

Strumpshaw Neighbourhood Plan: Proceeding to Publication

Report by Planning Policy Officer

Summary:	Strumpshaw Neighbourhood Plan is ready for publication. The Broads Authority (as well as Broadland District Council) needs to approve the plan before it goes out for a six week publication period.
Recommendation:	That the Broads Authority endorses the submission version of the Strumpshaw Neighbourhood Plan (NP) and approves proceeding to publication.

1 Introduction

- 1.1 Strumpshaw Parish Council was one of the original Neighbourhood Plan Front-runner projects, designated by DCLG in mid-2011 to start working on the production of a Neighbourhood Plan, in advance of the Localism Act coming into force.
- 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 A proposed Neighbourhood Plan has now been developed and submitted, along with the necessary supporting information to the Broads Authority and Broadland District Council. Electronic copies of the Plan and the main supporting documents can be found here (this is a 'ghost page' currently only accessed by this link, but will be made live when the publication period starts) <http://www.broads-authority.gov.uk/planning/future-planning-and-policies/neighbourhood-planning/strumpshaw/draft-submission--strumpshaw-neighbour-plan.html>
- 1.4 Strumpshaw Parish Council has submitted its proposed Neighbourhood Plan to the Broads Authority and Broadland District Council, along with the necessary supporting information.
- 1.5 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 Strumpshaw Parish Council.
- 1.6 The largest allocation is for 10 dwellings to enable six allotments and a community centre. This allocation is outside of development boundary but

there is no affordable housing required according to the policy. The justification for this is that the allotments and community centre would be provided which are community benefits and another application will deliver some affordable housing in the Parish.

- 1.7 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.
- 1.8 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 NP.
 - (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 NP.

2 Strumpshaw Neighbourhood Plan – progress since the last version

2.1 The Submission Version

- (i) No major changes since last version, although some minor amendments to take on board some comments received.
- (ii) Strumpshaw Parish Council has taken on board most of the BA comments. They have explained reasons for not taking on board some if that is the case.
- (iii) It is suggested that Strumpshaw PC should consider the following with regard to Policy 8:
 - POL8 supports economic development in the Parish (in and out of development boundary). Going on experience, if the enterprise is successful, they may outgrow the site.
 - It would be useful if the Neighbourhood Plan acknowledged the issue of succession – what if the enterprise starts ‘small scale’ but grows? Indeed, it might be useful to understand what is meant by ‘small scale’. These comments do not affect the ‘soundness’ of the Neighbourhood Plan, but aid clarity.

2.2 Habitats Regulation Assessment Screening

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

2.3 Basic Conditions Statement

- This statement shows how the Neighbourhood Plan meets the 'basic conditions' as included in the Neighbourhood Planning Regulations 2012
- The relevant basic conditions for a Neighbourhood Plan are:
 - Have regard to national policies
 - Achieves sustainable development
 - Plan is in general conformity with strategic plan of BA and BDC
 - 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
- Strumpshaw 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 section 2.6.

3.2 Is the parish/town council authorised to act?

3.2.1 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.*'

3.2.2 Strumpshaw Parish Council applied to the Broads Authority and Broadland District Council to designate its neighbourhood area as the whole of its parish boundary. This application was approved by Planning Committee on 7 December 2012 and Full Authority on 18 January 2013.

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

3.3 Do the proposal and accompanying documents: (a) comply with the rules for submission to the Council?

3.3.1 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 NP.

- The proposed NP.
- A Basic Conditions Statement, showing how the Plan meets the basic conditions set out in Schedule 4B of the 1990 Act.

3.3.2 There are various documents which fulfill these requirements:

- the proposed Strumpshaw NP
- the Strumpshaw NP Consultation Statement, setting out the required details
- a 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.

**3.4 Do the proposals and accompanying documents:
(b) meet the definition of a Neighbourhood Plan?**

3.4.1 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.’

3.4.2 It is considered that the Strumpshaw NP meets this definition, containing (as it does) ten different neighbourhood-wide and site specific policies.

**3.5 Do the proposals and accompanying documents:
(c) meet the scope of Neighbourhood Plan provisions?**

3.5.1 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

3.5.2 The Strumpshaw NP clearly states that it is a development plan for Strumpshaw, to 2026. This is in line with the Joint Core Strategy, which also looks forward until 2026.

3.5.3 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.

3.5.4 The Neighbourhood Plan only relates to the Strumpshaw neighbourhood area and it does not repeat an existing planning permission.

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

3.6.1 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.

3.6.2 The pre-submission (Reg. 14) consultation undertaken by the Town 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 Broads Authority.

4 Proposed Action

4.1 It is proposed that, as Strumpshaw Parish Council has met each of the criteria specified in para. 3.3.1 of this report, the Broads Authority approve the submission of the Strumpshaw Neighbourhood Plan.

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

4.3 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.

