

Key Decision Required:	Yes	In the Forward Plan:	No
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CABINET

24 JULY 2020

REPORT OF THE LEADER OF THE COUNCIL

A.8 – UPDATE ON ALRESFORD PARISH COUNCIL’S REGULATION 15 AND 16 NEIGHBOURHOOD PLAN CONSULTATION

Report prepared by William Fuller

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

For Cabinet to authorise an eight week statutory public consultation on the emerging Alresford Neighbourhood Plan and approve a Scheme of Delegation for Neighbourhood Plans.

EXECUTIVE SUMMARY

Key Points:

- Alresford Parish Council has submitted the final version of its Neighbourhood Plan to the District Council so that we may undertake a public consultation on it.
- The Plan its self, A Consultation Document, The Basic Condition Statement and a number of other supporting documents have been submitted to the Council.
- It is only the Plan, The Consultation Statement, the Basic Condition Statement and the HRA/SEA which will be the subject of the public consultation.

Planning Policy and Local Plan Committee were asked to note the progress of the Alresford Parish Council’s Neighbourhood Plan at its meeting in June 2020.

This has now been completed and along with a series of other documentation has been formally submitted to the District Council so that we may host the final formal consultation on the Plan.

From this point forward the Neighbourhood Plan process is hosted by the District Council, through a statutory process in its final stages of preparation.

The Town and Country Planning Act 1990 (“the Act”) and the Neighbourhood Planning (General) Regulations 2012 (as amended) provide the statutory process as to how a Neighbourhood Development Plan will be developed and implemented.

Officers are satisfied that the submitted plan complies with all the relevant statutory requirements (as outlined in Regulation 15) and therefore respectfully request that Members allow the Plan (and associated documentation to commence an eight week public consultation.

The decisions involved in the process of making a Neighbourhood Development Plan are largely technical or administrative in nature, however certain decisions for example the decision to hold a referendum or ultimately the decision to make the Neighbourhood Plan and bring into force could be key decisions and as such should include member involvement.

In view of the statutory timescales it is proposed that Cabinet approves a scheme of delegation for functions/decision-making under the Neighbourhood Development Plan process to apply to neighbourhood plan proposals. It is important that Neighbourhood Development Plans are processed in a timely and efficient manner, in line with statutory timescales and this proposal seeks to streamline the current approach by delegating certain administrative and technical tasks to Officers in consultation with the Portfolio Holder for Planning where appropriate, but reserving the decision to make the plan to Cabinet.

RECOMMENDATION

That Cabinet:

- a) notes the contents of the submitted documentation at Appendix 1 to 3 satisfy the requirements of Regulation 15;**
- b) authorises the Assistant Director of Strategic Planning and Place to undertake an eight week public consultation on the Plan and other related documents in accordance with Regulation 16;**
- c) authorises the Assistant Director for Strategic Planning and Place to agree any minor amendments to the Plan and supporting documents (if required) before the public consultation begins; and**
- d) agrees the Scheme of Delegation for Neighbourhood Plans as set in Appendix 4.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

These Neighbourhood Plans will support the Corporate Plan 2020-24 (aligned with the core themes of Tending4Growth and Community Leadership) through delivery of interventions aimed at:

- Delivering High Quality Services
- Community Leadership Through Partnerships
- Building Sustainable Communities for the Future
- Strong Finances and Governance
- A Growing and Inclusive Economy

Neighbourhood Plans should supplement and support the policies and proposals in the District Local Plan whilst enabling the communities to achieve their own objectives and aspirations.

RESOURCES AND RISK

The Alresford Neighbourhood Plan has been prepared by their Parish Council. The responsibilities for resourcing this project lies principally with the Parish Council as the ‘qualifying body’. However, this Council has statutory duties in regards to the preparation of the Local Plan and Neighbourhood Plans and these will be discharged by the Strategic Planning and Place Team and any additional expenses funded through the ‘Local Development Framework Budget’.

A neighbourhood plan, once formally adopted, carries the same legal status as a District Local Plan (and other documents that form part of the statutory ‘development plan’) and therefore becomes a material consideration in the determination of planning applications. Applications for planning permission would therefore be determined in accordance with the development plan (including any Neighbourhood Plan), unless material considerations indicate otherwise

It is important that Neighbourhood Plans support and supplement the policies and proposals in the District Local Plan. To ensure this, Officers have worked constructively with the Parish Council in an advisory capacity in the preparation of their Neighbourhood Plans.

The Scheme of Delegation is being proposed to ensure that the District Council, acting as Local Planning Authority, can execute its statutory duty to assist in the production of Neighbourhood Plans in accordance with the 2012 Regulations in a timely and efficient manner.

LEGAL

The ability for a town or parish council to produce a Neighbourhood Development Plan is contained within the Localism Act 2011. The Town and Country Planning Act 1990 (“the Act”) and the Neighbourhood Planning (General) Regulations 2012 (as amended) provide the statutory process as to how a Neighbourhood Development Plan will be developed and implemented. The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, introduced new statutory timescales by which decisions relating to Neighbourhood Planning have to be made.

