

Report for Director of Planning and Regeneration

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East Horsley Neighbourhood Plan

Recommendation

That the Director of Planning and Regeneration use delegated powers to approve the following:

- Publication of the submitted neighbourhood plan and consultation for a period of six weeks, starting in August or September 2017, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012,
- Procurement and appointment of a suitably qualified independent person to examine the plan (with agreement from East Horsley Parish Council), and
- Examination of the plan, following the consultation, in accordance with Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.

Reasons for Recommendation:

To comply with the Neighbourhood Planning (General) Regulations and to meet the duty placed upon local planning authorities to support Neighbourhood Planning.

1. Purpose of Report

- 1.1 To set out the reasons for the recommendation to use delegated powers to approve the consultation and examination of the East Horsley Neighbourhood Plan and appointment of an examiner.

2. Strategic Priorities

- 2.1 The Council's Corporate Plan includes the priorities of delivering sustainable economic growth and promoting a sustainable rural economy and a sustainable environment. East Horsley Parish Council has submitted a proposal for a neighbourhood plan to the Council. As a statutory requirement, a neighbourhood plan cannot be made (adopted) if it does not contribute to the achievement of sustainable development so will further these aims. The plan will be tested against this "basic condition" at examination, after which the Council will have an opportunity to amend or refuse the plan if it does not meet this requirement.
- 2.2 This Corporate Plan also includes a strategic priority of encouraging self-reliant communities. Neighbourhood planning is a community driven process so taking the neighbourhood plan forward will help empower the community of East Horsley to

deliver the development that the community wants or needs, encouraging self-reliance in land-use planning.

3. Background

- 3.1 The Council designated the East Horsley Neighbourhood Area on 8 September 2014. The East Horsley Neighbourhood Area matches the boundary of East Horsley parish, which forms part of Clandon and Horsley ward.
- 3.2 East Horsley Parish Council has submitted the Submission Version of its neighbourhood plan to the Council. A neighbourhood plan is a document containing planning policies for a single neighbourhood area. If the neighbourhood plan is made, it will become part of the Development Plan and will be used to help determine planning applications within the East Horsley Neighbourhood Area, along with the Council's Local Plan and other considerations.

4. Assessment of the Submission

- 4.1 The Council is required to confirm that the submission meets certain legal requirements as set out in:
 - the Town and Country Planning Act 1990 (as amended¹), and
 - the Neighbourhood Planning (General) Regulations 2012 (as amended²).

Town and Country Planning Act 1990 (as amended)

- 4.2 Paragraph 5 of schedule 4B of the 1990 Act makes provision for the Council to decline to consider a proposal if it is considered a repeat proposal (the proposal is similar or the same to a proposal that has either been refused in the past two years or has failed at referendum in the last two years). Officers do not consider that this is a repeat proposal.
- 4.3 Paragraph 6 of Schedule 4B of the 1990 Act requires the Council to ensure that the body submitting the plan is a Qualifying Body (a body that is empowered to produce a neighbourhood plan). Where a parish council exists within a designated neighbourhood area, it is a Qualifying Body. East Horsley Parish Council is a parish council within a designated neighbourhood area, so meets this requirement.

Neighbourhood Planning (General) Regulations 2012 (as amended)

- 4.4 The Neighbourhood Planning (General) Regulations 2012 (as amended) (the regulations) require the submission to include the following:

15(1): Where a qualifying body submits a plan proposal to the local planning authority, it must include-

 - a) *A map or statement which identifies the area to which the proposed neighbourhood development plan relates;*
 - b) *A consultation statement;*

¹ by Section 116 of the Localism Act 2011

² See The Neighbourhood Planning (General) (Amendment) Regulations 2015

- c) *The proposed neighbourhood development plan;*
- d) *The statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act; and*
- e) *(i) an environmental report prepared in accordance with paragraph (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004(a); or
(ii) where it has been determined under regulation 9(1) of those Regulations that the plan proposal is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for that determination.*

15(2): In this regulation “consultation statement” means a document which-

- a) *Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;*
- b) *Explains how they were consulted*
- c) *Summarises the main issues and concerns raised by the persons consulted; and*
- d) *Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.*

4.5 The submission consists of five documents and items:

- The proposed East Horsley Neighbourhood Plan;
- A map identifying the area to which the plan relates (the same map is shown on page 4 of the neighbourhood plan)
- A Basic Conditions Statement;
- A Consultation Statement; and
- A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment Screening Report

4.6 The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment Screening Report summarise the screening processes undertaken prior to submission in relation to environmental impacts. It sets out that the screening process concluded that the plan is unlikely to have significant environmental effects and that the statutory consultees agreed with this conclusion.

4.7 Officers consider that the submitted documents meet the requirements set out in regulation 15(1), and that the consultation statement meets the requirements set out in regulation 15(2).

Recommendation

4.8 Officers recommend that the Director of Planning and Regeneration use delegated powers to approve the following actions.

- Consultation on the plan for a period of at least six weeks in accordance with Regulation 16. This is likely to start in late August or early September 2017.

- Procurement and appointment of a suitable person to examine the plan (with agreement from East Horsley Parish Council).
- Examination of the plan, following the consultation, in accordance with Regulation 17.

5. Financial Implications

- 5.1 There is likely to be a cost in officer time for the planning department and the Council's web team in setting up and running the consultation. This cost is unknown but is not likely to be substantial. The cost of neighbourhood planning activities undertaken by the Council is partially funded by the Neighbourhood Planning Support Grant (see below).
- 5.2 Neighbourhood plans need to pass an independent examination. Assuming a favourable examination result, they must also pass a referendum. The costs are estimated at around £5,000 to £8,000 for an examination and £5,000 to £10,000 for a referendum. Legislation requires these costs to be borne by the local authority.
- 5.3 Arranging and managing the examination and referendum will require officer time in the planning department and Electoral and Democratic Services. The cost of this is unknown.
- 5.4 Local authorities can claim funds for Neighbourhood Planning Support Grant at the following stages:
- £5,000 after designating a neighbourhood area (limited to the first five) *;
 - £5,000 after designating a neighbourhood forum;
 - £20,000 on successful completion of a neighbourhood plan examination once a referendum date is set; and
 - An additional £10,000 after successful examination of a neighbourhood plan in a business area.

* The Council has designated more than five neighbourhood areas so cannot claim for future designations.

- 5.5 In the case of East Horsley, the total amount available is £25,000. A total sum of £5,000 has already been claimed for designating the neighbourhood area.

6. Legal Implications

- 6.1 Regulation 16 requires that the Council move to publicise (consult on) the plan proposal 'as soon as possible' after receiving it.
- 6.2 Delegated authority for deciding to progress the plan to consultation and examination rests with the Director of Planning and Regeneration, but the Director has the option of reverting the decision to Full Council.

7. Human Resource Implications

- 7.1 The regulations place responsibility on the Council to complete the neighbourhood planning process from submission of the neighbourhood plan (the current stage) through to the final stage at the making (adoption) of the plan. It is likely that this will place demands on planning policy officers' time for up to a year.

- 7.2 Electoral and Democratic Services officers' time will be needed to run a referendum in the neighbourhood area (or beyond if required – to be determined by the neighbourhood plan examiner).

8. Background papers

Neighbourhood Planning (General) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/637/contents/made>