

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 03 June 2019

Portfolio:	Planning and Development
Subject:	Titchfield Neighbourhood Plan: Examiner's Report and Referendum
Report of:	Director of Planning and Regeneration
Corporate Priorities:	Providing Housing Choices Protect and Enhance the Environment Strong, Safe, Inclusive and Healthy Communities Maintain and Extend Prosperity

Purpose:

To agree that the Titchfield Neighbourhood Plan proceeds to Referendum, as recommended in the Examiner's Report.

Executive summary:

The purpose of this report is to agree the next stages in the progression of the Titchfield Neighbourhood Plan. The Plan has recently been subject to independent Examination and the report sets out the Examiner's conclusions regarding the Submission (Regulation 16) Plan, including the modifications recommended to ensure that the Neighbourhood Plan meets the basic conditions. This report recommends that subject to modifications recommended by the Examiner being made, the Executive agrees that the Neighbourhood Plan proceeds to a local Referendum.

Recommendation:

It is recommended that the Executive:

- (a) notes the Examiner's Report;
- (b) agrees the recommended modifications to make the Titchfield Neighbourhood Plan compliant with the basic conditions, as outlined in Appendix A to this report;
- (c) agrees that the modified Titchfield Neighbourhood Plan, as shown in Appendix B to this report, proceeds to Referendum; and

(d) agrees that, should the Referendum be passed, authority be delegated to the Director of Planning and Regeneration, following consultation with the Executive Member for Planning and Development, to make the plan.

Reason:

To fulfil the Council's obligation under Schedule 4B (12) of the Town and Country Planning Act 1990, the Executive is asked to be satisfied that the Neighbourhood Development Plan, with modifications recommended by the Examiner, meets the basic conditions.

Cost of proposals:

There are no direct financial implications arising from this report.

Appendices:

A: Examiner's Report on the Titchfield Neighbourhood Plan

B: Referendum Version of the Titchfield Neighbourhood Plan

C: List of FBC comments made at Regulation 16 in relation to examination process.

Background papers: None

Reference papers: None

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Executive Briefing Paper

Date:	3 June 2019
Subject:	Titchfield Neighbourhood Plan: Examiner's Report and Referendum
Briefing by:	Director of Planning and Regeneration
Portfolio:	Planning and Development

INTRODUCTION

1. Neighbourhood Planning is a tool introduced through the Localism Act 2011 for communities to shape development in their area through the production of Neighbourhood Development Plans. These plans become part of the Local Plan and the policies contained within them are then used in the determination of planning applications.
2. Titchfield Neighbourhood Forum (TNF) was established in March 2017 for the purpose of producing a Neighbourhood Plan. Under Regulation 15 of the Neighbourhood Planning Regulations 2012, the TNF formally submitted the Titchfield Neighbourhood Plan (TNP) and supporting documents to Fareham Borough Council, as the Local Planning Authority on 22nd October 2018. The Local Planning Authority (LPA) subsequently published the Submission TNP and supporting documents for a period of formal public consultation, which ran from 23rd November 2018 to 12th January 2019. All representations received were forwarded to an independent Examiner. The independent Examiner was appointed by the LPA, in agreement with the Titchfield Neighbourhood Forum, and in accordance with the relevant statutory requirements, to examine the TNP.
3. This report details the outcome of the examination and describes the next steps that the Council must take in line with the legislation.

OUTCOME OF EXAMINATION

4. The Examiner, Mr. Timothy Jones, assessed whether the Titchfield Neighbourhood Plan meets the 'basic conditions'. The following are the basic conditions:
 - Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the TNP;
 - The making of the TNP would contribute to the achievement of sustainable development;

- The making of the TNP would be in general conformity with the strategic policies of the development plan for the area;
 - The making of the TNP would be compatible with European Union and European Convention on Human Rights obligations.
5. In April 2019, the Examiner provided his report to the LPA (see Appendix A), which concluded that subject to a number of modifications, the plan would meet the basic conditions. The ways in which a draft Titchfield Neighbourhood Plan can be modified are prescribed in legislation and the Examiner's recommended modifications leave no room for interpretation. These are listed in Appendix A of the Examiner's Report.
6. As Members will note, many of the modifications are relatively minor and, aim to provide clarity to applicants and the Council when determining planning applications within the Titchfield Neighbourhood Plan area. The recommended modifications in the Examiner's report are reproduced below and presented against a reason for their inclusion.

