

Neighbourhood Plan - Key Points for Hamble Parish Council

*Note Sent to Amanda Jobling, Clerk to the Parish Council on 24th August 2018

1. Reason for this note

1.1 This note has been prepared to set out the Council's preliminary position and views* on Neighbourhood Plans in following up to an initial meeting held between the following on Wednesday 8th August:

- Matthew Blythe – Local Area Manager for Bursledon, Hamble and Hound, Eastleigh Borough Council
- Warren Jackson-Hookins – Planning Policy Specialist, Eastleigh Borough Council (author of this note)
- Amanda Jobling – Clerk to the Parish Council
- Jeanette Symes – Deputy Clerk for the Parish Council

1.2 ***Please be aware that this note relates to initial officer advice which may be subject to further scrutiny and agreement through official Council channels.**

2. Eastleigh Proposed Submission Local Plan – team resources and work requirements

2.1 It's important to set out the current workload of the team with the current priorities which are focused on the Local Plan through to adoption. The team are currently extremely busy working towards a deadline set by the Government for the Local Plan to be submitted to the Secretary of State by the end of October. There are currently hundreds of representations to process and respond to, all within a very tight timescale which is non-negotiable. This therefore means that any support and advice at this stage is likely to be extremely limited and realistically, limited to attending the next Parish Council Planning Committee to explain the NP process from the local planning authority perspective to Parish Councillor's on Monday 24th September.

2.2 Once the Local Plan is submitted, we will then be required to respond to questions set by the appointed Inspector (e.g. through a series of hearing statements). An Inspector appointment is expected to be made later this year for the purposes of the Local Plan examination. Main modifications to the Plan may also be required following the publication of the Inspector's report. These would also need to be consulted upon and would also be required within a tight timeframe (e.g. a further public consultation required over six weeks to set out any additional proposed changes). Whilst the Council's 2017 Local Development Scheme indicates adoption of the Local Plan in May 2019, this is very much dependent upon the timeframes of the examination set by the Inspector and it is very possible adoption will be beyond this date.

3. Eastleigh Proposed Submission Local Plan – relationship to neighbourhood planning

3.1 If the reasoning for taking forward a neighbourhood plan for Hamble relates to concerns about housing sites being permitted, it is worth noting that the Proposed Submission Local Plan doesn't allocate any additional housing sites within this part of the Borough. Decisions on the discussed residential related planning proposals are also likely to be made prior to a neighbourhood plan being progressed to a stage where it could be afforded any significant weight.

4. Neighbourhood Area application (Regulation 5)

- 4.1 If the neighbourhood area applied for is the same as the existing Parish boundary, then it would be designated without the need for public consultation. However, I note that the revised boundary as agreed as part of the Community Governance Review is subject to approval from the Boundary Commission. Therefore, consultation over a period of six weeks would be required if a proposed neighbourhood area boundary was to relate to this revised Parish Council boundary. This would cease to be a requirement once the Boundary Commission has given approval for it to come into force. Taking this boundary review into account, this is another reason to hold off any application for a neighbourhood area until it's been signed off by the Boundary Commission as it would eliminate the need for this consultation.
- 4.2 Information on the process for designating a neighbourhood area is also included in the NPPG. There is further information included in this about the process to follow if a group wants to change the boundaries of the proposed neighbourhood area once it's been submitted (for info only).
- 4.3 It is the responsibility of the local planning authority to publish the neighbourhood area application (for consultation purposes where required) on its website.

5. Neighbourhood Forum application (Regulation 8)

- 5.1 In the case of Parish Council's consultation on neighbourhood forum applications, the local planning authority must take a decision on an application for designation within 13 weeks in this particular instance. To be designated, a neighbourhood forum must have a membership of at least 21 individuals who either live in the neighbourhood area, work there; and/or are elected members for a local authority that includes all or part of the neighbourhood area. A written constitution must also be submitted as part of the neighbourhood forum application – this must set out the basic framework of the neighbourhood forum including its purpose, its working arrangements, membership rules, election of governance, arrangements for financial management and duration. There should be many examples online of written constitutions should Parish Councillors wish to proceed with a neighbourhood forum application.
- 5.2 Further information on the process for designating a neighbourhood forum is also included in the NPPG.
- 5.3 It is the responsibility of the local planning authority to publish the neighbourhood forum application for consultation purposes on its website.

