

# PLANNING POLICY AND LOCAL PLAN COMMITTEE

27 FEBRUARY 2024

## REPORT OF THE DIRECTOR (PLANNING)

### A.1 NEIGHBOURHOOD PLANS UPDATE

(Report prepared by Will Fuller)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To report to the Planning Policy and Local Plan Committee the progress of the emerging Neighbourhood Plans.

##### EXECUTIVE SUMMARY

Key Points:

- The Council currently has two Neighbourhood Plans and one Neighbourhood Development Order which, after their respective public consultations, are now at examination stage. The two Plans are at slightly different stages within the examination process.
- **Ardleigh Neighbourhood Plan** is slightly ahead, and a six-week ‘focused consultation’ is now underway.
- **Elmstead’s Neighbourhood Plan and Neighbourhood Development Order** are progressing through the examination process with a Public Hearing set for early February.

Both Neighbourhood Plans and the Neighbourhood Development Order were considered by the Committee and the decision was made for each to be the subject of a six-week public consultation, which took place in May 2023 (for Ardleigh) and September 2023 (for Elmstead).

Since that time, Independent Examiners have been appointed for each of the Plans and the Examination of each Plan was formally opened.

##### Ardleigh

After a number of procedural matters were addressed by the District and Parish Councils, the Examiner proposed a number of ‘Significant Modifications’ to the Plan. Questions around Habitats Regulation Assessment for the Plan and what impact the newly published National Planning Policy framework might have on the Neighbourhood Plan were also raised by the Examiner. These three issues prompted the District Council to undertake a ‘Focused Consultation’ which will run from late January to early March.

## Elmstead

After clarification was provided by the Councils on a number of issues, the Examiner determined that a Public Hearing would be necessary. This was held at Elmstead Community Centre in early February.

## Next Steps

Once the examinations have concluded, the Examiners will each prepare a report setting out their findings regarding the Neighbourhood Plan. This report may make recommendations of modifications that should be made to the Plan in order that it can meet the basic conditions (be found sound). The Plan must proceed to referendum as soon as possible after the publication of the Examiner's report, and must receive at least 51% of votes in favour in order to progress to adoption. Following the referendum, Cabinet take the formal decision to adopt the Neighbourhood Plan.

## **RECOMMENDATION**

**That the Planning Policy and Local Plan Committee notes:**

- a) the progress of the Ardleigh Neighbourhood Plan; and of**
- b) the Elmstead Neighbourhood Plan and Neighbourhood Development Order.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

Neighbourhood Plans will support the Corporate Plan 2024-28 (Our Vision) through delivery of interventions aimed at:

- Pride in our area and services to residents,
- Raising aspirations and creating opportunities,
- Championing our local environment,
- Working with partners to improve quality of life, and
- Promoting our heritage offer.

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**

Both of these Neighbourhood Plans and the Neighbourhood Development Order have been prepared by the respective Parish Councils with assistance from planning consultancies. The responsibilities for resourcing these projects have, to date, sat principally with the Parish Councils as the 'qualifying bodies'. However, the District Council has statutory duties in regard to the preparation of the Local

Plan and Neighbourhood Plans and these will be discharged by the Planning Team and any additional expenses funded through the Local Plan budget.

## LEGAL

The ability for a Town or Parish Council to produce a Neighbourhood Plan is contained within the Localism Act 2011. The Town and Country Planning Act 1990 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 contain statutory timescales by which decisions relating to Neighbourhood Planning have to be made.

## OTHER IMPLICATIONS

**Area or Ward affected:** Ardleigh and Elmstead Parish areas.

**Consultation/Public Engagement:** Both Neighbourhood Plans and the Neighbourhood Development Order have been the subject of extensive public engagement by the respective Parish Councils. The District Council has also hosted a six-week public consultation on each of the Plans. We are also hosting a 'focused consultation' on some specific matters in relation to the Ardleigh Neighbourhood Plan.

## PROGRESS OF NEIGHBOURHOOD PLANS

The Council currently has two Neighbourhood Plans and an associated Neighbourhood Development Order (NDO) at Examination stage.

### Ardleigh Neighbourhood Plan

The Foreword to the Ardleigh Neighbourhood Plan provides a succinct vision for the area when it states:

*The Plan sets objectives on key identified themes such as transport, community, the built and historic environment, local green spaces, housing and the general approach to development, including landscape features and design quality of physical structures. It builds on current and future planned activity in the Local Plan and says what the Parish Council and its partners will work towards.*

*The overwhelming view of the community, who responded to public consultation, is that the Parish of Ardleigh should above all else retain its rural characteristics in relation to the visual quality of its buildings, open spaces, trees, hedges, footpaths and bridleways. The people of the Parish of Ardleigh also feel strongly that their sense of community should be protected and nurtured across the whole Parish, including the village centre, Ardleigh Heath, Burnt Heath, John de Bois Hill, Fox Street, Plains Farm, Crockleford Heath and other outlying areas.*

*The vision is for the people of Ardleigh to continue to develop its sense of community, retain its rural feel and to enjoy and protect the countryside around them: allowing for strictly controlled housing development and employment growth to maintain a vibrant community.*

The Neighbourhood Plan contains six planning policies, which are:

- Policy GDP - General Approach to Development
- Policy CFP - Community Facilities
- Policy HP – Housing
- Policy EP - Natural, Built & Historic Environment
- Policy LGP - Local Green Spaces
- Policy TP - Transport & Parking

### Progress to Date

Members will recall resolving to allow the Neighbourhood Plan to be subject to six-week public consultation. The 'Regulation 16 consultation' for the Ardleigh Neighbourhood Plan ran from 15<sup>th</sup> May to 26<sup>th</sup> June 2023.

