

Briefing Paper from Cllr Paul Campbell re Neighbourhood Plan Decisions to be made on 24 July 2019

This is V7 and should be considered the final version which has had due regard to Andrew Metcalfe's advice and editing.

It should be noted that Cllr Lloyd says that the Background Section "is in part factually incorrect" and so states that this document should not be put in the public domain. Whether the clerk puts it into the public domain by uploading it with all the other supporting papers as requested remains to be seen, but if he does not then the final motion D should be noted, please.

Overview

Three crucial questions need to be addressed on 24 July and decisions made. See page 4. Suggested motions on page 8.

By informal show of hands on the 15th it was unanimous that we would be minded to adopt something along the lines of draft motions A and B in order to answer questions 1 and 2.

Question 3 which I have tried to reflect in draft motion C needed more thought.

I have set out on pages 6 and 7 some factors, largely derived from HDC, which I think may help us decide which way to go in answering Question 3

The Problem

Horsham District Council (HDC) is reviewing its Local Plan to accommodate a "step change" in housing numbers. Changes in Central Government policy have resulted in the need for HDC to assign housing to neighbourhood plan areas. Alongside this, HDC will be allocating sites across the District to provide their housing need (this figure is unknown at this time but is expected to be a considerable increase on the current level of provision).

This step change will almost certainly result in higher number of houses being delivered across the district in the coming years notwithstanding existing policies in the Development Plan (including the Horsham District Planning Framework and made neighbourhood plans).

Because the policies in emerging neighbourhood plan have to be in general conformity with the policies of the Local Plan, and because resource implications necessitate re-deploying HDC planning officers, HDC has set a cut-off date of 30 November 2019 by which date neighbourhood plans must have reached Regulation 15 (Submission) otherwise they will not be taken forward by HDC until after the emerging local plan is complete - which is likely to be towards the end of 2021. To reach Regulation 15 means completion of a draft plan and its associated evidence base, completion of minimum of six weeks' public consultation under Regulation 14, finalisation of Plan and evidence having considered the consultation feedback and submission of the plan to HDC.

Working backwards from the cut-off date reveals that the time scales are very challenging even for a very pared-back neighbourhood plan without housing or the usual degree of public involvement, and impossible for a Plan which seeks to undertake housing site assessments or engage fully with residents.

Urgent decisions are needed as to whether we seek to meet the challenging timeline for a pared-back neighbourhood plan in order for the community to benefit from the higher rate of CIL (25%, not 15%) and from any policies that can be included in that pared-back plan, and what to do about the housing element – do our neighbourhood planners return to it in 2021/22, or do we allow HDC to allocate sites?

Background

15 October 2018 Cllr Lloyd reported on a meeting he attended at HDC. Any plan not submitted by the 26th January 2019 may have housing numbers allocated by Horsham. Some Parishes are not going ahead with their prospective neighbourhood plans. Cllrs Lloyd and Northam as well as the then Chair and Vice Chair of the NP Steering committee (Mr Barnes and Mr Van der Poll) to meet with HDC to clarify (*Source SPC minutes*)

19 November 2018 There were questions relating to housing numbers for Steyning, however Cllr Lloyd urged residents to allow the Neighbourhood Plan Steering Committee to carry on with the excellent work being achieved thus far and that residents wait for the public meetings to be held so that this can be discussed properly at that time. (*Source SPC Minutes*)

25 January 2019 and 8 February 2019 HDC held conferences on the Future of Neighbourhood Planning with particular reference to the step change in housing numbers which needed to be accommodated due to changes in Central Government Policy. It is not currently known who attended on behalf of SPC and there appears to be no report of the content. (*Source HDC website and statement by Norman Kwan of HDC 15 July 2019*)

13 March 2019 Arising out of the conferences, a letter dated 13 March 2019 on the Future of Neighbourhood Planning (Supporting Document) was sent by HDC to Cllr Lloyd (then Chair of the Parish Council) and the clerk to the Parish Council setting out the options for neighbourhood plans and requiring SPC to indicate its intentions by 31 May from the options available. This letter was placed into the Steering Group online shared storage facility (Dropbox) without comment. In response to the letter Cllr Lloyd, Mr Barnes and the consultant, Mr Metcalfe, met with HDC to discuss timeline and confirm that SPC will aim to be an “Advanced” plan and get its Plan to Regulation 14 by the Autumn 2019. [Query - Mr Metcalfe has changed my reference which was to Regulation 15 to Regulation 14. However, the 13 March letter refers to Regulation 15 which requires about another ten weeks to achieve beyond Regulation 14. It is not understood why HDC has seemingly consistently referred to Regulation 15 as the goal to be achieved by the Autumn/late Autumn (30 November) but this statement reports that SPC was aiming to get only to Regulation 14.] At this time HDC confirmed they would consider the request. It is understood that most NP committee members remained unaware of the letter until 24 June 2019. Full council was not informed of this letter.

