

Agenda Item: Neighbourhood Plan

Report to: Climate, Nature and Environment Committee

Date: Wednesday 8th September 2021

Subject: To consider next steps for Neighbourhood Plan

Summary: The committee is asked to consider how it wishes to proceed with a Neighbourhood Plan.

Recommendation

a. To consider next steps for a Neighbourhood Plan in Bexhill-on-Sea.

1. What is a Neighbourhood Plan?

Neighbourhood planning is a way for communities to have a say in the future of the places where they live and work. It helps:

- choose where you want new homes, shops and offices to be built
- have your say on what those new buildings should look like
- grant planning permission for the new buildings you want to see go ahead

Groups can get tailored advice, support and grants to develop their neighbourhood plans.

The current 4 year Neighbourhood Planning Support Programme run by Locality on behalf of the Ministry of Housing, Communities and Local Government (MHCLG) has been running from April 2018 and is at present funded until the end of March 2022. New programme funding will be announced in late 2021, pending the Spending Review 2021 process.

2. What are the benefits of a Neighbourhood Plan?

A neighbourhood plan offers several advantages over relying solely on the local plan (produced by the local planning authority) or on more informal plans, like community plans or parish plans. Community-led Neighbourhood plans are led by authorised local community organisations, known as qualifying bodies, including parish or town councils (often through steering groups) or neighbourhood forums, rather than the local council's planning department. This means that community representatives lead the plan, often with support from their preferred consultants. Neighbourhood forums or parish and town councils preparing neighbourhood plans have the opportunity to engage with

the wider community right from the beginning of the plan-preparation process, to make sure it genuinely represents the range of wants and needs in the local area.

If successful at referendum, a neighbourhood plan comes into force as part of the statutory development plan for the area alongside the local plan. Local planning authorities and planning inspectors considering planning applications or appeals must make their decisions in accordance with the policies of the development plan, unless material considerations indicate otherwise. Emerging neighbourhood plans may be a material consideration in planning decisions.

Whilst the local plan covers the whole district, a neighbourhood plan is focused on the needs of the specific neighbourhood and allows the local community to specify what they expect from development. This could include things like urban design, affordable housing, and allocating sites/locations for commercial, housing and other development. This is about guiding and shaping development, not undermining the delivery of development in that area. The plan could also guide the provision of infrastructure, for example, setting out priorities for new development such as improving pedestrian links, upgrading paths and open space. This would inform subsequent negotiations between local authorities and developers.

3. Economic Case

Is it achievable? Is the town council capable of delivering the project?

Subject to new funding being announced, the town council can apply for up to £10,000 basic grant to write the Neighbourhood Plan.

As Bexhill-on-Sea has a population over 25,000 the town council could apply for an additional £8,000. A further £10,000 is also available for groups seeking to increase its allocation of affordable housing.

4. Is it value for money?

In considering the time and cost implications of producing a neighbourhood plan, there are certain factors to consider.

The scope and complexity of the plan will depend on various factors, including what is already covered in the local plan, the nature of the neighbourhood area (for example economic condition and expected level of growth) and the community's preferred outcomes. A plan could be wide-ranging, or deal with one or two issues only. It could be detailed, or simply set general principle for development. The choice is down to the neighbourhood planning body producing the plan. This will clearly have significant implications in terms of time and cost.

The size of population (including the business community) in the neighbourhood area will similarly be a significant factor with time and cost implications. The lower the population and number of businesses, the lower the likely costs of community engagement.

All neighbourhood plans must meet the 'basic conditions' set out in planning law. This will be tested through an independent examination. The basic conditions for neighbourhood plans are that they must:

- have regard to national policy;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies in the development plan for the local area; and
- be compatible with EU obligations.

In addition, neighbourhood plans must comply with human rights legislation.

One of the requirements of national policy is that neighbourhood plan policies must be evidence based.

The decision on whether to produce a neighbourhood plan, or to identify the scope and content of the plan, depends on a significant extent on the adequacy of existing local policies contained in the local plan. If existing policy is robust and relevant to the neighbourhood area in question, then there may be no need for a neighbourhood plan, or a simpler and more selective neighbourhood plan could be produced, otherwise the neighbourhood plan risks repeating already existing policy.

A review of existing policy and discussion with the local planning authority should be carried out to understand the effectiveness of Rother District Council's local plan for Bexhill-on-Sea.

5. Forming the Steering Group

Throughout the neighbourhood plan process, it is desirable to develop a good relationship and work in close liaison with the local planning authority.

Leading the production of a neighbourhood plan will require a range of skills, depending on the scope and complexity of the plan. These include both inter-personal skills and specialist skills.

Consideration will need to be made of the skills available in the parish or town council or neighbourhood forum. Neighbourhood planning involves leadership, project management, organisation, communication, negotiation, analysis and other skills. It also involves compromise, consideration of differing viewpoints and collaborative working. Listening is a key skill. A balanced team of people with different skills should be the aim. Additional skills and capacity may be available through working with partners in the local area, including the local planning authority.

