

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 03 September 2018

Portfolio:	Planning and Development
Subject:	Council's Response to Pre-submission (Regulation 14) Titchfield Neighbourhood Plan
Report of:	Director of Planning and Regulation
Corporate Priorities:	Providing Housing Choices Protect and Enhance the Environment Strong, Safe, Inclusive and Healthy Communities Maintain and Extend Prosperity

Purpose:

To agree the Council's, as the Local Planning Authority, response to the Pre-submission (Regulation 14) Titchfield Neighbourhood Plan consultation.

Executive summary:

In March 2017, the Titchfield Neighbourhood Forum and Titchfield Neighbourhood Area were designated by the Council for the purposes of allowing the Forum to prepare a Neighbourhood Plan. In accordance with Regulation 14 of The Neighbourhood Planning (General) Regulations (2012), Titchfield Neighbourhood Forum is required to undertake Pre-submission consultation and publicity on its Pre-submission Neighbourhood Plan, which includes sending a copy of its proposals to the Council (as the Local Planning Authority) to comment on. The purpose of this report is to set out the Council's response to the Pre-submission consultation on the Titchfield Neighbourhood Plan (TNP). The deadline to respond to the consultation is the 10th September 2018.

Recommendation:

It is recommended that the Executive agrees the Council's response to the Pre-submission (Regulation 14) Titchfield Neighbourhood Plan.

Reason:

The Council has a statutory duty set out in paragraph 3(1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) to provide advice and assistance to 'qualifying bodies', which includes Neighbourhood Forums, undertaking neighbourhood planning.

Cost of proposals:

There are no direct financial implications arising from this report. However, it is important to highlight that Officers time has been subsumed into the existing budgets.

- Appendixes:** **Appendix A: Pre-submission Titchfield Neighbourhood Plan**
- Appendix B: Local Planning Authority comments on the Pre-submission Titchfield Neighbourhood Plan**
- Background papers:** [Executive Report 6 March 2017 – Application for Titchfield Neighbourhood Forum and Titchfield Neighbourhood Area](#)
- Reference papers:** [The Neighbourhood Planning \(General\) Regulations 2012](#)
- [Town and Country Planning Act 1990 \(as amended\)](#)
- [National Planning Practice Guidance – Neighbourhood Planning](#)

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BOROUGH COUNCIL

Executive Briefing Paper

Date:	03 September 2018
Subject:	Council's Response to Pre-submission (Regulation 14) Titchfield Neighbourhood Plan
Briefing by:	Director of Planning and Regulation
Portfolio:	Planning and Development

INTRODUCTION

1. The Localism Act (2011) introduced a mechanism for local communities to produce Neighbourhood Plans for their area, enabling communities to have a greater say on the future development of their area. Once a Neighbourhood Plan is 'made', i.e. adopted, it becomes part of the statutory Development Plan for that area, and will be used, alongside local and national planning policy and guidance to determine planning applications within the Neighbourhood Plan area.
2. On 5th December 2016, the Council received an application for the designation of a Neighbourhood Forum and Neighbourhood Area for Titchfield for the purposes of producing a Neighbourhood Plan. This was followed by a consultation period on the proposal from December 2016 to February 2017. On 20th March 2017, the Council designated the Titchfield Neighbourhood Forum and Neighbourhood Area for the purposes of Neighbourhood Planning.
3. The Titchfield Neighbourhood Forum are at the first formal stage of plan making, which is consultation on the Pre-submission Titchfield Neighbourhood Plan.
4. National Planning Policy Guidance (PPG) states that if a Local Planning Authority (LPA), in their assessment of the neighbourhood plan, considers that the plan falls short of meeting one or more of the 'basic conditions', such concerns should be discussed with the qualifying body, i.e. the Neighbourhood Forum, before the Neighbourhood Plan is formally submitted to the LPA.

"If a local planning authority considers that a draft neighbourhood plan or Order may fall short of meeting one or more of the basic conditions they should discuss their concerns with the qualifying body in order that these can be considered before the draft neighbourhood plan or Order is formally submitted to the local planning authority." (PPG, Paragraph 67, Ref ID: 41-067-20140306).