13 May 2019 New council. At the request of the members of the now lapsed (due to the election) NP Steering Committee, the appointment of both the four councillor and the eight public representatives to serve on the Neighbourhood Plan Steering Committee was deferred. (*Source SPC minutes*)

20 May 2019 Presentations made in respect of three of the nine potential housing sites being considered by the N Plan Committee. The format of the event was a 15 minute presentation for

each, followed by a Q&A session, with members of the (lapsed) Committee (only) asking questions of the developers' representatives.

4 June 2019 Members of Steering Committee elected. *(Source SPC minutes)*

19 June 2019 Cllr Campbell granted access by HDC to the NP "Yammer" site where he discovered that HDC was pressing for a response to its 13 March letter with a new (expired) deadline of 14 June (previously 31 May) thus indicating that the HDC letter of 13 March had not been replied to and that both deadlines had expired.

24 June 2019 Further extension of time for response granted by HDC to 1 July. Meeting of Steering Committee in private. This was the first time most committee members had seen the crucial letter of 13 March. Most members of the Qualifying Body (SPC Councillors) had still not been informed of, or seen, this document. Clarification from HDC was sought in readiness for public meeting on 1 July of NP Steering Committee because Mr Barnes indicated that the 13 March letter might no longer be accurate as a result of the discussions he had had with Mr Kwan of HDC.

1 July 2019 HDC confirmed that the "Autumn" deadline is 30 November and that otherwise the 13 March letter remains unchanged. Committee agreed to tell HDC that it wishes to have Steyning's NP treated as an advanced one and will seek to achieve Regulation 15 stage with housing site allocations by the confirmed HDC deadline of 30 November. This was agreed on the basis of a verbal assurance from Mr Barnes that the NP's consultant, Mr Metcalfe had decided that this was achievable.

3 July 2019 (Supporting Document). SPC wrote to HDC in accordance with the Committee's decision of 1 July. The provisional decision in this letter was subject to confirmation by SPC full council which wanted to hear from HDC and Mr Metcalfe before making its decision.

10 July 2019 (Supporting Document) NP Consultant, Mr Metcalfe, provided an update on the progress that has been made on the Steyning Community Plan and advised the Parish Council and members of the Steering Committee on timescales and the likelihood of meeting HDC's 30th November deadline. He suggested aiming for a pared-back NP containing only those policies whose evidence base could be completed by 19 July 2019 (a mere nine days away). This would ensure the Parish qualifies for the enhanced rate of Community Infrastructure Levy. He also suggested seeing if HDC will extend the 30 November deadline for a NP without a housing site allocation as he considered that such an approach would allow a neighbourhood plan to be prepared in a timely and thought out manner whilst not conflicting with HDC's emerging Local Plan.

15 July 2019 Full Council meeting. First opportunity for Full Parish Council (as the Qualifying Body) to consider the options set out in the 13 March letter and the first time many councillors had seen it. The actual discussion took place in private at a meeting after the Full Parish Council meeting had concluded so that it could be held in confidential session at the insistence of HDC.

During the discussion it was confirmed that Mr Metcalfe had sought answers to three questions posed by the Steering Committee prior to the meeting by email. He was asked to confirm the date by which Steyning could have a plan (which includes housing) to be submitted under Reg.15 (which he considered to be early March 2020). He then asked HDC, as requested by

the Steering Committee to confirm whether HDC would extend the 30th November Reg.15 deadline to the end of March 2020 and if HDC are not willing to extend the deadline for a plan which includes housing, would HDC be willing to extend the deadline to accommodate a well thought out plan which is absent of policies relating to the delivery of housing (estimated to be the end of 2019). HDC was requested by Mr Metcalfe to have a response to these questions in time for the meeting. The email Mr Metcalfe sent to HDC (and the attached timeline) was discussed at the meeting and circulated afterwards at the request of Cllr Campbell.

Mr Kwan stated at the meeting that HDC would not extend the 30 November 2019 deadline for the NP to reach Regulation 15 even if it does not have housing site allocations. It was confirmed that a “made” plan with a single policy document would be sufficient to qualify the community for the higher rate of CIL.

Concerns were expressed by councillors about the degree of public involvement there had been to date and the inability to rectify this within the time available. Mr Metcalfe recalculated his timeline following discussions and advised that the absolute deadline to have the evidence base ready would likely be 31 July 2019 (no longer 19 July).