	Recommended Modifications	Reason
1	Page 3: Delete the reference to policy H5 Community Infrastructure.	Factual correction. Policy H5 does not exist.
	Page 5: Delete the references to Appendices 16, 17, 25 and 30 and renumber appropriately.	Factual correction. These appendices do not exist.
2	Page 9, paragraph 1.2, 2nd sentence. Replace "The justification for the housing needs being met by windfall sites" with "The justification for the housing needs being partly met by windfall sites".	To meet the basic conditions of having regard for national policy and general conformity with local policy.
3	Page 9, paragraph 1.4: Delete the final sentence and do not replace it.	To meet the basic condition of having regard for national policy.
4	Page 17, paragraph 5.2, line 1 and page 18 Map 2 In the 1st line, replace "H.3" with "DUSB.1"	For clarity. Policy H.3 is not the correct policy to refer to.
5	Page 19 Replace "Policy H1, Windfall Development" with "Policy H1 Housing Development".	To meet the basic condition of contributing to sustainable development.
6	Page 21, paragraph 7.2, text in italics: Convert this to plain text and in the last grammatical paragraph replace "NPPF, para 9" and "NPPF 2012 paras 9 and 10".	Factual correction.
7	Page 22, bottom of Table 1 Insert additional rows for policies HT1 Preserving Historic Environment and HT2 Archaeological Assessment and complete appropriately.	For completeness.

8	<p>Page 24, bottom of Table 2 Insert additional rows for policies HT1 Preserving Historic Environment and HT2 Archaeological Assessment and complete appropriately.</p>	For completeness.
9	<p>Page 27, paragraph 9.2 Replace the second grammatical paragraph within paragraph 9.2 with “A revised version of the NPPF was issued in July 2018 and this was further revised in February 2019. As a result it is likely that FBC will reassess the housing requirement for the borough.”</p>	Factual correction.
10	<p>Page 30, paragraph 9.6 Replace the last grammatical paragraph in paragraph 9.6 with “The FBLP records that a major housing allocations at Hunts Pond Road, Titchfield Common had planning permission subject to legal agreement. Planning permissions have been granted and 310 dwellings were completed in the period 2008 to 2014. This site is just outside the NP area, adjacent to the Titchfield Ward boundary and less than 1 km to the west of the Plan area.”</p>	Factual correction.
11	<p>Page 31, paragraph 9.7, Aim Replace “Emerging Plan 2036” with “Draft Fareham Local Plan 2036”.</p>	Factual correction.
12	<p>Policy H1 should be modified to read: “Policy H1 Housing Development: So far as practicable housing growth of 153 dwellings will be met by small-scale infill development within the Titchfield DUSB. To the extent that this is not practicable applications will be considered on their merits in accordance with national and local policy”. All references in the Draft TNP to ‘Policy H1 Windfall Development’ should be modified to ‘Policy H1 Housing Development’.</p>	To meet the basic conditions of having regard for national policy and general conformity with local policy.
13	<p>Page 32 Replace policy H4 with: “Development Design Development that takes the opportunities available for enhancing local distinctiveness will be supported where it: a) demonstrates good quality architectural and landscape design that reinforces or promotes the character of the surrounding area and respect the existing style and scale of buildings within the area; b) replaces poor design with high quality</p>	To meet the basic condition of having regard for national policy.