6. Pre-Submission Plan (Regulation 14)

- 6.1 Supporting documentation and information required at the Regulation 14 stage in addition to the NP can include:
- Strategic Environmental Assessment / Habitats Regulations Assessment Screening Decision Notice
 - SEA / HRA Screening Report (full SEA / HRA reports if required as per the SEA / HRA Screening Decision notice)
 - Any other supporting evidence and documentation
 - Map showing the neighbourhood area boundary

- Consultation response form
- 6.2 The consultation arrangements including publicity would be the responsibility of the neighbourhood forum at this stage. Consultation should be a minimum of six weeks but can be longer if necessary. All of the above noted documents would need to be published as hard and soft copies and made available publically (e.g. Parish Council website / local library).

7. Submission Plan (Regulation 15) and Publicising a Plan Proposal (Regulation 16)

- 7.1 Supporting documentation required at the Regulation 14 stage in addition to the NP can include:
- Covering letter to the Council / local planning authority
 - Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (full report for each if required as per the SEA / HRA Screening Decision Notice)
 - Consultation Statement / Summary of representations – this showing consultation undertaken and responses to comments received from the previous Regulation 14 consultation stage
 - Basic conditions statement – to show how the plan meets the ‘basic conditions’ (more on this is provided in the separate section on this below)
 - Supporting evidence and documentation as required
 - Map showing the neighbourhood area boundary
- 7.2 In accordance with Regulation 16, the local planning authority is required to publicise and invite feedback from organisations and individuals on the NP at this stage. Consultation must be undertaken over a six week period.

8. Examination and Referendum

- 8.1 All of the documents published under Regulations 14 and 16, along with a Regulation 16 consultation statement / summary of representations will then need to be submitted to an independently appointed examiner once appointed. It is the responsibility of the local planning authority to submit this information and to publicise the examination. Likewise, it is the responsibility of the local planning authority to hold and publicise the referendum.
- 8.2 Following receipt of the examiner’s report, the local planning authority will then publish a Decision Statement which will set out whether the NP should proceed to a referendum. This should set out modifications made in accordance with the examiner’s recommendations – although it’s important to note that the examiner’s report is not binding and that not all recommendations have to be taken on board.
- 8.3 Once the referendum is held, the local planning authority will publish a final decision statement and make arrangements for the NP to be ‘made’ as part of the Council’s development plan.

9. Neighbourhood Plan preparation timescales

- 9.1 The following relates to my experience of NPs whilst employed at Southampton City Council and Fareham Borough Council:

- 9.2 The neighbourhood forum and area for the Bassett Neighbourhood Plan (Southampton) were designated in December 2013. The plan was 'made' by Council / Cabinet in July 2016. Therefore, the process from start to finish took 2 and a half years. This doesn't include the time leading up to the actual applications for the neighbourhood area and neighbourhood forum, plus the initial consultation with the local community in order to gauge views on the topics a NP should cover. It's also worth noting that no new housing sites were allocated in this NP, although there was a policy on windfall sites.
- 9.3 With regards to the emerging Titchfield Neighbourhood Plan (Fareham), I can advise that their Pre-Submission NP was published in July. This follows the initial applications for the designation of a neighbourhood area and neighbourhood forum in December 2016. Again, no new housing sites have been proposed to date in this NP (although a housing needs assessment has been undertaken as supporting evidence by AECOM).
- 9.4 The above examples again illustrate the time taken to date in reaching this stage – much of this time is taken up by members of a neighbourhood forum in shaping the content of the plan and its supporting evidence. Allowing time for Cabinet / Committee cycles also needs to be factored into timetabling whilst the time leading up to the referendum will also be dependent upon the work streams of the Democratic Services team.

10. Housing needs assessments

- 10.1 These are not a requirement in the preparation of a NP. Further information is provided in the NPPG. At this stage, it's reasonable to assume that there is no appetite or desire to allocate additional sites (NPs are not obliged to contain policies addressing all types of development and as such, don't have to allocate sites for housing). However, if a NP was to contain policies relevant to housing supply, they should take account of latest and up-to-date evidence of housing need. Alternatively, a designated neighbourhood forum could also commission this as evidence if they so wish in order to obtain evidence on housing needs in their local area (both in terms of quantity and type). However, this would only be of benefit if the neighbourhood forum would be looking at designating additional housing sites.

