Urban Vision Enterprise CIC
Abbots Bromley Neighbourhood Plan
Review and Next Steps
May 2019

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1. Introduction

This report is a review of the last draft of the Abbots Bromley Neighbourhood Plan. It considers the main changes needed to create a new consultation draft of the plan. In particular, the aim is to ensure that the new plan provides a robust and effective tool for decision-making on planning applications and appeals, whilst meeting the Basic Conditions and other legal requirements.

The report should be read in conjunction with the annotated and tracked-changes version of the draft Abbots Bromley Neighbourhood Plan. General points are made in the report, whilst more specific and detailed comments are made in the annotated draft plan.

A lot of work has gone into the draft plan and much of what is needed is already in the plan and it contains a lot of useful material. However, it needs some restructuring and the policy drafting is problematic, as described later in this this report. So quite a lot of work is necessary to create a new consultation draft, but the existing document provides a useful foundation.

The report also sets out recommended next steps.

2. Structure and Formatting

2.1 Structure and Headings

The neighbourhood plan needs to have a clear structure and hierarchy of headings and sub-headings (using different sized fonts). At present all headings are the same size and this makes the plan difficult to use. A page break between the main sections of the plan is recommended.

The document is incomplete, with some headings having no text.

A suggested overall structure for the plan is as follows:

> **Introduction** (including background, duration, monitoring, etc.)
> **The Area** (evidence – social, economic, environmental)
> **Community Engagement** (concise summary of what was done and key issues)
> **Policies and Designations** (significant redrafting and restructuring required and LGS policies need to be added)

The material for most of this is already in the draft plan, but it needs restructuring, editing and partially redrafting.

2.2 The Area

Evidence on the area is in section 2 (about the parish area) and also in section 4 (about the neighbourhood area). The former is mainly historical and could be edited down considerably. The latter section is more directly relevant. These sections should be merged into a single section of neighbourhood area evidence (social, economic, environmental).

2.3 Fragmentation

Most issues are dealt with in multiple policies. This fragmented structure is confusing and raises the question of which policies apply in what circumstances. A simpler structure of policies is suggested in Appendix 1 to this report.

3. Vision, Aims, Objectives

3.1 Vision

A Vision is usually more concise (a single sentence). The vision in the draft NP is more of a list of issues. It is not essential to include a vision. However, if one is to be included, it may be useful to draft a more concise vision based on meeting local need, whilst considering the interests of future generations and longer-term sustainability.

3.2 Objectives/Aims

The objectives are a mix of lists of issues and policy statements. Aims/objectives should be concise and strategic in nature. The detail may then be developed through the policies. There clearly needs to be a relationship between aims/objectives and policies. Many policies will help to achieve multiple aims/objectives, whilst some aims will be addressed by multiple policies. So it is not necessary to precisely match each aim/objective with a specific policy.

Given the nature of planning policy, it may be better to replace the objectives with a list of strategic planning aims. For example, aims could be something like the following:

1. To enable and encourage more sustainable live-work patterns, with sustainable transport options.
2. To maintain and expand a range of local community facilities in the village.
3. To support local business and employment.
4. To enable new housing development, to meet diverse needs of the village's current and future communities.
5. To ensure that new development is well-designed and adds to the distinctive identity of the village.
6. To ensure that new development is in sustainable locations.
7. To conserve the village's built-heritage.
8. To protect and enhance the village's landscape setting, green spaces, natural features and wildlife.

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4.   Neighbourhood Plan Policies

4.1 Overall Structure of Policies

The current structure of policies is very fragmented, with many issue being dealt with by multiple policies. It is sometimes unclear which policies apply and in what circumstances. There is a series of policies under the heading of 'development principles' and then further policies on a range of subjects. It is unclear how the different sets of policies relate to each other. This is confusing and would make the plan almost impossible to use.

A simple structure for policies is suggested at Appendix 1.

4.2 Policy Format and Evidence

It is necessary to demonstrate that each policy is based on evidence and a clear planning rationale. Each policy needs to have a rationale/evidence section added, before the policy itself (or group of policies dealing with the same subject). This should set out the thinking or 'science' behind the policy.

