

## MINUTES FROM NDP MEETING – 6pm CHURCH HOUSE 11<sup>th</sup> OCTOBER 2018

Attendance: Julie Wheeldon **JW**; Rob Humphries **RH**; Georgina Kelly **GK**; Greg Hall **GH**; Keith Baker **KB**

Volunteer Sec: Tom Wheeldon **TW**

Apologies: Peter Male **PM**; Mike Hobbs **MH**

Other attendees: Cllr Charles **PC**; Cllr Appleby **AA**; Cllr Moore **MM**; Anna Miller **AM** (ESBC Planning Manager); Naomi Perry **NP** (ESBC Principle Planning Policy Officer);

In the absence of the Chairman **JW** fulfilled the role and called the meeting to order.

### 1. Apologies

As indicated above.

### 2. Opening address

**JW** Opened with a brief statement outlining the purpose of the meeting which was, to discuss the content of the Independent Consultant's recent report on the status of the Neighbourhood Development Plan to date.

Additionally, the discussions were intended to inform the NDPG of factors for future consideration; alongside the provision of confidence in the ongoing process to the wider Parish community.

The discussions involved a high level of detail, and have subsequently informed the method for effectively presenting the information in these minutes.

### 3. Discussions

a) **MH** provided the following questions/observations to be presented in his absence:

- *"In relation to the current authorised ESBC Local Plan housing recommendations having been exceeded, when writing the NP can we write it in such a way that protects us from the effect of increased housing requirement following a Local Plan review in 2 years time, or any Planning Applications that may be submitted in the interim period?"*
- *"Additionally, my view would be that we adopt a mixture of all three proposed options, and not stick to a rigid view of any one of the options"*
- *"It is important to acknowledge clearly and firmly, that whatever route we follow we MUST have gained community buy-in before proceeding."*

b) **JW** Sought clarification of the term, 'Development Plan' (DP) referred to extensively in national guidance and statutory legislation.

**AM** Informed that the DP comprises the following documents:

- [ESBC Local Plan 2012-2031](#)
- [Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026](#) (produced by Staffordshire County Council)
- [Staffordshire and Stoke on Trent Minerals Local Plan 1994-2006](#) (produced by Staffordshire County Council)

c) **AA** Enquired if future review changes to an adopted Local Plan (LP) would 'trump' a 'made' Neighbourhood Development Plan (NDP).

**NP** Said that such LP Strategic Policy changes would take precedence over a 'made' NDP, and would require NDP amendments accordingly. The most up to date policy in whatever development plan would take precedent in decision making.

Depending on the content of a new Local Plan, changes to 'Made' Neighbourhood Plans may or may not be required (**eg Minor NDP changes may not require a full review and referendum; whereas more extensive NDP changes would likely require a full review of the NDP with an associated referendum**).

The start of the review of the current ESBC LP is likely to occur within the next 18-24 months, and it will take at least 3-4 years to produce a new plan.

**JW** In the context of a future review of housing requirement allocations to Abbots Bromley, if it can be demonstrated that the developments/approved applications to date meet 'local need', is it correct that there shouldn't be any further housing allocation to Abbots Bromley?

**AM/NP** Any new Local Plan will also need to establish a Housing Need Requirement based on the methodology set out in national planning policy and guidance. Further work by the LPA and ongoing discussions with the Parish will arrive at a conclusion on this.

d) **JW** Raised the topic of the Independent Consultant report for consideration by those present:

**AM** The report appears to be informative, but does raise more questions than it gives answers.

Following a suggestion that the NDPG consult on the work completed to date.

**MM/AA** Commented that the 2018 Parish Assembly had emphasised the need to ensure that an evolving NDP did effectively engage and consult with the community. It was evident at the Assembly that the process would have failed an Independent Examination, as well as at Referendum and that the Assembly had acted as an early informal community consultation on the evolving Draft plan, requiring more work still to be done. This subsequently led to the PC's decision to commission the Independent Consultant to report on the status of the work done to date.

**MM** Provided the PC's perspective of not being able to sanction a NDP without consideration for appropriate further development and/or site selection. It was

unlikely that there would be 'no need' for development. Reference was also made to the Consultants advice to utilise the new NDP 'Toolkit' for revisiting some aspects of the earlier NDP.

**GH** Felt that it was a good idea to refresh some of the work to date.

**GK** Spoke from a resident's perspective referring to the previous ineffective consultation NDP process. She also highlighted a concern that not enough thought appears to be given to ensuring that such services as the GP surgery and village school can adequately cope with increase in demand.

**KB** Reaffirmed this view, indicating that the public lack of understanding of the process resulted from poor effective engagement.