It was clarified by HDC that SPC as the qualifying body needed to answer three questions at the EoM set for 24 July. In the meantime, on the basis of informal indications from the meeting, the Committee would press ahead with all speed to attempt to complete the evidence base with a single policy to support the plan by 31 July with the aim of qualifying for the higher rate of CIL as a minimum, but hopefully also achieving some additional useful policies from the work undertaken so far.

Decisions required on 24 July 2019

The three questions are

- 1 Does the Council approve the letter sent to HDC on 3 July 2019 at the request of the Steering Committee?
- 2 Does the Council authorise the NP Steering Committee to aim to produce a pared-back NP without housing allocations and seek to submit it to HDC under Regulation 15 by 30 November 2019?
- 3 If the answer to question 2 is yes, the Council needs to inform HDC which of the following options it wishes to adopt concerning housing:

Option 1 -

Decide now (before we know the HDC housing numbers to be satisfied) that the NP will be reviewed during 2021/22 (after HDC has reviewed and adopted its new Local Plan) and commit now that Steyning’s neighbourhood plan will allocate housing sites in accordance with the housing figure as set out in the new HDC Local Plan (whatever that may be) OR

Option 2 - What I would categorise as the “Wait and see” Option

Decide now to allow HDC to make any necessary housing allocations through its Local Plan in consultation with the Community. Once it knows what HDC has achieved, it knows what the new Local Plan policies are, and once it knows what the housing figure from HDC which Steyning is expected by HDC to accommodate is, Steyning may chose/need to review its N.Plan in 2021/22 to bring its (very few pared-back) policies into general conformity with the new Local Plan, and in addition at that point Steyning could allocate additional housing sites (including potentially sites in the South Downs National Park which are excluded from HDC's housing remit) and policies on top of those in the Local Plan if that is desired.

Unfortunately the Steyning N.Plan does not fit neatly into any of the options as set out on the 13th March letter but assuming that the 30th November deadline is met (with a pared-back plan) then we would be considered to be an advanced plan. For clarity the options summarised above are provided verbatim below as extracts from the 13 March HDC Options letter:

Option 1 - *‘Commence an early review of the neighbourhood plan to take account of any revised housing numbers which are allocated to the parish in the Local Plan Review. Any review of the neighbourhood plan should recognise the step-change in housing growth required for the area, it is likely that most parishes will need to give serious consideration to the release of greenfield land in their parish area. It is recognised that neighbourhood plans must pass a referendum. Parishes may wish to take a view on how additional greenfield development could be brought forward in a manner that would pass this particular hurdle.’*

OR

Option 2

Horsham District Council meets housing needs for the parish through the local plan process. Parish level needs would be met in consultation with the local community. Again, it should be recognised that the District Council will need to consider whether it is necessary to release additional greenfield land if such an approach is pursued. This is tested by an independent inspector but there is no public referendum stage.

On adoption of the new local plan, the neighbourhood plan could be prepared [reviewed in our case] – this could bring forward additional housing numbers on top of any allocations, or could simply consider other policy areas centred on community policies, design guidance or local green space policies and still be eligible to claim 25% CIL receipts as a result of having a made neighbourhood plan in place” [NB if we do get our pared-back Plan in place (made) we will already have qualified for the higher rate of CIL]

There are a number of factors which should be considered when making this decision, some of the pro's and con's of each approach are set out below (please note that this list is not exhaustive):

SPC can allocate housing anywhere in the parish, subject to the sites constraints.	If HDC allocates sites it can only do so within its area and so cannot allocate housing within the South Downs National Park but SPC could still choose to do so when it reviews the NP after the HDC revised Local Plan has been adopted
SPC would need to allocate the sites to meet the number of new homes as set out in the new HDC Local Plan	HDC would allocate the number of houses it considers appropriate in Steyning taking the whole District into consideration.
SPC choose the number of homes on each site allocated (subject to suitable evidence and making the best use of land) which HDC has confirmed means that minimum (not maximum) numbers must be specified. Which in turn means that any presentations by developers in the course of the NP preparation are merely indicative and that at the planning permission stage significantly higher numbers/ density may be applied for.	HDC chooses the number of homes on each site allocated (subject to suitable evidence and making the best use of land)
SPC advised not to try and introduce a different level of affordable housing to HDC policy as this requires viability testing of the plan and a greater burden / cost on the Parish Council.	HDC will set the level of affordable housing required through the new Local Plan.
There is now greater understanding and experience of the neighbourhood planning and the processes, expectations and costs involved. Expertise may potentially be retained if existing volunteers continue. New volunteers can bring a fresh perspective.	The local planning authority takes the leading role and therefore some in the community will see this as a more 'top down' approach and perceive it to be more difficult for local issues and aspirations to be incorporated into the more strategic local plan.
Neighbourhood plans remain a useful tool to help communities shape their local area, making sure the right homes are built in the right places.	There may be less community engagement as the allocation process is more top down.
Neighbourhood Planning ensures the community remains engaged with the planning process. Parishes understand their communities and issues affecting them better than anyone else.	This approach will be able to make use of the resources available to Horsham District Council as part of the Local Plan preparation process. (The Council receive only limited funding to support neighbourhood planning).
The community are forced to consider hard choices and this can lead to divisions and splits as to how to proceed.	More difficult decisions on the location and strategy for development is made by the local authority but in consultation with the community.