On the 14<sup>th</sup> June Mrs Ann Skippers MRTPI was appointed as the Examiner for the Ardleigh Neighbourhood Plan. The Examination for the Plan formally opened on Wednesday 12<sup>th</sup> July 2023. On the 18<sup>th</sup> of August, the Examiner sent the Council an 'Interim Note of Findings which' detailed a number of questions and matters of clarification. On the 18<sup>th</sup> of September the Council, in collaboration with the Parish Council submitted its response to the Examiner's Interim Note. These responses can be found on the Council's website.

The Examiner responded to the Councils on the 6<sup>th</sup> November, indicating that the Council needed to do further work in regard to the Habitats Regulation Assessment. A Habitats Regulation Assessment (HRA) and Strategic Environmental Assessment (SEA) Screening Report was prepared by Essex County Council Place Services on behalf of the District Council in support of the Neighbourhood Plan. The three statutory consultation bodies (Natural England, Historic England and the Environment Agency) were not formally consulted on the Screening Report and no formal decision by the District Council was made on the Screening Report.

A consultation was subsequently held between 16<sup>th</sup> November and the 18<sup>th</sup> December 2023 where comments from Natural England and Historic England were received. The District Council was therefore able to publish a formal decision as Competent Authority stating that the Screening Report now meets the requirements of the Regulations.

The Examiner's significant modifications document and details of the Habitat Regulations Assessment decision can be found in the background documents.

This decision, as well as the Examiner's proposed significant modifications to the Plan and the implications of the newly published NPPF all must all be the subject of their own public consultation.

A 'Focused Consultation' on these three issues has therefore been undertaken, which runs from 22<sup>nd</sup> January until the 4<sup>th</sup> March.

### Next steps for Ardleigh

Once the current consultation is closed, the Parish Council have a further two weeks to make comments on any representations received. The Examiner will then submit her final report to the Council at which point we will organise a referendum in the Parish for residents to vote on the Plan.

### Elmstead Neighbourhood Plan

Within the Elmstead Neighbourhood Plan there is a succinct vision for the area when it states:

*Elmstead will have grown successfully as a community through the completions of approved housing developments and sustainable infill within the existing fabric of the village settlement. The village core provides a centre bringing the old and new communities together. Although change in the wider parish has been significant, it has provided the opportunity for access to new community facilities and services and improved connectivity of the wider green infrastructure network from the village into the countryside.*

This vision is supported by four key objectives, these are:

1. *To manage incremental growth of the village through sensitive infill and to protect the surrounding countryside from harmful development.*
2. *To conserve the special heritage character of the village and its landscape setting*
3. *To protect and improve the ecological value and connectivity of the green infrastructure assets of the village and wider parish.*
4. *To sustain community facilities and services that are essential to community life.*

The Elmstead Neighbourhood Plan contains eighteen Planning Policies, these are:

- Policy ELM1: Settlement Development Boundaries
- Policy ELM2: Protecting The Setting Of Elmstead Market
- Policy ELM3: Gaps Between Settlements
- Policy ELM4: The Former Elmstead Community Centre
- Policy ELM5: Affordable Housing
- Policy ELM6: First Homes.
- Policy ELM7: Housing Mix
- Policy ELM8: Zero Carbon Buildings
- Policy ELM9: Design Codes
- Policy ELM10: Important Views
- Policy ELM11: The Village Core
- Policy ELM12: Movement And Connectivity
- Policy ELM13: Managing Traffic
- Policy ELM14: Local Green Spaces

- Policy ELM15: Green Ring
- Policy ELM16: Nature Recovery
- Policy ELM17: Health And Wellbeing Service Provision
- Policy ELM18: Local Community Uses

### Progress to Date

The Elmstead Neighbourhood Plan and Neighbourhood Development Order (NDO) was also the subject of a six-week public consultation. This consultation ran from 18th September to the 30th November 2023.

An Independent Examiner: Mr John Slater BA(Hons) DMS MRTPI FRGS was appointed by Tendring District Council to examine both the Neighbourhood Plan and NDO on the 22<sup>nd</sup> September 2023. The Independent Examination of the Neighbourhood Plan and NDO started on the 9th November and the Examiner visited the Parish on the 23rd November. The Examiner submitted his initial comments on the Neighbourhood Plan and NDO to the District and Parish Councils on the 27<sup>th</sup> November. These comments comprised fact finding and procedural matters, and the Councils were given until the 15<sup>th</sup> December to respond.

On the 2<sup>nd</sup> of January 2024 the Examiner made the decision that a public hearing was required to address those matters raised by the Parish and District Councils in their response to the Examiner's Initial Comments. A public hearing has therefore been arranged for 10:00am on Thursday 8<sup>th</sup> February 2024 at The Community Centre, School Road, Elmstead Market, CO7 7ET.

The hearing was open to the public to attend; however, the conduct of a Neighbourhood Plan hearing is set out in Schedule 4B to the Town and Country Planning Act 1990 which specifies which parties can participate. The legislation specifically provides for oral representations at the hearing to be made by the Qualifying Body, namely Elmstead Parish Council and the Local Planning Authority, Tendring District Council.

Further details, including who was invited to attend the hearing, and the draft agenda can be found within the examiner's 'Notice of Public Hearing' background document.

### Next steps for Elmstead

Once the Public Hearing has taken place, it is anticipated that the Examiner will either propose modifications to the Plan and NDO or submit his final report.

## **APPENDICES**

None.

## BACKGROUND DOCUMENTS

[Ardleigh Proposed Significant changes document](#)

[HRA and SEA Decision material](#)

[Elmstead Public Hearing Notice](#)