**NP** Set out the required consultation steps contained in the Neighbourhood Planning Regulations. These are:

- Regulation 14 (6 week consultation on a Draft Plan; carried out by the Neighbourhood Development Plan Group/Parish Council)
- Update the plan if necessary based on consultation responses
- Submit the plan to ESBC
- Regulation 16 (6 week consultation with ESBC)
- Examination
- Referendum

There is scope within the regulations to carry out more than one 'Regulation 14' consultation if required, and this has happened in a couple of other Neighbourhood Plans in East Staffordshire.

- e) **JW** Described some forms of community engagement regarding site selection employed by other NDP committees in the local area. That other NDP's have identified a range of possible sites and then asked the community for its view. It was anticipated by the community that this was going to happen at the community event in March 2017. It didn't and hence the public reaction at the Parish Assembly in May 2018.

**JW** Also enquired as to whether there is a need for a fresh Housing Needs Analysis (HNA) at this time, due to the 2year lapse in previous HNA data; and the fact that a local Housing Association, when invited by the previous group to comment on the previous data at the time, stated that it was not robust enough to allow them to be informed as to housing need in the village. The Independent Consultant also recommended a review perhaps using statistical data pertinent to Abbots Bromley.

**NP** Confirmed that the current HNA information shows that there is some evidence to support development, and agreed with **JW** that this information could be overlaid with statistical evidence in order to demonstrate its robustness.

**NP** Also briefly stated that the government are intending to publish information later in 2018/early 2019 regarding how to disaggregate Borough wide housing need data into Neighbourhood Plan areas; and into housing for different groups (e.g. older residents).

**KB** Expressed the need to consult further with the community, as previous engagement was poor resulting in low turn-out for gauging wider public opinion on important issues.

**AM** Advised that transparency of opinion is essential, in order to carry the community along with the process so that they have ownership of the final product.

- f) **JW** Commented that the development recommendations for Abbots Bromley, as contained in the current ESBC Local Plan, had been significantly exceeded. The example of the Marchington Parish NDP was highlighted; they have included a policy that specifically seeks to limit development to the amount required by the LP. Marchington's NDP is now 'made' so this surely sets a precedent?

**NP** explained that the Marchington plan refers to an 'approximate' housing figure and only limits development by virtue of having a settlement boundary and the limited opportunities for housing development within the boundary.

**AM** Advised that the number of developments contained in the Local Plan is interpreted as a MINIMUM number and not a MAXIMUM over the plan period (2012-2031).

**JW** Commented that the Local Plan examiner found both the figure of 40 dwellings and the amended settlement boundary sound.

**JW** also informed that the development recommendations for Abbots Bromley stipulated in the current ESBC Local Plan clearly defines 40 dwellings to be developed during the plan period (in order to ensure that the historic environment, and conservation nature of the community was not adversely affected through over development) and that nowhere in the Local Plan is the word 'minimum' referred to and this had been accepted by **NP** in an earlier exchange of correspondence.

**JW** In terms of legal standing there has to be reliance on the written document and not a suggested 'understanding' behind the scenes.

The logical thinking from this would therefore suggest that development in excess of 40 would adversely affect the above historic and conservation criteria?

- g) **JW** The development already achieved/approved during the current Local Plan period is now an established fact. With this in mind it is essential that any further development during the remainder of the plan period is reflected in the NDP in terms of local need; type; style; scale and density of such development in order to maintain a positive control over the adverse effects of over development.

**AM** Stated that a *"Neighbourhood Development Plan provides the opportunity for a community to articulate its wishes for the local area. As well as housing development, it also allows for other unique important issues within the parish to be considered (eg Heritage; Aesthetics; Parking; Green spaces etc etc). Community benefit can also be achieved through the balancing of needs"*.

For example, **AM** suggested that perhaps an issue to consider is over development (a word referred to a number of times during the discussions). How do the community view over development? and how might the NDP seek to mitigate it?

For example, sufficient open space around individual units can be achieved so that overall density of development is controlled.

**It is very much Abbots Bromley's Parish plan and should be unique in meeting the resident's requirements.**

**NP** Went on to describe the principle of Rural Exception sites which are small scale sites principally for affordable local needs housing. Some market housing is suitable on such sites but must also meet local housing needs and must not form the majority of the site. Such a site would sit outside of the Settlement Boundary and would be subject to close scrutiny for particular development requirements by ESBC Planners as each application would need to be supported by a recent housing needs survey.

- h) **JW** referred to the [ESBC Local Validation Criteria September 2016](#) (specifically page 25 paragraph L21) and asked what qualifies as a 'major development'.

**NP** Major Development means development involving any one or more of the following:

- (i) the winning and working of minerals or the use of land for mineral-working deposits;
- (ii) waste development;
- (iii) the provision of dwellinghouses where:-
- (iv) the number of dwellinghouses to be provided is 10 or more; or
- (v) the development is to be carried out on a site having an area of 0.5 hectares
- (vi) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (vii) development carried out on a site having an area of 1 hectare or more;

**AM** Commented that despite the commentary on page 25, developers can't be compelled to consult with communities; they can be advised of the need to do so. Developers don't have to take notice of results from any consultation that they may undertake, so long as they can prove that some form of engagement took place (e.g. leaflet drop; public notice-boards etc).

