



## Neighbourhood Planning **NEWS**

Updates, Advice,  
Good Practice

January 2017

## Welcome to the winter 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 and nationally in the world of Neighbourhood Planning. We have **news of where Parish Councils are up to** in producing their Neighbourhood Plans (NPs), including the latest on **consultations and referenda** and an update on **new Regulations** from Government.

### **What's been happening since the last newsletter?**

It has been a while since the last newsletter and Neighbourhood Planning in East Staffordshire has continued to be busy, with many Plans reaching their final goal and becoming part of the development plan.

After successful July Referenda in **Yoxall**, **Branston** and **Outwoods** all three Plans were officially 'made' by ESBC in August 2015. Development Control Officers have now been using these plans to help determine planning applications for well over a year.

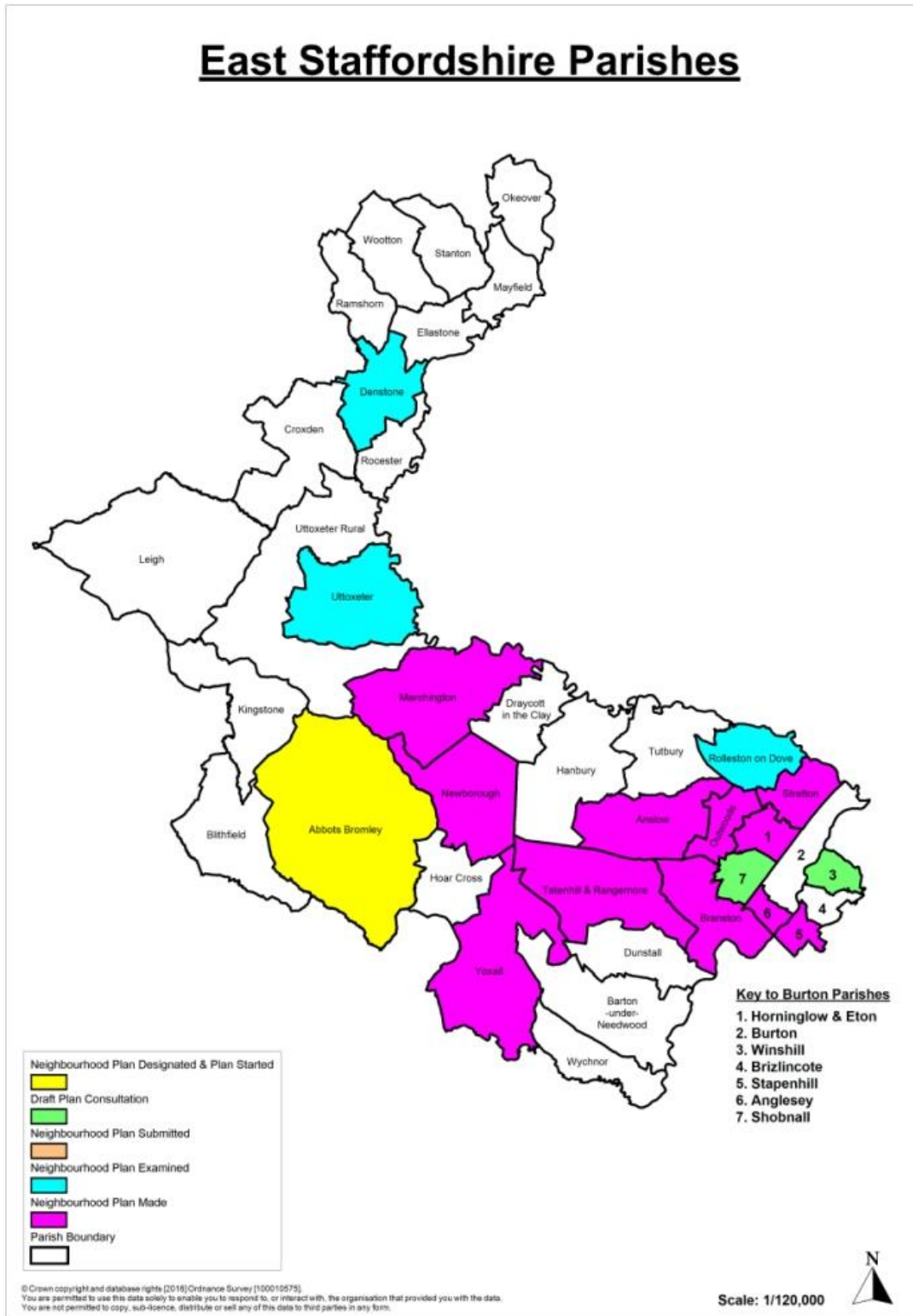
In February 2016 the **Stretton** and **Tatenhill & Rangemore** Plans were made by ESBC after their successful January 2016 Referenda.

Hot on the heels of the plans above was **Anglesey**, which went to the polls on 21<sup>st</sup> July 2016. Although the turnout was not as high as we had hoped 88% of those voting said 'yes'.