	<p>design in keeping with the character of the surrounding area;</p> <p>c) bears in mind established building lines;</p> <p>d) where a conservation area is affected, bears in mind the relevant strategy and assessment;</p> <p>e) retains as many existing trees and hedges as possible within sites and along the boundaries;</p> <p>f) provides adequate parking (in accordance with FBC Residential Car Parking Standards SPD, Table 1).</p>	
14	<p>Page 41, paragraph 10.14, box</p> <p>Replace the first three lines with:</p> <p>“Transport Policy</p> <p>The FBC’s Local Plan Part 1 Core Strategy states:”</p> <p>In line 4, delete “32”.</p>	Factual correction.
15	<p>Page 42, paragraph 10.15, policy G.A1</p> <p>Replace “seek to respond to” with “maximise”.</p>	To meet the basic condition of having regard for national policy.
16	<p>Page 42, paragraph 10.15, policy G.A2</p> <p>New development that is likely to contribute to increased private motor-vehicle mileage should provide or support cycling routes to other areas, communities and the National Cycling Network or otherwise mitigate their traffic impact.</p>	To meet the basic condition of having regard for national policy.
17	<p>Page 45, paragraph 10.16, policy P1</p> <p>Replace the first sentence of this policy with:</p> <p>“New development within the Titchfield Neighbourhood Plan area should include appropriate levels of parking provision in line with the adopted Residential Parking Standards SPD.”</p>	To meet the basic condition of general conformity with local policy.
18	<p>Page 48, map 6</p> <p>Alter the map to show the defined urban settlement boundary.</p>	Factual correction.
19	<p>Page 50, policy CE 1</p> <p>Replace the text of the policy with</p> <p>“Proposals that result in the loss of retail and business units in the village centre identified by blue colouring on Map 6 will be resisted unless they result in new or improved employment opportunity.”</p>	To meet the basic condition of general conformity with local policy.
20	<p>Page 50, policy CE 2</p> <p>Delete the Note.</p>	Factual correction.

21	<p>Page 55, policy BE2 Delete the final sentence.</p> <p>Page 56 Insert: "Community Aspiration BE5 Encourage the production of a Biodiversity Mitigation and Enhancement Plan".</p>	Correction based on definition of policy.
22	<p>Page 62, paragraph 13.3, 2nd grammatical paragraph, 2nd sentence Delete: "main".</p>	Factual correction.
23	<p>Page 64, 1st grammatical paragraph Delete the last two sentences and replace with "Provided this does not cause harm to nature conservation, it is desirable that the canal path is upgraded to enable all-year use by pedestrians and that the water in the canal is clean and flowing."</p>	Factual correction.
24	<p>Page 66, policy HT.1 Replace "fail to conserve or enhance" with "harm".</p>	To meet the basic condition of having regard for national policy.
25	<p>Page 66, policy HT.2 Replace the policy with: "On sites where there is reason to believe that there may be archaeological remains, development that may disturb those remains will not be permitted unless an archaeological assessment has been undertaken and, if merited, further investigation carried out." Insert the following supporting text: "Due to the historical importance of the area, archaeological assessment may be required. The showing of an archaeological alert on Hampshire County Council's planning constraint maps is likely to necessitate an assessment."</p>	To meet the basic condition of having regard for national policy.
26	<p>Page 68 Add to the list of supporting documents: "Conservation Area Character Appraisal and Management Strategy for Titchfield Conservation Area Titchfield Abbey Conservation Area Character Assessment for the Titchfield Abbey Conservation Area."</p>	Factual correction.
27	<p>Page 70, Glossary Replace the following definitions as follows "Backland is land that lies behind existing development and does not front a road, such as land in a large back garden or a field accessed by a way between existing housing".</p>	Factual corrections.