Reference can be made to national and local policies in the rationale/evidence section, to demonstrate how the NP policies relate. Relevant evidence must be referred to. As with all parts of the plan, concise is best.

In addition, it is useful to have a simple statement of purpose at the start of each policy. This would be a simple description (one or two sentences) of purpose for the policy or group of policies.

A suggested structure for each policy is as follows:

> Purpose
> Rationale/Evidence
> **The Policy (in bold)**
> Interpretation/clarification

4.3 Drafting

Many policies use the word 'should' rather than 'must'. The word 'must' is a more definite requirement.

In many places , there is a statement of what the plan should do, as if this was a brief for future preparation of the plan. Everywhere that the plan makes such a reference, it should be deleted and replaced by policy to actually achieve what is being referred to.

Many policies set out information requirements for planning applications, rather

than setting out requirements for development to meet. This makes these policies ineffective. It is essential that policies set out clear requirements or tests for development to meet. The more specific the policy in defining what is required, the more likely it is to be effective as a tool in development management. Most policies are vague or unclear in meaning. Redrafting is recommended.

There is no point in repeating what is already in national or local plan policy. In some places, the NP seeks to apply local plan policies. It can't do this – adoption of the local plan by the local planning authority is the only way of applying its policies.

The neighbourhood plan makes numerous references to design, character and heritage. However, there is no specific design policy. It is recommended that a design policy be drafted.

The convention of using bold text for the actual policies should be used throughout the document (at present it is used for some, but not all policies).

More specific comments on each policy are given in the annotated version of the plan.

4.4 Site Allocations

The plan appears to make site allocations, though the wording is unclear. Some of the sites include land within the settlement boundary, where development is already enabled. This is confusing. There is no point in allocating sites within the settlement boundary (indeed, this creates confusion).

It is not essential that the plan make site allocations, though there should be clarity over where development can take place, for example through clear policy requirements. The local plan may be sufficient to provide such clarity – a judgment needs to be taken.

An alternative approach for the sites within the settlement boundary may be to prepare site briefs, applied through policy.

4.5 Local Green Space Designations

The plan intends to make Local Green Space designations, but there is no actual policy to do so. A suitable policy should be drafted. A policy restricting development within LGS could also be drafted.

For each LGS, it is necessary to include a brief description of the community value of the space and how it meets the criteria in Paragraph 100 of the NPPF.

5. Meeting Legal Requirements

5.1 Legal Requirements

All neighbourhood plans must meet certain legal requirements, including meeting the basic conditions (as recognised in the draft plan).

The plan needs to state the time period for which it will be in force. A more specific date has been suggested in the annotated version, rather than just stating the year.

A neighbourhood plan may not deal with excluded development, including minerals extraction and waste (see comments in annotated version).

Various parts of the plan deal with non-planning matters, like traffic management (which is covered by highways legislation rather than planning legislation). These matters should extracted and put into a separate annex or document (see annotated version for more specific comments).

5.2 The Basic Conditions

National policy and Guidance

All references to the National Planning Policy Framework (NPPF) need to be updated to refer to the current (February 2019) version.

In redrafting policies, the NPPF and Planning Practice Guidance (PPG) must be considered. It is useful to make reference to relevant paragraphs in the NPPF and/or PPG in the rational/evidence section to each policy (avoiding lengthy quotations).

Paragraph 16 of the NPPF should be taken into account:

> *"16. Plans should:*
> *a) be prepared with the objective of contributing to the achievement of sustainable development;*
> *b) be prepared positively, in a way that is aspirational but deliverable;*
> *c) be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
> *d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
> *e) be accessible through the use of digital tools to assist public involvement and policy presentation; and*
> *f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)".*

At present, the confusing structure, duplication, lack of rationale/evidence and

addressing of some issues through multiple policies would fail to meet the requirements of Paragraph 16.

General Conformity with Strategic Local Policy

One of the key issues in achieving local conformity is gaining the agreement with the local planning authority over the housing growth requirement for the neighbourhood area. This should be discussed with the local planning authority before redrafting policies.

