the NP be in conformity with the existing (2006) East Staffordshire Local Plan, not the emerging Local Plan. Given that the emerging Local Plan's wording may change as a result of the ongoing Examination, it may be wise anyway to include in NP policies any crucial

wording or criteria from the Submission Version of the Local Plan that the Parish feels are essential to its own objectives. A cross-reference to any 2006 or emerging Local Plan policy in the supporting text would be good practice.

- A decision made in the High Court just before Christmas provides some interesting judgments of relevance to those preparing NPs. The case:

<http://www.bailii.org/ew/cases/EWHC/Admin/2014/4323.html>

was brought by Gladman Developments, who applied for judicial review of Aylesbury Vale District Council's decision to 'make' the Winslow NP, and questioned the Examiner's statements. Mr. Justice Lewis said:

"In my judgment, a neighbourhood development plan may include policies dealing with the use and development of land for housing, including policies dealing with the location of a proposed number of new dwellings, even where there is at present no development plan document setting out strategic policies for housing."

Since East Staffordshire Borough's emerging Local Plan has been delayed, with strategic housing under scrutiny, this gives parishes the certainty that they do not need to stall their NPs because there is no Local Plan (which is a type of 'development plan document') setting out (agreed and adopted) strategic policies for housing.

The judgment does provide a timely reminder to Parishes, however, that if they intend to allocate sites for development such as housing they should assess all reasonable options and explain their reasons for selecting some sites and rejecting others. The principles given to local authorities preparing Local Plans, set out in Planning Practice Guidance, should be followed, although the assessment at such a local level should be "proportionate" (see para 006 especially):

<http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-development-needs-assessments/the-approach-to-assessing-need/>

- Examiners are also keen to make sure NPs conform to the national planning principle of policies not being too restrictive of, especially, housing development. Positively framed policies, if carefully worded, can still exercise effective control over inappropriate development.
- Most parishes are planning around the appropriate housing allocations or guideline figures set out in the emerging Local Plan. Most parishes, understandably, wish to control additional housing in their areas. However, Examiners are recommending the deletion of maximum numbers of houses and the insertion of "a minimum of..." The Council is facing the same problem with its emerging Local Plan. Of course, replacing, say, " a maximum of XX homes " with "a minimum of XX homes" opens up the village to a free for all, with any number being deemed acceptable, when clearly it is not. We have advised that "no more than XX" should be replaced with "around XX" or

“approximately XX” as a compromise. The acceptability of such a phrase has not yet been widely tested at an NP Examination, however, although this approach was approved by the Examiner of the Cringleford, Norfolk, NP – see page 12 onwards :

[http://www.south-norfolk.gov.uk/planning/media/Cringleford\\_NDP\\_Final\\_Examiners\\_Report.pdf](http://www.south-norfolk.gov.uk/planning/media/Cringleford_NDP_Final_Examiners_Report.pdf)

which has been cited as good practice by central government.

- A number of Parishes intend to use the new designation of ‘Local Green Space’ introduced in the National Planning Policy Framework (NPPF – paras 76-78). The criteria are quite strict in the NPPF, and the advice is that Parishes should make quite sure that any pieces of land they intend to designate meet all the criteria fully. Any special sites the community believes it is essential to protect, but which do not meet the Local Green Space criteria, could still be identified in an NP policy. They should be given another designation (e.g. “local open space”), the types of development that would be permitted (e.g. play equipment, small recreational buildings, etc), and those that would not be, should be clearly indicated, and the reasons for protection explained in the accompanying text.



## **Choosing what's right for your community**

The following rights for local communities could be complementary to a Neighbourhood Plan – or on their own they might be the right tools to achieve what the community really feel is important to them.

**The Community Right to Build** is a new way for communities to choose for themselves where and when to build homes, shops, facilities and businesses.

Community Right to Build is an enabling right that support local people who want to carry out development so that communities are collectively owning, developing and/or managing their own land and developments. As an alternative to the

traditional application for planning permission, it gives communities the power to decide for themselves what happens in their neighbourhood.