	<p>“Brownfield land (also called previously developed land) is land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”</p> <p>“Conservation Area: land of architectural or historic interest designated as such under the Planning (Listed Buildings and Conservation Areas) Act 1990 because it is desirable to preserve or enhance its character or appearance.”</p> <p>“Greenfield land: All land that is not brownfield land as defined above”.</p> <p>“Scheduled monument is a monument or site given protection under the Ancient Monuments and Archaeological Areas Act 1979.”</p>	
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7. Officers have produced a referendum version of the Neighbourhood Plan including the recommended modifications (presented as Appendix B to this report).
8. Members will recall the comments that the Council submitted to the Examiner on the submission version of the plan. Many of these comments were made as suggestions to the Forum to improve the readability of the document, although some did refer to where the Council considered that the plan may not meet the basic conditions. Appendix C to this report shows, for information, how the examiner has responded to the comments that were made. The examination report also is clear that his assessment of the plan and the proposed modifications relate solely to the test of meeting the basic conditions and not improving the plan’s readability.

RESPONSIBILITY OF THE LOCAL PLANNING AUTHORITY TO CONSIDER THE REPORT

9. Paragraph 12 to Schedule 4B of the Town and Country Planning Act 1990 stipulates that the LPA must now decide what action to take in response to the recommendations in the Examiner’s report. This decision should be taken within 5 weeks of the publication of the Examiner’s report.

10. If the Executive is satisfied that the draft plan meets the basic conditions, either as submitted or with modifications, a referendum must be held on the making of the neighbourhood plan.

HOLDING THE REFERENDUM

11. Regulations also stipulate that the referendum must be held within 56 days of the publication of the Decision Statement, unless an agreement can be reached with the Neighbourhood Forum on selecting a date outside of this timeframe.
12. The Council is responsible for making arrangements for the referendum. It is recommended that the referendum is held on Thursday 18th July, the last Thursday of the school term. This is within the 56-day window.
13. The referendum is run as a normal election with votes cast in polling stations using poll cards. A person is entitled to vote if at the time of referendum, they meet the eligibility criteria to vote in a local election for the area and if they live in the referendum area. Poll cards will be sent to relevant addresses and normally rights to vote by post and/or proxy apply. It is intended to produce explanatory material to accompany the poll cards to help the electorate understand the purpose and implications of the referendum.
14. The Neighbourhood Planning (Referendums) Regulations 2012 stipulates the question to be asked. For Neighbourhood Plans it is;

Do you want [insert name of local planning authority] to use the neighbourhood plan for [insert name of neighbourhood area] to help it decide planning applications in the neighbourhood area?

15. There is no minimum turnout requirement for a neighbourhood plan referendum. If the majority of those who vote in a referendum are in favour of the draft neighbourhood plan, then the neighbourhood plan must be made by the local planning authority within 8 weeks of the referendum.
16. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. If there is a majority vote against the plan or a tied vote, the Neighbourhood Plan will not come into legal force.
17. If successful at referendum, a neighbourhood plan must be 'made' by the local planning authority within 8 weeks of the referendum date. As there is no decision to make at this time, it is recommended that delegated authority is given to the Director of Planning and Regeneration consultation with the Executive Member for Planning and Development to be authorised to make the plan, as per recommendation c.
18. In addition to becoming part of the statutory development plan, the Neighbourhood Forum would receive 25% of Community Infrastructure Levy (CIL) receipts for developments liable for CIL within the neighbourhood area. This 'neighbourhood portion' of CIL applies once the neighbourhood plan is made and only to applications that receive planning permission after the date of plan-making.
19. Fora are established under legislation for a period of five years from the date of designation. This period would expire for the Titchfield Neighbourhood Forum on 20 March 2022. The Forum would continue to exist until this date irrespective of the outcome of the referendum.

CONCLUSION

20. This report presents a summary of the examination process for the Titchfield Neighbourhood Plan alongside a list of the proposed modifications suggested by the Examiner. The Executive is asked to consider the report and agree that the modified Titchfield Neighbourhood Plan proceeds to Referendum.

Enquiries:

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