

Acle Neighbourhood Plan – Proceeding to Publication

Report by Planning Policy Officer

Summary:	The Acle Neighbourhood Plan is ready for publication. The Broads Authority (as well as Broadland District Council) needs to approve the plan before it goes out to the public for a six week publication (consultation) period.
Recommendation: (i)	That the Planning Committee endorses the Submission version of the Acle Neighbourhood Plan (NP) and approves proceeding to publication (consultation).
(ii)	That Planning Committee agrees to delegate to the Chief Executive the decision to submit the Acle Neighbourhood Plan to independent examination on assessment of the comments received after the public consultation (publication) ends subject to no new major issues being raised.

1 Introduction

- 1.1 A proposed Acle Neighbourhood Plan has now been developed and submitted, along with the necessary supporting information to the Broads Authority and Broadland District Council.
- 1.2 The process of producing the Plan has seen extensive consultation with residents and other stakeholder organisations, as well as the drafting of Plan objectives and policies.
- 1.3 The Broads Authority and Broadland District Council must now assess the submitted Plan against criteria set out by Government legislation, and decide whether the proposal complies with these criteria. Notice of the decisions will need to be sent to Acle Parish Council.
- 1.4 Here is a link to the various documents that will be consulted as part of the publication stage: <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-20-june-2014>.
- 1.5 On submission of a Neighbourhood Plan to the local planning authority, that authority must undertake an assessment of the proposed plan against certain criteria. This is required by the amended Town and Country Planning Act 1990.
- 1.6 The legislation prescribes that the local planning authority must consider:

- (i) Whether the parish/town council is authorised to act (i.e. whether it is the appropriate body to produce a Neighbourhood Plan for the area suggested).
- (ii) Whether the proposal and accompanying documents:
 - (a) Comply with the rules for submission to the Council
 - (b) Meet the definition of a Neighbourhood Plan.
 - (c) Meet the scope of Neighbourhood Plan provisions.
- (iii) Whether the parish/town council has undertaken the correct procedures in relation to consultation and publicity regarding the Neighbourhood Plan.

2. Acle Neighbourhood Plan – progress since the last version.

The Submission Version:

- 2.1 There have been no major changes since the last version, although some minor amendments to take on board some comments received. Acle Parish Council has taken on board most of the Broads Authority's comments. It is suggested that Acle PC should consider the following with regards to Policy 1 which relates to the area at Acle Bridge - Policy 1: The whole of the policy area lies within Flood Zone 3 – land identified as being at high risk of flooding. This is a substantial development constraint. Whilst this does not preclude new development (such as new food and drink venues) any application will need to establish that the development is safe, does not increase the risk of flooding elsewhere and satisfy the requirements of the Exceptions Test as set out in the Technical Guidance accompanying the NPPF. This comment has been raised before. It is suggested that this is mentioned in the background section. These comments do not affect the 'soundness' of the Neighbourhood Plan, but aid clarity.

Habitats Regulation Assessment Screening

- 2.2 Natural England is satisfied that the Neighbourhood Plan is unlikely to have significant effects on European Sites.

Basic Conditions Statement

- 2.3 This statement shows how the Neighbourhood Plan meets the 'Basic Conditions' as included in the Neighbourhood Planning Regulations 2012.
- 2.4 The relevant basic conditions for a Neighbourhood Plan are that it:
- Has regard to national policies
 - Achieves sustainable development
 - Plan is in general conformity with strategic plan of Broads Authority and Broadland District Council

- Prescribed conditions are met
- The making of the Neighbourhood Plan is not likely to have a significant effect on a European or a European offshore marine site.

2.5 Acle Parish Council has demonstrated that these Basic Conditions have been met.

3. Assessment

3.1 The following sets out details of the assessment against each of the criteria set out in 2.4, above.

Is the parish/town council authorised to act?

3.2 Section 61F of the amended Town and Country Planning Act states, 'A Parish Council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council.'

3.2 Acle Parish Council applied to Broadland District Council and the Broads Authority to designate its neighbourhood area as the whole of its parish boundary. This application was approved by the Planning Committee in June 2013.

3.3 It is therefore considered that the Parish Council is authorised to act in relation to this neighbourhood area.

Do the proposal and accompanying documents:

(a) Comply with the rules for submission to the Council?

3.4 Regulation 15 of the Neighbourhood Planning Regulations 2012 states that the submitted documents should include:

- A map or statement identifying the area to which the plan relates.
- A consultation statement, which contains details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered and, where relevant, addressed in the Neighbourhood Plan.
- The proposed Neighbourhood Plan.
- A Basic Conditions Statement, showing how the Plan meets the basic conditions set out in Schedule 4B of the 1990 Act.