The Community Right to Build forms part of the Neighbourhood Planning (General) Regulations made following the Localism Act 2011. Communities will be able to build:

- family homes to sell on the open market
- affordable housing for rent or to convert disused farm buildings into affordable homes
- sheltered housing for elderly local residents
- low cost starter homes for young local families struggling to get on the housing ladder
- facilities such as a new community centre or a children's playground

The benefits of these developments, such as any profits generated, will be managed by a community organisation on behalf of the whole community.

See more at: <http://mycommunityrights.org.uk/community-right-to-build/#sthash.au8rRdBf.dpuf>

**The Community Right to Bid** can be used to 'pause' the sale of buildings or land that the community care about such as the local pub, shop, former school, park or football ground. It gives the community time to develop a bid to buy it.

It is important to nominate land and buildings to be part of a register of 'assets of community value'. If something on this register is offered for sale, the community then have up to six months to prepare a bid. Horninglow and Eton Parish are preparing to use this power, and have incorporated their intention in their Neighbourhood Plan, now heading for its Referendum in March 2015. Their Plan can be found here:

[http://www.eaststaffsbc.gov.uk/filedepot\\_download/666/189](http://www.eaststaffsbc.gov.uk/filedepot_download/666/189)

The "mycommunityrights" website has more information: [Understanding the Community Right to Bid](#), and the [advice service](#) for support. The grant programme has now closed. For more information, head to the [Grants page](#).

These assets might currently be owned by your local authority or another public body, but they could also be owned by a private company or an individual.

See more at: <http://mycommunityrights.org.uk/community-right-to-bid/#sthash.olzq3wmk.dpuf>

**A Neighbourhood Development Order** can grant planning permission for specified developments in a neighbourhood area. Once established there would be no need for anyone to apply to the Borough Council for planning permission if it is for the type of development covered by the order. This should make it easier and quicker for such development to go ahead in the future. A Neighbourhood Development Order must still be in line with national planning policy, with the strategic vision for the wider area set by the local planning authority, and any other legal requirements. The following sites will provide further information.

[http://www.rtpi.org.uk/media/1621636/what\\_is\\_a\\_neighbourhood\\_development\\_order.pdf](http://www.rtpi.org.uk/media/1621636/what_is_a_neighbourhood_development_order.pdf)

<http://www.planninghelp.org.uk/planning-explained/neighbourhood-planning/neighbourhood-development-orders>

### **Up and coming training/events**

There's only one of the series of Locality/Planning Aid/Planning Advisory Service Neighbourhood Planning Masterclasses left to go. Representatives from Marchington and ESBC attended the Stafford event, and found it especially helpful for those starting out on preparing a NP. The last one is down in London, but at least it's free! Click below for more detail.

[http://www.ourneighbourhoodplanning.org.uk/events/2015/02/05/Neighbourhood\\_Planning\\_Masterclass](http://www.ourneighbourhoodplanning.org.uk/events/2015/02/05/Neighbourhood_Planning_Masterclass)

### **New publication from Locality**

This one shows how other NPs have managed to get policies and proposals through the process when they had a particular aim in mind, such as protecting valued green space, or deciding which projects should benefit from the Community Infrastructure Levy "top slice" for parishes from planning permission. Have a look at:

[http://mycommunityrights.org.uk/blog/power-neighbourhood-planning/?goback=%2Egmr\\_3741603%2Egde\\_3741603\\_member\\_5948422783905075202](http://mycommunityrights.org.uk/blog/power-neighbourhood-planning/?goback=%2Egmr_3741603%2Egde_3741603_member_5948422783905075202)

As you can see from the information in this newsletter case law and best practice in Neighbourhood Planning is changing at a rapid rate. Here at ESBC we try and keep up to date with new developments, so we can pass this on to parishes. If you have any queries on Neighbourhood Planning please contact Corinne O'Hare (Monday – Thursday) or Glenn Jones (Wednesday – Friday) on 01283 508645 or email [neighbourhoodplanning@eaststaffsbc.gov.uk](mailto:neighbourhoodplanning@eaststaffsbc.gov.uk) and we will be happy to help.