Specialist skills will depend on the nature of the area in question. Examples of specialist skills could include reading maps or plans and data analysis. It could also include knowledge of specific topic areas, such as urban design, retail, heritage-led regeneration, housing, transport or other planning issues. It could also include things like environmental assessment.

7. Financial Case

Is it affordable? - Are the costs realistic and affordable?

Grant funding can be obtained to cover some of the costs of professional advice and referendum. It is advisable to prepare an estimated budget for the plan process. This could cover items like the costs of community engagement activities and professional consultancy costs if required (for example, to cover specialist advice, evidence development or policy writing). Of course, there may be unforeseen costs – for example, if the evidence base or outcome of community engagement identifies new issues. Some contingency is therefore necessary.

Some professional support may be available from the local council, support programmes or free support from local professionals (known as pro-bono support). Local organisations may make venues available for no charge for community engagement events.

Much depends on the skills and time available within the community organisations producing the plan. Possible sources of funding or professional support include specific neighbourhood planning programmes, such as those run by, local authority contributions, donations or income from fund-raising activities, or a precept in the case of the town council.

Some developers, local businesses or landowners may also express an interest in helping with costs, particularly where they have an interest in land within the declared boundary. This may be helpful, but care is required to avoid the impression of inappropriate influence over the neighbourhood plan.

8. Management Case

Is there robust systems and processes in place?

For a town council or neighbourhood forum preparing a neighbourhood plan, there are significant commitments in terms of time and energy, over a period of years. This will vary greatly between different plans and areas. The town council is advised to estimate the time needed for the different stages of the plan-making process, the tasks required and the necessary commitment from the different people involved (this may vary between people depending on availability and skills). A project plan should be produced to understand the systems and processes required to complete the full exercise.

Although it is impossible to generalise on the time it takes to prepare a neighbourhood plan, experience suggests that the average time may be around 24 months from the beginning of the process to the plan being made.

9. Legal Implications

The Localism Act 2011 gives the town council the power to produce a Neighbourhood Plan.

10. Insurance

There is limited insurance risk to the council in preparing a Neighbourhood Plan. The Steering Group would be a Working Group of the council with no decision making powers.

11. Impact on Climate Change and Biodiversity

The council should consider the impact of preparing a Plan on its carbon footprint. The Steering Group could hold meetings remotely, via an online meeting platform and keep printing of documents to a minimum.

12. Community Consultation/ Engagement

The Big Survey 2021 asks respondents to confirm if they want the town council to create a Neighbourhood Plan. The results will be available before the end of 2021.

13. Risk Assessment

Risk	Mitigation
a. The success of the Steering Group will be based on the skills and knowledge of the members. There is a risk that the town council is unable to gather enough suitable volunteers.	The council could produce a 'job description' for members of the group to attract suitable candidates and run a marketing campaign amongst local groups to encourage membership.
b. The Plan can take up to two years to complete, volunteers may lose interest and leave the group. The average time to referendum in 2018 was 29 months.	The group will need a committed and skilled chairman to maintain enthusiasm amongst members.
c. Grant funding may not be available following the Spending Review 2021. The precept may need to rise to cover the costs.	The council will need to consider a budget from the precept in 2022-23 to cover any shortfalls and be transparent in its approach to budgeting to ensure residents are fully informed on the benefits of increased budgets.
d. The referendum vote could result in non-adoption of the Neighbourhood Plan.	The Steering Group must ensure full community engagement at all stages to positively affect the referendum results.
e. The Steering Group will require the services of a professional planning consultant, fees could exceed budget.	The Steering Group will not have budget spending powers to ensure that the council oversees the costs and is responsible for maintaining budget requirements.
f. The Neighbourhood Plan policies may become out of date as planning policy evolves	The town council would need to keep the Plan up to date with regular reviews and professional advice. A budget for maintaining the plan would need to be considered.

g. The Neighbourhood Plan policies could be ignored at the appeal stage of a planning application.

Whilst the planning law requires Neighbourhood Plans to be considered and planning applications to not be granted in cases of conflict, there have been several examples of this being overturned at the appeal stages. The council can give evidence at planning appeals as a 'Rule Six Party' however the ultimate decision rests with the Planning Inspectorate and the Neighbourhood Plan could be overruled.

14. Summary

The housebuilding criteria is imposed by the government on principal authorities, and whilst a Neighbourhood Plan can influence the future of development there are risks that the policies may not be taken into consideration.

The council is to consider the benefits of such a project and if the council wishes to proceed it will need to await the outcome of the Spending Review 2021 to apply for the next round of grant funding.

15. Decision Required

To consider next steps for a Neighbourhood Plan in Bexhill-on-Sea.

Town Clerk
1st September 2021