11. Community Infrastructure Levy

- 11.1 NPs which are 'made' are entitled to maintain 25% of CIL receipts to be spent in their local area (up from 15% for areas not covered by a NP). Whilst this is positive, there probably wouldn't be much in the way of CIL receipts generated without much development likely in Hamble Parish. Any CIL monies collected could be used to offset the pressures of a growing population / used to towards the provision or improvement of local infrastructure.
- 11.2 However, it is further worth noting that development will only be CIL liable for conversions/changes of use in certain circumstances. For example, if an existing building has been occupied in a lawful use for a period of at least six months in the three years running up to the day planning permission is granted, or is deemed to have been abandoned, the development will be liable for CIL and no deductions will be made for existing floorspace.
- 11.3 Likewise, development involving an extension will be CIL liable if it involves an extension which provides 100 square metres or more of additional floorspace, or involves the creation of a new dwelling even when it is below 100 square metres.

- 11.4 If the Council / local planning authority decide to introduce CIL, this won't be until the Local Plan is progressed through to adoption, due to the priorities involved with progressing the Local Plan. A decision on whether or not CIL will be introduced in future is yet to be made.

12. Financial costs

- 12.1 As discussed, the costs of preparing NPs can vary. E.g. 20-86K according to Government estimates (although potentially higher in some instances). The actual cost is largely related to how many policies / evidence the plan is reliant upon. For example, a NP with many policies and housing sites proposed, which in turn could require a full HRA / SEA and other evidence such as a housing needs assessment, is likely to be much more costly to prepare compared to one with just a few design related policies with no site allocations (and a smaller body of supporting evidence). Without any housing allocations, it's possible that a neighbourhood plan prepared for the Hamble Parish area would be at the lower end of financial costs that would be required.

13. Time expense

- 13.1 It is the time cost upon neighbourhood forum members which is the critical point to consider (in expanding upon the above time related factors relating to the overall process in sub-section 9), whereby the time required in writing the plan and its policies / research, etc. can be the equivalent of a full-time job in itself. This is a key message to communicate to Hamble Parish Councillors. For example, at the Regulation 14 Pre-Submission stage, all the relevant consultation and publication arrangements are the responsibility of the qualifying body rather than the local planning authority as noted above in sub-section 6. If a neighbourhood forum does end up being designated, who would take the lead? Leaving the drafting of the NP to just a few members could ultimately take quite a bit more time.

14. Funding

- 14.1 Grant funding can be obtained by **Locality**. Whilst a basic grant of up to £9,000 is available, additional grants for eligible groups with an extra £8,000 is also available – but this additional grant is only for those qualifying bodies allocating sites for housing, including design codes, etc. Money from this could also be spent upon technical support (e.g. AECOM and the preparation of HRA / SEA related evidence documents).

15. Council support and advice

- 15.1 In addition to its statutory duties relating to publicity, consultation arrangements and organising the referendum, the local planning authority is required to provide support and advice on the preparation of a Neighbourhood Plan to a neighbourhood forum. This could constitute a meeting at each stage of Plan preparation (i.e. in the period leading up to the Regulation 14 Pre-Submission Plan and again in the lead up to the Regulation 16 Submission Plan) along with one set of comments at each stage (largely relating to ensuring general conformity with the Local Plan). However, it's very important that the Parish Council is aware of the Council's limited resources available as set out on the first page of this document.
- 15.2 This is where additional technical support as touched upon under the funding heading will come in useful – Planning Aid can provide a further resource which could help in providing support and advice. The Neighbourhood Planning Independent Examiner Referral Service

(NPIERS) are also able to offer a health check review of a NP at the pre-submission stage – further details can be found [here](#).