5. Prior to the Pre-submission consultation the Local Planning Authority provided helpful guidance and advice over several meetings with the Titchfield Neighbourhood Forum and most comments made in the LPA response (Appendix B) have been previously made. As the following paragraph explains, the responsibility for producing and consulting on the Neighbourhood Plan rests with the Titchfield Neighbourhood Forum at this stage.

NATIONAL REQUIREMENTS FOR PRE-SUBMISSION NEIGHBOURHOOD PLANS (REGULATION 14)

6. Relevant national legislation, policy, guidance and regulations require a Neighbourhood Forum to publicise the Neighbourhood Plan in a manner that is likely to bring it to the attention of people who live, work or carry out business in the Neighbourhood Area. The Forum must also consult any consultation body referred to in Schedule 1 of the Neighbourhood Planning (General) Regulations 2012 whose interests may be affected by the proposals for a Neighbourhood Plan. Details of the proposals for the Neighbourhood Plan together with details of how and when to make representations on the Neighbourhood Plan must also be published. This is referred to as the Pre-submission consultation.
7. Regulation 14 (c) of the Neighbourhood Planning (General) Regulations 2012 requires the Neighbourhood Forum to send a copy of the Pre-submission Neighbourhood Plan to the Council. The Council then has a statutory duty to provide advice and assistance to the Neighbourhood Forum. It is considered that providing constructive comments and suggested amendments (where possible) on a Pre-submission Neighbourhood Plan forms part of this duty.
8. Responding with comments provides a Neighbourhood Forum with the opportunity to address any concerns from the Council and to amend the Neighbourhood Plan accordingly. It is hoped that constructive comments made by the Council will assist in the preparation of a robust Neighbourhood Plan for submission, prior to the subsequent consultation held by the Council and thereafter the independent Examination.
9. As a Neighbourhood Plan can form part of the statutory Development Plan if 'made', i.e. adopted, it is therefore important that the Council provide comments on the wording to ensure policies are clear and unambiguous, enabling a decision maker to apply policies consistently and with confidence when determining planning applications within the Neighbourhood Area.

PRE-SUBMISSION TITCHFIELD NEIGHBOURHOOD PLAN

10. In accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, the Pre-submission version of the Titchfield Neighbourhood Plan (TNP) was published for consultation on 20th July 2018, which is due to close on 10th September 2018. The consultation material includes the Pre-submission (Regulation 14) Neighbourhood Plan (Appendix A), along with a range of evidence base documents which are referenced in the TNP as appendices, a consultation statement and a basic conditions statement.
11. The Pre-submission Titchfield Neighbourhood Plan is the first Neighbourhood Plan in the Borough to reach this first formal stage in the process. The Council recognises the considerable efforts the Titchfield Neighbourhood Forum has made in preparing the Titchfield Neighbourhood Plan.

12. Currently, when assessing an emerging Neighbourhood Plan, the National Planning Policy Guidance (PPG) states that a Local Planning Authority should provide constructive comments:

"A local planning authority should provide constructive comments on the emerging Neighbourhood Plan or Order proposal prior to submission and discuss the contents of any supporting documents including the basic conditions statement" (PPG, Paragraph 67, Ref ID: 41-067-20140306).

13. The Pre-submission (Regulation 14) Titchfield Neighbourhood Plan (Appendix A) includes policies relating to a number of planning issues such as:

- New housing
- Housing mix/Affordable housing
- Design of new development
- Footpath and cycle network
- Supporting existing retail units
- Supporting the efficient use of energy in new developments
- Preserving the historic environment

14. Appendix B to this report sets out the Council's (as the Local Planning Authority) comments and suggested amendments (where possible) on the Pre-submission (Regulation 14) version of the Titchfield Neighbourhood Plan, which the Council has provided to help the Neighbourhood Forum when progressing the Neighbourhood Plan. The Local Planning Authority has provided support and guidance as the Neighbourhood Plan has developed. It is important to highlight that how the Neighbourhood Plan progresses is a matter for the Neighbourhood Forum

WHAT THE LOCAL PLANNING AUTHORITY NEEDS TO CONSIDER WHEN RESPONDING TO A PRE-SUBMISSION NEIGHBOURHOOD PLAN

15. The Council's comments and suggested amendments (where possible) are set out in a report (Appendix B) which is divided into two sections. The first part is a summary of the assessment of the TNP in relation to the 'basic conditions'. The 'basic condition's' state that a neighbourhood plan must:

- i. Have regard to national policy and advice.
- ii. Contribute to the achievement of sustainable development.
- iii. Be in general conformity with the strategic policies contained in the development plan.
- iv. Not breach, and be otherwise compatible with EU and Human Rights Obligations.