In September 2016 we had a busy day with the Referenda for **Marchington**, **Newborough** and **Stapenhill** taking place. Turnout was good in the rural Parishes but less so in Stapenhill, in part due to the difficulty in trying to disseminate information about Neighbourhood Planning to an electorate of nearly 6000.

Percentage 'yes' votes were above 90% in all three Parishes and the three plans were officially 'Made' at the end of September 2016.

The Neighbourhood Planning map for East Staffordshire is updated regularly; here is the map as at 1<sup>st</sup> December 2016:



## Recent progress:

The **Uttoxeter** Neighbourhood Plan was examined by Andrew Ashcroft in October 2016. Mr Ashcroft recommended a number of minor modifications to the plan, mainly to make the policies clearer and more concise. The Council (and Uttoxeter Town Council) were satisfied that the modifications helped the plan meet the basic conditions and issued a Decision Statement on 16<sup>th</sup> November 2016 confirming the plan as modified will proceed to Referendum. The Referendum date is set for Thursday 2<sup>nd</sup> February 2017.

Referendum documents can be found here:

<http://www.eaststaffsbc.gov.uk/planning/planning-policy/neighbourhood-plans/uttoxeter>

Quick to follow Uttoxeter was **Denstone**, which was examined by Ann Skippers in October and November 2016. The Council considered the examination report and were satisfied that the modifications suggested meet the basic conditions. Although the modifications to some policies are significant the Parish Council were reassured that the Plan's objectives are still intact and policy direction remains. The Decision Statement has been published and the Referendum takes place on February 2<sup>nd</sup> 2017.

Referendum documents can be found here:

<http://www.eaststaffsbc.gov.uk/planning/planning-policy/neighbourhood-plans/denstone>

**Winshill** Parish Council made significant changes to their plan earlier this year, based on recommendations in a healthcheck report carried out by a neighbourhood planning examiner. The modified draft plan was at Regulation 14 consultation with the Parish Council until 31<sup>st</sup> December 2016. The Parish Council will now consider the comments made and change the plan accordingly before submitting to ESBC. More details can be found on the Winshill Parish Council website: [http://www.winshill.info/parish\\_council/documents](http://www.winshill.info/parish_council/documents)

**Shobnall** Parish Council will soon be submitting their plan to ESBC, after consulting on their draft plan in 2016. We anticipate the Referendum will take place in mid 2017.

ESBC senior Officers and the Deputy Leader for Planning and Neighbourhoods met with the **Rolleston on Dove** Neighbourhood Plan Steering Group at the beginning of December, to discuss how to move the Plan forward in light of the Secretary of State recently granting planning permission for 100 homes on the College Fields site. It is now up to the Steering Group and Parish Council to decide whether to progress the plan or not. The Council hopes that now dialogue has been reopened the Neighbourhood Plan will be able to continue.

**Abbots Bromley** is the latest Neighbourhood Planning area to be designated in East Staffordshire. The steering group have put on several consultation events in the village and have been doing a lot of work behind the scenes, analysing survey results and gathering an evidence base for the plan, ready to start formulating policies. The group are keen to move forward with the plan in 2017 and hope to start writing policies with a view to consult on the plan later on in the year.

The most up to date information is available on the ESBC website:

<http://www.eaststaffsbc.gov.uk/planning/planning-policy/neighbourhood-plans>

## Regulatory updates

Since the last newsletter there have been a number of actual and proposed updates to the Neighbourhood Planning regulations, aimed at making the process more streamlined and helping qualifying bodies when they come to update their plans in the future:

On 1<sup>st</sup> October 2016 **The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016** came into force. The amended regulations put in place time limits on Local Planning Authority (LPA) decisions. In summary:

### **Neighbourhood Area Designation**

If a whole parish area (or multiple parishes) is requested to be designated by a Parish Council there is now *no* requirement for the Local Planning Authority (LPA) to publicise the application. The LPA must approve the application once they consider the application to be valid and complete. Previously the LPA had to publicise the area application for 4 weeks before designating.

### **Examiners recommendations**

The LPA now have to make a decision as to whether or not they believe the draft neighbourhood plan (or Order) meets the legal tests (basic conditions) and whether or not a referendum should be held within *five weeks* of receiving the examiner's report. Exceptions to this are where the LPA propose to make a decision which differs from that of the Examiner (see below) or where additional time has been agreed between the LPA and the Qualifying Body (Parish Council).

Where the LPA's proposed decision differs from that of an Examiner additional consultation must be undertaken on this for a period of six weeks with the final decision being issued within five weeks of the end of said consultation period. Those that must be consulted include the neighbourhood planning group and anyone who made representations during the Regulation 16 consultation as well as the Environment Agency, Natural England and Historic England (statutory consultees). The LPA also has the discretion to widen the consultation to additional parties.

### **Setting the Referendum Date**

LPA's must hold the referendum within 56 working days of the date that a decision to hold one has been made (84 working days when relating to a Business Neighbourhood Area, the neighbourhood area falls within more than one LPA or where the LPA are not the "principle authority" responsible for arranging the referendum). There are three exceptions to this provision. The first is where the referendum can be combined with another poll that is due to be held within three

months of the end of the 56/84 working day period. The second exception is where there are unresolved legal challenges to the LPA's decision to hold a referendum and finally where the LPA and the Qualifying Body agree a different timetable.