3.5 The various document which fulfil the requirements for the documentation specified above can be found here <http://www.broads-authority.gov.uk/broads-authority/committees/planning-committee/planning-committee-20-june-2014>):

- The proposed Acle Neighbourhood Plan
- The Acle Neighbourhood Plan Consultation Statement, setting out the required details

- The Basic Conditions Statement which sets out how the Plan complies with national policy, how it contributes to sustainable development, how it is in general conformity with the Joint Core Strategy, and how it is compatible with EU obligations.

Do the proposals and accompanying documents:

(b) Meet the definition of a Neighbourhood Plan?

- 3.6 Section 38A of the Planning and Compulsory Purchase Act 2004 defines a Neighbourhood Development Plan as follows:

‘A “neighbourhood development plan” is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.’

- 3.7 It is considered that the Acle Neighbourhood Plan meets this definition, containing (as it does) twelve different neighbourhood-wide and site specific policies.

Do the proposals and accompanying documents:

(c) Meet the scope of Neighbourhood Plan provisions?

- 3.8 The Neighbourhood Plan provisions are defined as follows, in Section 38B of the Planning and Compulsory Purchase Act 2004:

- i. The NDP must specify the period for which it is to have effect
- ii. It cannot include provision about development that is ‘excluded development’
- iii. It cannot relate to more than one neighbourhood area or repeat an existing planning permission

- 3.9 The Acle Neighbourhood Plan clearly states that it is a development plan for Acle, to 2026. This is in line with the Greater Norwich Joint Core Strategy, which also looks forward until 2026.

- 3.10 The Neighbourhood Plan does not make any provision regarding excluded development. Excluded development is that which is either a ‘county matter’ (relating to minerals), any operation relating to waste development, or development consisting wholly or partly of a national infrastructure project.

- 3.11 The Neighbourhood Plan only relates to the Acle Neighbourhood area and it does not repeat an existing planning permission.

Has the parish/town council undertaken the correct procedures in relation to consultation and publicity regarding the Neighbourhood Plan?

3.12 Regulation 14 of the Neighbourhood Planning Regulations 2012 states that, before submitting the Neighbourhood Plan to the local planning authority, the parish/town council should:

(a) publicise (but this does not have to be on a website) in a way that is likely to bring to the attention of people who live, work or carry on business in the area details of:

- (i) the proposals
- (ii) when and where they can be inspected
- (iii) how to make representations, and
- (iv) the deadline for making representations (not less than 6 weeks from when they are first publicised).

(b) consult any consultation body (from the list of bodies within the Regulations) whose interests they consider may be affected by the proposals for a Neighbourhood Plan.

(c) send a copy of the Neighbourhood Plan to the local planning authority.

3.13 The pre-submission (Reg. 14) consultation undertaken by the Parish Council in relation to the draft Neighbourhood Plan is summarised in the Consultation Statement. This provides details of the publicity that was undertaken at this (and prior) consultation stages and the bodies that were consulted on the draft Plan. A copy of the Neighbourhood Plan was also received by the District Council and Broads Authority.

4 Proposed Action

4.2 It is proposed that, as Acle Parish Council has met each of the criteria specified in para. 3.5 of this report, the Broads Authority approve the submission of the Acle Neighbourhood Plan.

4.3 If the Plan is approved, then notice will be sent to Acle Parish Council of this fact. If the Plan is refused, then the Authority will need to notify Acle Parish Council of the reasons for this refusal, in a written statement.

4.4 If approved, Broadland District Council (with assistance from the Broads Authority) will then arrange for the Neighbourhood Plan to be publicised and will invite comments from the public, stakeholder bodies and previous consultees over a period of six weeks.

4.5 This publicity period will then be followed by an independent examination which, it is intended, will be carried out by an accredited Neighbourhood Plan examiner, through the RICS Neighbourhood Plan Independent Examiner Referral Scheme (NPIERS). This scheme has been approved by DCLG and is the approach that other local authorities around the country have been taking at this particular stage.

4.6 Following the examination (which will normally be dealt with via written representations), the examiner will produce a report recommending whether

or not the Neighbourhood Plan should go to a referendum (with or without certain modifications). The District Council and Broads Authority then consider this report and decides whether or not it agrees with the examiner's decision.