16. The second part of the report provides more detailed advice on the Pre-submission Titchfield Neighbourhood Plan for the Titchfield Neighbourhood Forum.

17. The TNP has been reviewed by the Local Planning Authority in the context of national policy and available guidance, as well relevant legislation and regulations on neighbourhood planning on the date of the start of the Pre-submission consultation (20th July 2018). Therefore, the Local Planning Authority has assessed the Pre-submission Titchfield Neighbourhood Plan against the National Planning Policy Framework (NPPF) published in 2012. It is important that the Neighbourhood Forum is aware that a revised NPPF was published on the 24th July 2018.

18. Paragraph 214 of the revised NPPF states that:

“The policies in the previous Framework (2012) will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019”.

This statement applies where a ‘qualifying body’ (i.e. the Neighbourhood Forum) submits a plan to the local planning authority in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. The next stage of plan progression is submission (Regulation 15) of the Neighbourhood Plan to the Local Planning Authority. Therefore, if the Neighbourhood Forum submits the TNP to the Council after the 24 January 2019, the Neighbourhood Plan will need to be re-assessed against the revised NPPF (published 24 July 2018). In addition, the Government will be updating the National Planning Practice Guidance (PPG) in due course as a consequence of revising the NPPF, and this may have implications for the Neighbourhood Plan.

19. The Local Planning Authority’s assessment of the Pre-submission Titchfield Neighbourhood Plan concludes that the plan falls short of a number of the ‘basic conditions’.

SUMMARY OF THE LOCAL PLANNING AUTHORITY’S RESPONSE TO TITCHFIELD PRE-SUBMISSION NEIGHBOURHOOD PLAN

20. The Local Planning Authority has made comments at this stage in response to the Pre-submission Neighbourhood Plan, with the view to assisting the TNP’s progress to independent examination. These should be seen as constructive advice to the Neighbourhood Forum. The LPA has a number of key concerns at this stage and has offered suggested amendments where possible when the Neighbourhood Plan falls short of the ‘basic conditions’. The areas where the LPA considers the Pre-submission Titchfield Neighbourhood Plan falls short are:

- i. Having regard to national policies and advice (particularly the requirements of the PPG).
- ii. Ensuring the Titchfield Neighbourhood Plan is in general conformity with the Adopted Local Plan (ALP), i.e. the Development Plan which includes Development Plan (Local Plan Part 1: Core Strategy and Local Plan Part 2: Development Sites and Policies) and does not undermine the strategic policies in the Development Plan.

21. Please note, in addition to the above (under category i), it is important to highlight that the Pre-submission Titchfield Neighbourhood Plan does not provide:

- Sufficient clarity to allow a decision maker to apply them consistently and with confidence when determining planning applications in the neighbourhood plan area.
- Sufficient flexibility to ensure they plan positively to support local development.
- Set out the justification and evidence to clearly support policy requirements.
- The potential of some policy requirements having a negative impact on viability and therefore on the deliverability of housing.

POTENTIAL NEXT STAGES

22. At this stage, any decisions over the content of the Titchfield Neighbourhood Plan and whether comments should be taken on-board, rests with the Titchfield Neighbourhood Forum.
23. Following the close of the Pre-submission consultation, the next stage of the process in preparing the TNP is for the Neighbourhood Forum to consider all the comments received and make any amendments to the Neighbourhood Plan that it considers appropriate. Following consideration of comments received from consultees, the Forum can then choose to submit the Neighbourhood Plan to the Council for Examination by an Independent Examiner.

CONCLUSION

24. This report recommends that the Executive agrees that the Local Planning Authority's comments on the Pre-submission Titchfield Neighbourhood Plan are submitted to the Titchfield Neighbourhood Forum as part of the Pre-submission (Regulation 14) consultation. The Local Planning Authority has, however, raised concerns which it believes need to be considered by the Neighbourhood Forum, prior to progressing the Neighbourhood Plan.

Enquiries:

For further information on this report please contact Claire Burnett, Head of Planning Strategy and Regeneration (Extn. 4330).