In redrafting policies, strategic local policies must be considered. Repetition of local plan policies should be avoided. It is useful to make reference to relevant local plan policies in the rational/evidence section to each policy (avoiding lengthy quotations). Neighbourhood plan policies should not state that requirements of local plan policies must be met – this is already dealt with by planning law (local plans are statutory planning policy, once adopted).

Achieving Sustainable Development

The draft plan deals with growth, but also environmental sustainability and social/community issues. It deals with a range of issues identified in the NPPF as being parts of delivering sustainable development. So it would help to achieve sustainable development.

Placing more emphasis on non-car travel would be useful, for example by requiring cycle storage to be provided in new housing and in emphasising pedestrian convenience in a design policy.

Compatibility with EU Obligations

The plan will need to be screened for SEA (strategic environmental assessment) and HRA (Habitat Regulations Assessment). When the plan is submitted, it will need to be accompanied either a screening outcome, confirming that SEA and/or HRA are not required, or a copy of an SEA and/or HRA report.

Human Rights

Human rights may be addressed by reference to community engagement (including businesses and hard-to-engage groups) and by undertaking an equalities assessment. This may then be included in the Basic Conditions Statement.

6. The Way Forward

6.1 Next Steps

Suggested next steps are as follows:

- Clarify/update housing growth requirements with local planning authority.

- Restructure the neighbourhood plan, as recommended in this report and in the annotated version of the plan.

- Restructure and develop the policies. Remove repetition and ensure that each planning issue is not dealt with by a clear policy or group of policies, and not by multiple policies. Add purpose and rationale/evidence material to each policy. Redraft the policies to create an effective basis for development management.

- Informal engagement could include publicity for the new policy structure (see Appendix 1) and perhaps a workshop and/or drop-in event. It is important to explain the scope of a neighbourhood plan – policy for new development. Different parts of the community should be targeted, including the business community.

- The revised plan will need to be screened for SEA and HRA. This is normally undertaken by the local planning authority. The revised plan will need to be submitted to the local planning authority with a request for screening

- Once there is a complete draft of the plan, it will be necessary to undertake Regulation 14 consultation. This must comply with the planning legislation, but also take account of consultation case law, in particular meeting Gunning principles. Representations will need to be considered and the plan can be amended, if necessary.

- The submission of the plan will require two accompanying statements to be prepared: a Consultation Statement and a Basic Conditions Statement. Screening outcomes for SEA and HRA should be submitted (or SEA and HRA reports, if required).

Appendix 1

Policy Map

The following is a suggested structure for the policy section. The numbers are provisional and could be changed as required.

Housing

HOU1: New Housing

Set out sustainable locations (settlement boundary, or outside of boundary only infill or redevelopment). Not in LGS or rural.

HOU2: Housing Mix

Suitable for the Elderly as part of mix.
Smaller (1-2 bed) as part of mix.
Bedrooms based on national space standards.

Employment and Community Facilities

ECF1: New Employment

Sustainable Locations, subject to impacts.
Garage site.

ECF2: New Community Facilities

Enabling policy, subject to impacts.

ECF3: Existing Community Facilities

Protection or alternative facility.

ECF4: Broadband

Requirement within development sites, so as to be ready for service upgrades.

Design, Heritage, Environment

DHE1: Sustainable Design and Character

Scale, set-back, height, massing, active frontages, pedestrian convenience, connectivity, materials, etc.

DHE2: Undesignated Heritage

Protection of local list buildings and structures.

DHE3: Impacts on Natural Environment

Landscapes, etc.

Protection/replacement of trees.

DHE4: Flooding and Drainage

Impact on flood risk.

Permeable hard surfaces/SUDs?

Local Green Space

LGS1: Designation of Local Green Space

Policy designating LGS.

LGS2: Development Affecting Local Green Space

Impacts of development – protection of open character and amenity.

Transport

TRA1: Balanced Provision

Need to demonstrate balance. Cycle storage. Charging points. Impact on road safety and capacity.

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