**AM** The NDP is the best way to place particular community demands on future development intentions.

**MM** The PC would vigorously canvass the community opinion if a developer came forward without evidence of the Local Need being met.

**KB** Wished to establish whether ESBC Planning Dept would refuse planning consent for development proposals within the settlement boundary which exceeded an established Local Need requirement.

At what stage in the process would ESBC consider the NDP to carry sufficient weight in relation to planning application decisions?

**AM/NP** Commented that by the referendum stage a Draft NDP would be supported by ESBC Planning Dept and that PA's which exceeded an established Local Need requirement would be opposed.

It is likely that developers would conduct their own housing needs survey in order to up the number.

ESBC had recently achieved positive outcomes at Appeal in relation to opposed PA's.

- i) **JW** At what point does the negative impact of consequences have a bearing on planning decisions by ESBC.

**AM** In principle a PA inside the Settlement Boundary would have the 'potential' to succeed. All the relevant planning policies would still have to be considered.

ESBC would always support conversion of historic buildings in order to maintain the conservation integrity of the environment.

The NPPF states that heritage assets should be conserved in a manner appropriate to their significance. Planning applications are required for proposals for the demolition of buildings within a conservation area, and the impact of such demolition would be considered through that process.

In planning terms, heritage assets can include a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets (such as Listed Buildings) and assets identified by the local planning authority (including local listing).

Listed buildings are of course already protected.

**KB** If the land owner of a site within the Settlement Boundary wished to submit a PA for development prior to a NDP being 'made', would ESBC expect to see consideration for Affordable homes being included in the application.

**NP** ESBC exercises a 40% ratio of Affordable homes, providing the scheme meets the threshold for provision e.g. over 10 units which can be achieved through a combination of on-site provision and off site financial obligation.

- j) **JW** Referred to the [Housing Choice Supplementary Planning Document April 2016](#) which provides guidance on the housing mix ratio for all developments.

**KB** What support would ESBC provide to protect the Abbots Bromley Parish from developers actions whilst the NDP is being produced.

**NP** ESBC is in a good position regarding the Borough wide housing need, with a healthy 5year land supply in place.

**AM** Advised that the Office for National Statistics has indicated a lower level of housing growth, but there is still a housing need and the Government's aim is to build 300,000 houses a year. Further government intentions and policy guidance are expected towards the end of 2018/early 2019 and this may well influence the outcome of the forthcoming Local Plan review.

**AM** Emphasised the need to influence outcomes through production of a NDP that demonstrated sensitive/sensible design of development areas, particularly in relation to type/style/density/impact etc.

- k) **AM/NP** Advised on the funding support application process. There is no need to allocate development sites in order to qualify for funding support.

**AA** Mentioned that the Independent Consultant report had advised that the PC would need to apply for funding support. **AA** stated a need for the NDPG to provide all of the relevant details to the PC for submission of the funding support paperwork.

**NP** Recommended 18 months as a guideline to achieve a 'made' NDP due to the stages that Neighbourhood Plans must go through. The current available information should be used as a start to work with 'Locality' Support Group, and other support agencies. This would demonstrate that an independent view was being taken.

**NP** Recommended that all the work on the NDP to date be pulled together to form a 'Draft Plan' which would assist both the NDP group and those appointed by 'Locality' support.

- l) **JW** Summarised the discussions to this point:
- The fact that 40 allocated developments under the LP plus another 20 units that have already been completed/approved is somewhat irrelevant, save that it is accepted that there has been a 'cumulative impact' on the village.
  - From ESBC's perspective the NDPG should produce policies for the evolving NDP to define effective and closer control of further development over the remaining Local Plan period and beyond. The NDP period does not need to be aligned to the current LP timeframe of 2031; it could cover a period up to say 2040. It is very much Abbots Bromley's Parish plan.
  - Residents choose to live in the Parish for good reason; including Conservation/Local history/ rural environment etc. Whilst future development is an inevitable fact, residents do not want to see uncontrolled over development.

**AM/NP** Agreed, and were happy to provide more ESBC help and support as required.

- m) **JW** Thanked Anna and Naomi for their attendance and for the advice, encouragement and offer of further support going forward.

The meeting closed at 8pm

4. Agenda, date and time of next meeting

These minutes will inform the items for the next Agenda.

**ACTION:** MH to produce Agenda and distribute for comment at least 48hrs before the next meeting.

All **ACTION** points to be processed. If there are any problems in completing **ACTION's** get in touch with the committee for assistance ASAP.

Next meeting: Thursday 18<sup>th</sup> October 2018 – 7pm – Church House

**ACTION:** TW to book the room

With effect from 1<sup>st</sup> November 2018, the public will be invited to attend the first NDP meeting of the month.

The NDPG minutes will inform of the date, time and venue.