- 4.7 If it is decided that the Plan should go to a referendum (with or without modifications) then everyone eligible to vote within the neighbourhood area is invited to vote on the adoption of the Neighbourhood Plan. This is a simple yes/no vote and a majority of those voting in favour of the Plan is required before it can be adopted by the District Council and the Broads Authority.
- 4.8 Of importance to note, at the 18 January 2013 Full Authority¹, it was resolved that, in light of the fact that matters relating to Neighbourhood Plans were likely to be arise more frequently, it was considered that consideration and confirmation of neighbourhood area plans should be delegated to the Planning Committee.
- 4.9 Broadland District Council has produced the timetable for the remaining stages of the Acle Neighbourhood Plan. This is included at Appendix A. Key dates include:
- This Planning Committee approving Acle NP for six week consultation (publication).
 - Publication to run from 22 July to 9 September 2014.
 - Examiner appointed in July 2014.
 - Plan submitted for examination end of September
 - Planning Committee assess examiner's report September/October
 - Referendum could be held early December 2014.

5 Recommendation

- 5.1 It is recommended that the Broads Authority endorses the Submission version Of the Acle Neighbourhood Plan (NP) and approves proceeding to publication.

6 Financial Implications

- 6.1 There are no direct financial implications other than Officer time.

Background papers: None

Author: Natalie Beal
Date of report: 6 June 2014

Appendices: APPENDIX A – Timetable for the remaining stages of the Acle Neighbourhood Plan.

¹ <http://www.broads-authority.gov.uk/broads-authority/committees/archive-committee-papers-2013/2013-broads-authority-meetings/broads-authority-18-january-2013> (confirmed minutes)

APPENDIX A – Timetable for the remaining stages of the Acle Neighbourhood Plan.

ACLE NEIGHBOURHOOD PLAN - TIMETABLE			
Submission of draft Neighbourhood Development Plan to the Local Planning Authority		09/05/2014	21/07/2014
Receipt of documents by District Council	APC	09/05/2014	09/05/2014
Broads Authority - Planning Committee Assessment		20/06/2014	20/06/2014
BDC Cabinet assessment of submitted documents	BDC	01/07/2014	01/07/2014
BDC Council approval		10/07/2014	10/07/2014
Decision notice sent to Acle Parish Council	BDC	21/07/2014	21/07/2014
Publication of Neighbourhood Development Plan		6 week minimum	01/07/2014
Develop webpage	BDC	01/07/2014	22/07/2014
Develop Objective event	BDC	01/07/2014	22/07/2014
Produce list of notification bodies	BDC	01/07/2014	22/07/2014
Produce notification letters	BDC	01/07/2014	22/07/2014
Produce public notice	BDC	01/07/2014	22/07/2014
Produce and submit press release	BDC	21/07/2014	23/07/2014
Print documents for library, Town Council offices and BDC	BDC	21/07/2014	23/07/2014
Send notification letters/emails	BDC	21/07/2014	21/07/2014
Deliver documents to library and Town Council offices	BDC	21/07/2014	21/07/2014
Webpage and Objective go live	BDC	22/07/2014	22/07/2014
Publication period		BDC	22/07/2014
Collation of consultation responses	BDC	22/07/2014	05/09/2014
Appointment of Examiner		22/07/2014	28/07/2014
Submit application to NPIERS	BDC	22/07/2014	22/07/2014
Referral of three examiners to BDC	NPIERS	22/07/2014	26/06/2014
Selection and appointment of examiner		APC/BDC/BA	26/07/2014
Submit plan for examination		05/09/2014	05/09/2014
Submission of documents and consultation responses to examiner	BDC	05/09/2014	05/09/2014
Examination		08/09/2014	15/09/2014
Written examination undertaken	Examiner	08/09/2014	12/09/2014
Examiner's report submitted to BDC	Examiner	15/09/2014	15/09/2014
Council consideration of the Examiner's recommendations		15/09/2014	21/10/2014
Report produced for members	BDC	15/09/2014	17/09/2014
Report on orange route	BDC	17/09/2014	22/09/2014
Report submitted to Democratic Services	BDC	22/09/2014	22/09/2014
Broads Authority - Planning Committee Assessment of report		BA	10/10/2014
Cabinet assessment of report	BDC	21/10/2014	21/10/2014
Publication of Examiner's Report and Decision Statement		22/10/2014	23/10/2014
Production of decision statement	BDC	22/10/2014	22/10/2014
Publication of examiner's report and decision statement on BDC & BA websites		BDC/BA	23/10/2014
Notification letter sent to consultees	BDC	23/10/2014	23/10/2014
Publication of examiner's report and decision statement on Acle website	APC	23/10/2014	23/10/2014
Publication of notice in Acle newsletter	APC	23/10/2014	23/10/2014
Publication of pre-referendum information statement and specified documents		15/09/2014	04/12/2014
Production of information statement and specified documents	BDC	15/09/2014	23/10/2014
Publish statement and documents on BDC & BA websites		BDC/BA	23/10/2014
Make statement and documents available at BDC reception and at Acle sites	BDC	23/10/2014	04/12/2014
Referendum		05/12/2014	05/12/2014
Referendum held	BDC	05/12/2014	05/12/2014