16. Meeting the 'basic conditions'

- 16.1 Information on this is included within the [NPPG](#). Essentially, a NP (or Order) must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic conditions. These constitute:
- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*
 - b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. Important to note this doesn't apply to NPs and only to Orders.*
 - c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. Again, this doesn't apply to NPs and only to Orders.*
 - d. the making of the order (NP) contributes to the achievement of sustainable development.*
 - e. the making of the order (or NP) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
 - f. the making of the order (or NP) does not breach, and is otherwise compatible with, EU obligations.*
 - g. prescribed conditions are met in relation to the Order (or NP) and prescribed matters have been complied with in connection with the proposal for the order (or NP).*
- 16.2 Whilst the basic conditions set out above are a requirement for all NPs, it is also worth noting that the examinations are rather different to that of a Local Plan in that they are more light touch. Whilst this can be viewed positively, this approach also runs the risk of NPs being 'made' with policies which could actually be unworkable in practice.
- 16.3 Whilst the NP is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a NP is tested.

17. Neighbourhood Plan – weight in decision making

- 17.1 Once the NP is adopted, it would have weight alongside all other material planning considerations (e.g. national policy, the Local Plan, Supplementary Planning documents, etc.). The 2018 [NPPE](#) provides some useful information on NPs in decision making – paragraph 14 along with criteria a-d (see page 7) is particularly relevant for applications involving the provision of housing. The fact that planning application decisions could potentially override adopted NPs that have been part of the development plan for more than two years is of particular importance since it demonstrates that a NP must also be subject to further review if they are to remain policy compliant. This is important for Parish Councillor's to consider if they decide to commit much of their time and resource to a NP.

17.2 It's also worth noting that DCLG (MHCLG) has had a previous history of approving applications which conflict with NPs as shown with the following examples:

- **Yaxham Neighbourhood Plan** – application for 25 homes approved after an inspector because the NP failed to allocate sites for housing, as required by a 2016 ministerial statement. See [here](#) for details.
- **Newick Neighbourhood Plan** – application for up to 50 homes initially refused by the Council, approved following an overturned decision by Sajid Javid (reasons provided in the article). See [here](#) for details.
- **Bersted Neighbourhood Plan** – application for 50 homes called in by former Communities Secretary Sajid Javid and approved due to the severe local housing shortfall of 2.07 years in the area. See [here](#) for details.
- **Mattishall Neighbourhood Plan** – application for 50 homes approved on appeal due to there being a housing land supply of between 4 and 4.6 years. See [here](#) for details.
- **Farnham Neighbourhood Plan** - this is interesting regarding NPs relying upon housing figures put forward in Local Plans for examination, only for the proposed housing figure to be increased by an Inspector. See [here](#) for details. It's worth bearing the consequences of this in mind if Hamble Parish Councillors make a decision to progress a NP prior to the Eastleigh Local Plan examination.

17.3 Essentially, the above links show that housing supply has often trumped policies in NPs over recent years – with former Communities Secretary Sajid Javid appearing to take such an approach. However, new Housing Secretary James Brokenshire has recently rejected an inspector's recommendation to allow approval for new homes (since a 5 year housing land supply has since been established) although it's too early at this stage to say whether he will give greater consideration to NPs in decision making. See [here](#) for further details.

17.4 It's also worth noting the following from James Brokenshire:

The new framework (NPPF) also aims to give communities a greater say in the design of developments. Councils are encouraged to make use of "innovative visual tools" to promote better design and quality and allow residents to see schemes before they are built.

Adopted neighbourhood plans should "demonstrate clear local leadership in design quality, with the framework allowing groups seeking such plans to truly reflect the community's expectations on how new development will visually contribute to their area".

Councils will have to apply design policies "in the most appropriate way in their area, recognising that they are well placed to know their area's unique character and setting".

"I am clear that quantity must never compromise the quality of what is built, and this is reflected in the new rules," said Brokenshire.

18. Final points

- 18.1 It will be helpful to meet and liaise with other neighbourhood forum members in the local area to gauge their experiences of NPs – For example, members of neighbourhood forums for those that have previously been 'made' (e.g. Bassett, Southampton) and those currently being prepared (e.g. Titchfield, Fareham). This could be a good starting point if things do proceed down this route.

- 18.2 In conclusion, the Local Plan should still be seen as the starting point for Parish Councillor's bearing in mind their noted concerns, particularly related to housing (i.e. no additional allocations) will be covered. The examination is also likely to result in changes (e.g. the representations you've made on local housing numbers being included in the Plan could be considered by the Inspector) which could be of benefit for the preparation of a NP at a later stage. Once the Local Plan is adopted, it might then be a more appropriate time to look at the merits of a NP in order to see what value it could add as an effective policy tool.