- 4.4 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.
- 4.5 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 decide whether or not it agrees with the examiner's decision.
- 4.6 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.
- 4.7 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 arise more frequently, it was considered that consideration and confirmation of neighbourhood area plans should be delegated to the Planning Committee.
- 4.8 Broadland District Council has produced the timetable for the remaining stages of the Strumpshaw Neighbourhood Plan. This is included at Appendix A. Key dates include:
- This Planning Committee approving Strumpshaw NP for six week consultation (publication).
 - Publication to run from 13 January 2014 to 24 February 2014.
 - Examiner appointed in January
 - Plan submitted for examination end of February
 - Planning Committee assess examiner's report on 28 March 2014.
 - Referendum could be held early June 2014

5 Financial Implications

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

¹ [http://www.broads-authority.gov.uk/authority/meetings/broads-authority/2013/01-18/\[confirmed%20minutes\]%20BA%20Minutes%20180113_Confirmed.pdf](http://www.broads-authority.gov.uk/authority/meetings/broads-authority/2013/01-18/[confirmed%20minutes]%20BA%20Minutes%20180113_Confirmed.pdf)

Background papers: None

Author: Natalie Beal

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

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STRUMPSHAW NEIGHBOURHOOD PLAN - TIMETABLE			
Submission of draft Neighbourhood Development Plan to the Local Planning Authority			
		01/11/2013	06/01/2014
Receipt of documents by District Council	SPC	01/11/2013	01/11/2013
Cabinet assessment of submitted documents	BDC	03/12/2013	03/12/2013
Council approval	BDC	12/12/2013	12/12/2013
<i>Broads Authority - Planning Committee assessment</i>	<i>BA</i>	<i>03/01/2014</i>	<i>03/01/2014</i>
Decision notice sent to Strumpshaw Parish Council	BDC	06/01/2014	06/01/2014
Publication of Neighbourhood Development Plan (6 week minimum)			
		03/12/2013	28/02/2014
Develop webpage	BDC	03/12/2013	24/12/2013
Develop Objective event	BDC	03/12/2013	24/12/2013
Produce list of notification bodies	BDC	03/12/2013	24/12/2013
Produce notification letters	BDC	03/12/2013	24/12/2013
Produce public notice	BDC	03/12/2013	24/12/2013
Produce and submit press release	BDC	06/01/2014	08/01/2014
Print documents for library, Town Council offices and BDC	BDC	06/01/2014	08/01/2014
Send notification letters/emails	BDC	09/01/2014	09/01/2014
Deliver documents to library and Town Council offices	BDC	10/01/2014	10/01/2014
Webpage and Objective go live	BDC	10/01/2014	10/01/2014
Publication period	BDC	13/01/2014	24/02/2014
Collation of consultation responses	BDC	13/01/2014	28/02/2014
Appointment of Examiner			
		13/01/2013	17/02/2014
Submit application to NPIERS	BDC	13/01/2013	13/01/2013
Referral of three examiners to BDC	NPIERS	03/02/2014	10/02/2014
Selection and appointment of examiner	SPC/BDC	10/02/2014	17/02/2014
Submit plan for examination			
		28/02/2014	28/02/2014
Submission of documents and consultation responses to examiner	BDC	28/02/2014	28/02/2014
Examination			
		03/03/2014	14/03/2014
Written examination undertaken	Examiner	03/03/2014	07/03/2014
Examiner's report submitted to BDC	Examiner	10/03/2014	14/03/2014
Council consideration of the Examiner's recommendations		14/03/2014	08/04/2014
Report produced for members	BDC	14/03/2014	17/03/2014
Report on orange route	BDC	18/03/2014	21/03/2014
Report submitted to Democratic Services	BDC	21/03/2014	21/03/2014
<i>Broads Authority - Planning Committee assessment of report</i>	<i>BA</i>	<i>28/03/2014</i>	<i>28/03/2014</i>
Cabinet assessment of report	BDC	08/04/2014	08/04/2014
Publication of Examiner's Report and Decision Statement			
		09/04/2014	11/04/2014
Production of decision statement	BDC	09/04/2014	09/04/2014
Publication of examiner's report and decision statement on BDC & BA websites	BDC/BA	11/04/2014	11/04/2014
Notification letter sent to consultees	BDC	11/04/2014	11/04/2014
Publication of examiner's report and decision statement on Strumpshaw website	SPC	11/04/2014	11/04/2014
Publication of notice in Strumpshaw newsletter	SPC	??	??
Publication of pre-referendum information statement and specified documents			
		14/03/2014	02/06/2014
Production of information statement and specified documents	BDC	14/03/2014	11/04/2014
Publish statement and documents on BDC & BA websites	BDC/BA	11/04/2014	02/06/2014
Make statement and documents available at BDC reception, BA and at Strumpshaw PO etc	BDC/BA	11/04/2014	02/06/2014
Referendum			
		02/06/2014	02/06/2014
Referendum held	BDC	02/06/2014	02/06/2014