

East Leake Neighbourhood Plan

Pre examination Health Check for RTPI /Planning Aid

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13 December 2014

Context

1. Work is underway to prepare a Neighbourhood Plan for East Leake, a large village in the Borough of Rushcliffe in Nottinghamshire. The plan has progressed to the stage where the East Leake Neighbourhood Plan Project Team, the body preparing the plan, is nearly ready to submit the plan to the Borough Council in January 2015. Before submission, RTPI /Planning Aid has asked for this desk top based assessment before the plan goes forward to submission and then on to independent examination.

2. I have reviewed the documentation provided to me and the information available on the Neighbourhood Plan website and it is clear that the team have made great efforts to seek the views of people in their community. They have held community events and worked closely with the group preparing the East Leake Community Plan. The team has also organised meetings to ensure they understood the views of local businesses, landowners and key service providers. They have also worked closely with officers from the Borough Council to ensure their plan aligns with the work on the Rushcliffe Core Strategy and have also had the benefit of professional support from Planning Aid. I am particularly impressed with the documentary evidence that supports the plan – such as the timeline of meeting dates set out in the Statement of

Consultation. Also there is very good supporting documentation to justify the team's approach to policy drafting. It is also clear that the team has a good understanding of what their priorities are for infrastructure investment - for example for a new school and health centre.

The recommendations set out below are I hope helpful – mostly they are straightforward suggestions about changes or additions to text to clarify points which are not particularly clear at the moment, but which are important to address now before the plan goes forward to the submission stage. With these changes in place and some discussion with the Borough Council to agree any necessary updating to reflect the Inspector's report on the Core Strategy, I consider that the plan should be ready to go forward to submission and thereafter to examination.

Summary of Recommendations

Recommendation 1 : A summary statement outlining the statutory stages of consultation , when they were carried out and the activities involved be added to Chapter 1 of the Neighbourhood Plan and the Statement of Consultation

Recommendation 2 : The Neighbourhood Planning Project Team should draw up a project plan with Rushcliffe Borough Council planning and democratic services officers for the next stages of plan preparation through to plan adoption. The project plan should be published on the Neighbourhood Plan website

Recommendation 3 : The contents of Appendix 4 of the Basic Conditions Statement, relating to the SEA screening, should be checked with Rushcliffe Borough Council for accuracy and completeness

Recommendation 4 : The position with regard to HRA screening should be confirmed with Rushcliffe Borough Council and written confirmation that the plan is not in breach of the EU Habitats Directive should be added to the Basic Conditions Statement

Recommendation 5 : Further discussions should be held with Rushcliffe Borough Council to agree the final wording of Policy H4 Satisfying Local Housing Need for Affordable Housing . Consideration should be given to any issues arising from the recently published Inspector’s report into the Rushcliffe Core Strategy and recent update to the National Planning Policy Guidance on affordable housing thresholds

Recommendation 6 : Consideration be given to updating Section 3.2 and Appendix A of the Basic Conditions Statement to reflect the recent Inspector’s report on the Rushcliffe Core Strategy

Recommendation 7: Written confirmation be sought from Nottinghamshire County Council to ensure that Policy B3 regarding the British Gypsum Site is compatible with the adopted Nottinghamshire Minerals Local Plan and emerging new Minerals Local Plan

Recommendation 8 : It is suggested that a table listing the large existing housing consents, with details of the site location and number of homes is added to Section 2.2. Consideration should be given to also presenting this information on a map of the village

Recommendation 9: The typographical points and mapping issues identified should be addressed

Part 1 – Process

	Criteria	Response/Comments
1.1	Have the necessary statutory requirements been met in terms of the designation of the neighbourhood area?	Yes - East Leake Parish Council formally applied to Rushcliffe Borough Council for the Parish to be designated as a Neighbourhood Area on 2 September 2012. Rushcliffe Borough Council designated the East Leake Neighbourhood Area on 4 December 2012
1.2	If the area does not have a parish council, have the necessary statutory requirements been met	Not applicable. East Leake Parish has a Parish Council so a Neighbourhood Forum has not been required. The Neighbourhood Plan has been prepared by the Parish Council