### **Making the Neighbourhood Plan**

The LPA now have to 'Make' (bring into legal force) the plan within 8 weeks of the result of the referendum unless there are unresolved legal challenges.

### **Secretary of State Intervention**

This adds procedural detail to powers outlined within the Housing and Planning Act 2016 and allows the SoS to intervene but only in "exceptional circumstances". These circumstances are where the LPA have not sent the plan to referendum by the prescribed date, where the LPA do not accept all of the Examiner's recommendations or where the LPA seek to modify the plan in a way that was not recommended by the Examiner. Any request for intervention must be made in writing giving clear reasons why the LPA's decision should be challenged. If it is the neighbourhood planning group making the request and it relates to the LPA either not accepting the Examiner's recommendations and/or putting forward modifications not recommended by the Examiner this request must be made within six weeks. The LPA will not be able to go to referendum until the SoS has decided to intervene or not, the SoS will seek representations as to whether or not to intervene and will appoint a Planning Inspector to deal with the matter.

**Neighbourhood Planning Bill** – awaiting its second debate in the House of Lords, due to come into force in late 2017.

### **Duty to have regard to post-examination neighbourhood plan**

This clause requires local planning authorities to have regard to a post-examination neighbourhood plan when dealing with an application for planning permission. A post-examination neighbourhood plan is a plan which, following independent examination, is to be put to a referendum as a result of a decision by the local planning authority.

### **Status of an approved neighbourhood plan**

This clause provides for a neighbourhood plan for an area to become part of the development plan for that area after it is approved at referendum. In the very limited circumstances that the LPA might decide not to make the plan, it will cease to be part of the development plan for the area.

## **Modification of a neighbourhood plan**

This clause will enable a LPA to modify, only with the consent of the qualifying body, a neighbourhood plan if they consider that the modification does not materially affect any planning permission granted by the policies in the plan.

In cases where the proposed modifications would materially affect the policies in the plan but are not so significant or substantial as to change the nature of the plan, the plan should follow the same process as originally set out but unlike the process for making a new neighbourhood plan, examiners are expected to hold hearings only in exceptional circumstances and there is no referendum on the proposed modifications. The LPA will be required to make the modified plan if that is what the examiner recommends (including modifications recommended by the examiner).

## **Changes to neighbourhood areas**

This clause facilitates the modification of a neighbourhood area where for example there is a change to a parish boundary or where a previous group of parishes having written a neighbourhood plan together subsequently want to split and prepare or modify their plans individually.

## **LPA assistance**

This clause will require the local planning authority to set out their duty to give advice or assistance to qualifying bodies to help them gather evidence and write their neighbourhood plan in the Statement of Community Involvement (SCI).

## **December 2016 Ministerial Statement**

A Ministerial Statement issued on 12<sup>th</sup> December 2016 by Gavin Barwell, the Minister of State for Housing and Planning, aims to give more power to 'Made' Neighbourhood Plans, in the absence of a five year housing land supply.

Currently national planning policy states that all local planning authorities must have enough land available to meet the housing needs of an area for the next 5 years (5 year housing land supply). If not, housing policies in neighbourhood plans may be considered out of date, thus seriously reducing their weight in helping decide planning applications.

ESBC can demonstrate a current 5 year housing land supply figure at present and we are confident this will continue in the future but the number of housing completions, which make up part of the calculation, are out of the Councils control. Many local authorities can't prove they have a five year supply of land, which puts neighbourhood plans at risk.

The Government has recognised this issue and the ministerial statement makes it clear that housing policies in neighbourhood plans, in areas *without* a five year housing land supply, will no longer be considered out of date, unless there is a significant lack of land supply for housing in the wider local authority area.

For this to apply the following three circumstances must be met:

1. The written ministerial statement is less than two years old, or the neighbourhood plan has been part of the development plan for two years or less
2. The neighbourhood plan allocates sites for housing
3. The local planning authority can demonstrate a three-year supply of deliverable housing sites (although it is not altogether clear how this should be calculated)

The Government hope this will give comfort to neighbourhood planning groups that are keen to bring forward housing in their area, even if there's not a five year land supply.

### **Thinking of writing a Neighbourhood Plan?**

There is no time limit on when a Parish Council can choose to start a Neighbourhood Plan. Please contact Corinne on 01283 508645 if you would like to discuss how to get started.

### **Funding News**

Don't forget that grants of up to £9000 are still available from Locality, with £6000 more available for complex neighbourhood plans (e.g a cluster of parishes, high levels of deprivation or a highly diverse community). To find out more, go to:

[http://mycommunity.org.uk/programme/neighbourhood-planning/?\\_a=funding](http://mycommunity.org.uk/programme/neighbourhood-planning/?_a=funding)

### **CONTACT US**

Corinne O'Hare - Neighbourhood Planning Policy Officer

01283 508645

[neighbourhoodplanning@eaststaffsbc.gov.uk](mailto:neighbourhoodplanning@eaststaffsbc.gov.uk)