Neighbourhood Development Plans give communities the opportunity to set planning policies as Neighbourhood Development Plans which will form part of the development plan of a local authority once implemented and will sit alongside the Local Plan. The District Council’s responsibility as Local Planning Authority is largely technical in nature, for example advising on conformity with the Development Plan and checking that Plans have followed correct procedures.

Once made, a Local Planning Authority must consider a Neighbourhood Development Plan when deciding applications for planning permission, along with any other material consideration.

Decisions in relation to the making of Neighbourhood Development Plans are an executive function, that is because Neighbourhood Development Plans are not Development Plan Documents as defined in regulation 5 of the Town and Country Planning (Local Planning) England Regulations 2012 and as such do not come within the list of plans and strategies listed in Column 1 of the table to Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, which would require Council approval or adoption.

Alresford Parish Council are at Regulation 15 stage. This regulation states:

15.—(1) Where a qualifying body submits a plan proposal to the local planning authority, it must include—

- (a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;*
- (b) a consultation statement;*
- (c) the proposed neighbourhood development plan; and*
- (d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.*

(2) In this regulation “consultation statement” means a document which—

- (a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;*
- (b) explains how they were consulted;*
- (c) summarises the main issues and concerns raised by the persons consulted; and*
- (d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.*

And then Regulation 16 states:

16. As soon as possible after receiving a plan proposal which includes each of the documents referred to in regulation 15(1), a local planning authority must—

(a) publicise the following on their website and in such other manner as they consider is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area—

- (i) details of the plan proposal;*
 - (ii) details of where and when the plan proposal may be inspected;*
 - (iii) details of how to make representations;*
 - (iv) a statement that any representations may include a request to be notified of the local planning authority’s decision under regulation 19 in relation to the neighbourhood development plan; and*
 - (v) the date by which those representations must be received, being not less than 6 weeks from the date on which the plan proposal is first publicised; and*
- (b) notify any consultation body which is referred to in the consultation statement submitted in accordance with regulation 15, that the plan proposal has been received.*

OTHER IMPLICATIONS

Area or Ward affected: Alresford & Elmstead Ward (Parish of Alresford)

Consultation/Public Engagement: See Supporting Information section below.

PART 3 – SUPPORTING INFORMATION

Alresford Neighbourhood Plan Submission Documentation

Alresford Parish Council is at an advanced stage of Neighbourhood Plan preparation. The Parish have completed the preparation stage of plan making and have submitted their Plan along with background evidence documentation to the District Council so that we may formally consult upon the Plan. This stage is akin to the 'submission draft' stage of Local Plan preparation.

Twenty-four documents have been submitted to the Council, these are:

1. Basic Condition Statement
2. Alresford Neighbourhood Plan
3. Consultation Statement
4. List of Reg 16 Documents
5. Natural England Reg 14 letter
6. Anglian Water Reg 14 consultation letter
7. ECC Reg 14 consultation letter
8. Environment Agency SEA/HRA consultation letter
9. Environment Agency Reg 14 consultation letter
10. Gladman Reg 14 consultation letter
11. Natural England RAMS interim guidance letter (August 2018)
12. Essex County Standard clipping (November 15th 2019)
13. Above
14. Above (Nov 24th)
15. Environment Agency SEA/HRA letter
16. Natural England Reg 14 consultation letter
17. Early Engagement Survey
18. Housing Needs Survey
19. Detailed Survey
20. HRA and SEA Scoping Opinion Place Services
21. TDC Reg 14 consultation letter
22. Natural England SEA/HRA letter
23. TDC Early consultation letter
24. TDC SHMAA 2015

Out of these, it is only the Plan, the Consultation Statement and the Basic condition statement that are being consulted upon.

The Neighbourhood Plan

The Plan itself (Appendix 1) has previously been the subject of public consultation hosted by the Parish Council. At that stage (Regulation 14) the District Council also made comments on the emerging Plan.

As a result of the previous public consultation the Plan has had the addition of two new policies regarding surface water drainage and mitigation of impacts on Habitat sites through the RAMS project. A host of other minor changes have also been made to the Plan including many that address the District Council's previous comments.

The Consultation Statement

This document shows who was consulted at the previous stage, what they said and how the Plan has changed because of those comments.

The Basic Condition Statement

Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

Other Consultation Material

As well as the above, Officers also intend on consulting on the associated Habitats Regulations Assessment and Strategic Environmental Assessment.

The Consultation

The regulations require that a consultation is held for no less than six weeks, however due to the ongoing restrictions from Coronavirus (COVID19) Officers consider that an eight week period would give interested parties longer to digest the Plan.

Moreover, the exact dates and nature for the consultation are to be agreed with the Parish Council given the situation with the pandemic. In usual circumstances it would be appropriate to host public events at the Council offices or elsewhere, but given the above, other arrangements will need to be considered.

APPENDICES

Appendix 1 – Alresford Reg 16 Neighbourhood Plan

Appendix 3 – Alresford Consultation Document

Appendix 3 – Alresford Basic Condition Statement

Appendix 4 – Scheme of delegation

BACKGROUND PAPERS

None