	in terms of the designation of the neighbourhood forum?	
1.3	Has the plan been the subject of appropriate pre-submission consultation and publicity, as set out in the legislation, or is this underway?	<p>Yes – the plan has been subject to extensive consultation and the range of activities undertaken are set out in the Statement of Consultation v5 dated 3 December</p> <p>Para 1.7 of the draft plan states that the plan will “next go out for further consultation”. It is not clear, however, if this is the statutory Pre Submission consultation as required in Section 21 of the Neighbourhood Planning (General) Regulations 2012 or if this is referring to consultation at the Submission stage. There is reference in the timeline in Appendix 2 to consultation activities in autumn 2014 and in the contents page to the Statement of Consultation there is a heading “Pre Submission Public Consultation 15 September to 31st October 2014” which indicates that the pre submission consultation has been completed, but there is little supporting information in the text.</p> <p>To ensure that those reading the plan are quite clear about what has been done, it is recommended that a short summary timeline is prepared which sets out when each of the statutory consultations required by the regulations were carried out and a brief summary of the activities that took place. It is suggested that this should be added to both the Introductory chapter of the Plan and the Statement of Consultation. Plan making is a statutory process and both the Borough Council and the Neighbourhood Plan examiner, at the next stage in the process, need to be fully satisfied that all the legal requirements about public consultation have been fully complied with.</p> <p>Recommendation 1 : A summary statement outlining the statutory stages of consultation , when they were carried out and the activities involved be added to Chapter 1 of the Neighbourhood Plan and the Statement of Consultation</p>
1.4	Has there been a programme of community engagement proportionate to the scale and complexity of the plan?	<p>Yes – the Statement of Consultation demonstrates that a very thorough and wide-ranging programme of consultation has been carried out. However, as set out in Recommendation 1 above, it is suggested that the Plan and Statement of Consultation are amended to make clear the key stages of consultation and confirming when they were carried out. The community</p>

		engagement has been proportionate to the scale and complexity of the plan
1.5	Are arrangements in place for an independent examiner to be appointed?	No arrangements have yet been put in place by the Borough Council to appoint an independent examiner
1.6	Are discussions taking place with the electoral services team on holding the referendum?	Initial discussions have been held and the possibility of a referendum taking place to coincide with local and national elections in 7 May 2015 has been discounted. A later date seems likely, but exact dates have yet to be explored
1.7	Is there a clear project plan for bringing the plan into force and does it take account of local authority committee cycles?	No particular project plan is in place but Borough Council officers expect that a report on the Submission Neighbourhood Plan could be taken to Members within 6 months of submission. It is therefore recommended that the NP Project Team work with the Borough Council to draw up a realistic project plan for the next stages of the plan preparation process, through to final adoption. This should take account of Borough Council Committee cycles and lead in dates for reports. It would also be helpful if the project plan could be posted on the Neighbourhood Plan website to keep the community informed about what is happening with the neighbourhood plan. Recommendation 2 : The Neighbourhood Planning Project Team should draw up a project plan with Rushcliffe Borough Council planning and democratic services officers for the next stages of plan preparation through to plan adoption. The project plan should be published on the Neighbourhood Plan website
1.8	Has an SEA screening been carried out by the LPA?	Yes – the Basic Conditions Report v1.2 dated 22 nd November 2014 report confirms that an SEA screening has been carried out by Rushcliffe Borough Council. Both the screening process and outcome of the screening are included as appendices to the Basic Conditions Statement. In Appendix 4 – the Outcome of the Screening process – the entry under Section 3 ought to be checked for accuracy and completeness with Rushcliffe Borough Council. Recommendation 3 : The contents of Appendix 4 of the Basic Conditions Statement, relating to the SEA screening, should be checked with Rushcliffe Borough Council for accuracy and completeness
1.9	Has an HRA screening been carried out by the LPA?	In para 3.5.4 of the Basic Conditions report, reference is made to a Habitat Regulations Assessment (HRA) screening report being done for the Rushcliffe Core Strategy. While the

	<p>Project Team considers that the Neighbourhood Plan is not in breach of the EU Habitats directive, it would be helpful if this could be confirmed with Rushcliffe Borough Council. A letter confirming this and/or a copy of the Core Strategy Screening document would be one way of addressing this matter.</p> <p>Recommendation 4 : The position with regard to HRA screening should be confirmed with Rushcliffe Borough Council and written confirmation that the plan is not in breach of the EU Habitats Directive should be added to the Basic Conditions Statement</p>
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Part 2 – Content

	Criteria	Response/Comments
2.1	Are each of the plan policies clear, unambiguous and appropriately justified?	<p>Yes, in the main, the policies in the plan are clear, unambiguous and appropriately justified. At the time of writing this report one policy was incomplete – notably Policy H4 Affordable Housing. It is understood that this has yet to be finalised. An updated version may need to take into account the Borough Council’s position following the Inspector’s Report on the Core Strategy, which was published on 8 December 2014. It would also be appropriate to consider, with the Borough Council, whether Policy H4 needs to reflect the changes to National Planning Policy Guidance announced on 28 November 2014 regarding affordable housing thresholds.</p> <p>Recommendation 5: Further discussions should be held with Rushcliffe Borough Council to agree the final wording of Policy H4 Satisfying Local Housing Need for Affordable Housing. Consideration should be given to any issues arising from the recently published Inspector’s report into the Rushcliffe Core Strategy and recent update to the National Planning Policy Guidance on affordable housing thresholds</p>
2.2	Is it clear which parts of the draft plan form the ‘neighbourhood plan proposal’ (i.e. the neighbourhood <i>development plan</i>) under the Localism Act, subject to the	<p>Yes – it is clear that all parts of the draft plan form part of the neighbourhood plan proposal. Any issues that the community wishes to address which are not planning matters are set out in the East Leake Community Plan, which was published in April 2014.</p>

	independent examination, and which parts do not form part of the ' plan proposal', and would not be tested by the independent examination?	
2.3	Are there any obvious conflicts with the NPPF?	<p>No – Section 3.2 of the Basic Conditions Statement summarises how the Neighbourhood Plan policies are aligned to the NPPF and the policies in the emerging Core Strategy. A summary is also set out in Appendix A East Leake Neighbourhood Plan Policy Links. Given the Inspector’s report on the Core Strategy has just been published, the opportunity could be taken to update the references in both section 3.2 and Appendix A.</p> <p>Recommendation 6 : Consideration be given to updating Section 3.2 and Appendix A of the Basic Conditions Statement to reflect the recent Inspector’s report on the Rushcliffe Core Strategy</p>
2.4	Is there a clear explanation of the ways the plan contributes to the achievement of sustainable development?	<p>Yes -Section 3.3 of the Basic Conditions Statement sets out how the plan contributes towards the achievement of sustainable development.</p>
2.5	Are there any issues around compatibility with human rights or EU obligations?	<p>No – Para 3.5.6 and para3.6 of the Basic Conditions Statement confirm that these have been considered.</p>
2.6	Does the plan avoid dealing with excluded development including nationally significant infrastructure, waste and minerals?	<p>Policy B3 Support for Development of British Gypsum Site. Policy B3 (a) sets out guidance for development within the British Gypsum Site and it would be wise to check that the policy wording is compatible with the minerals policies set out in the Nottinghamshire Minerals Plan. Written confirmation from the Nottinghamshire County Council minerals officer would suffice.</p> <p>Recommendation 7: Written confirmation be sought from Nottinghamshire County Council to ensure that Policy B3 regarding the British Gypsum Site is compatible with the adopted Nottinghamshire Minerals Local Plan and emerging new Minerals Local Plan</p>

2.7	Is there consensus between the local planning authority and the qualifying body over whether the plan meets the basic conditions including conformity with strategic development plan policy and, if not, what are the areas of disagreement?	There have been on-going discussions between the Neighbourhood Planning Team and the Borough Council and most issues have now been resolved. The one that it is outstanding is the wording of policy H4 Affordable Housing and I have highlighted in Recommendation 5 how this could be addressed.
2.8	Are there any obvious errors in the plan or other matters that require consideration ?	<p>One of the key concerns of the community expressed through the Neighbourhood Plan is the impact of planned new growth on the village and whether enough infrastructure will be provided to cater for new residents. Indeed many of the policies in the plan are focussed on ensuring that this infrastructure is secured. However, in various places in the plan reference is made to the 400 dwelling allocation made in the Core Strategy and references are made to planning consents, which are already in place for more than this number of homes. The Inspector’s report into the Core Strategy says that land for over 650 new homes already has consent in and around the village. Looking at the plan as an outsider, it is odd that the plan does not explain where these sites are located and how many homes have been consented on each. It is important for this to be recorded in some way as, at some point in the future, the community may want to refer back to the amount of growth – how much and where - they were accepting at the time that the plan was submitted, examined and adopted. My suggestion would be that factual information about each of the large sites including the number of homes on each site, the site location and when the consent was granted is set out in a table under the justification for Policy H1. Ideally these should also be mapped on a plan of the village</p> <p>Recommendation 8 : It is suggested that a table listing the large existing housing consents, with details of the site location and number of homes , is added to Section 2.2. Consideration should be given to also presenting this information on a map of the village</p> <p>There are a small number of editorial issues that ought to be addressed before the plan is finalised. The main ones that I have picked up are:</p>

		<ul style="list-style-type: none"> • on page 29 , the paragraph numbering jumps from para 3.3.7 to 3.7.8. It is not clear if there are paragraphs missing or if this is simply a typographical error • In Fig 2.6/2 the distinction between Flood Zone 2 and 3 is difficult to detect as the colours used are so similar • No map is provided of the East Leake Conservation Area referred to in Section 7 <p>Recommendation 9: The typographical points and mapping issues identified should be addressed</p>
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Document List

The following Documents have ben examined in carrying out this review

- East Leake Neighbourhood Plan 2013 to 2028 Version7.0 Draft as at 2 December 2014
- East Leake Neighbourhood Plan – Statement of Basic Conditions Version1.2 22nd November 2014
- East Leake Statement of Consultation Version 5 dated 3rd December 2014
- Material on East Leake Parish Council’s website related to the East Leake Neighbourhood Plan
- Inspector’s report on the Rushcliffe Core Strategy dated 8 December 2014

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