Getting additional housing numbers through a referendum may be very difficult particularly given the pressure to deliver a step change in housing growth, as this is likely to require the release of greenfield land. At this stage there is still uncertainty as to what any number may be.	No referendum required but the release of greenfield land, which may be contentious to local communities.
Reviewing the Neighbourhood Plan can be an expensive and timely process.	Without focussing on planning matters there may be resources to help bring forward other community projects.
Having a neighbourhood plan in place can give some protection against unplanned development in some situations where the local authority cannot demonstrate a 5-year housing land supply. Though note that this is unlikely to arise because HDC currently has a five year supply and its determination to put maximum resources into reviewing its Local Plan shows it is determined to continue to comply with the central government edicts about this.	Parish Councils can still do a neighbourhood plan after adoption of the Local Plan with or without the site allocations. They will still be entitled to 25% of any CIL receipts from development in their Parish.
The Plan and the associated work may help to form the basis for spinoff community projects or proposals thus yielding benefits beyond the Plan. Though note that this really applies to things other than the housing element so we will gain these from the decision to have a NP with policies other than housing	Support from District Council officers who have the professional expertise to adapt quickly with Government changes and update the evidence base.
There may be loss of valued experienced steering group members who choose to move on.	

As Andrew Metcalfe wrote to me on 23 July regarding suggested Motion C below:-

“The heart of the matter is who has control over the initial allocation of housing. This is the question HDC want a response to, does the Parish Council want to be given a figure [when produced by HDC as a result of the Local Plan review] so they can choose which sites are allocated or does the Parish Council want HDC to allocate sites.”

Suggested Motions

Three draft suggested motions to deal with the three questions:-

A) Because of new information which shows that the deadline (30 November 2019) set by HDC in its letter of 13 March 2019 (as amended) for a neighbourhood plan which includes housing site allocations to reach Regulation 15 could never have been met (letter Squires Planning 10 July 2019), the Council is unable to approve the letter sent by SPC to HDC on 3 July as drafted by the Steering Committee and instead instructs the Clerk to write to HDC informing it of the following resolutions:-

B) SPC authorises and requests the Neighbourhood Plan Steering Committee (NPSC) to continue with Steyning's Neighbourhood Plan, but now excluding housing site allocation, as follows:-

- 1) Aimed at achieving the minimum necessary to have a NP which qualifies the community for the enhanced rate of CIL but aiming to achieve as much as is practicable and evidence-based beyond the minimum;
- 2) Prioritising policies based on evidence that is complete by 2nd August 2019, in particular the Parish Council would like to see policies relating to:-
 - i) Local Green Space designations;
 - ii) Character Assessment, to include a Village Design Code if possible; and
 - iii) Housing mix (number of bedrooms per dwelling)
- 3) The authorisation is conditional on the NPSC:-
 - i) Remaining satisfied that it can submit the plan under regulation 15 by the 30 November 2019; and
 - ii) Operating to financial controls and other procedures, including its Terms of Reference, which the Responsible Financial Officer (the Clerk) continues to be satisfied with.

C)*

Option 1 (Commit now to make site allocations before knowing what housing figures HDC will have in its revised Local Plan nor what other policies there may be in it)

SPC resolves that it will commit now to review its NP during 2021/22 and will in that review include the allocation of housing sites in accordance with the housing figure set out in the new HDC Local Plan (whatever that may be)

Or

Option 2 (Wait and see what housing figures and allocations HDC makes and what its other policies in the revised Local Plan are before making a commitment)

On the basis that after HDC's revised Local Plan has been adopted, SPC is entitled to review its NP and decide what additional housing allocations it may wish to make (if any) or what other policies (if any) it may wish to review or incorporate:-

SPC resolves that it will defer housing allocations for HDC to make through its revised Local Plan in consultation with the local community.

*Delete Option 1 or Option 2

Motion D seeks to address Cllr Lloyd's objection to this briefing paper being put into the public domain.

Motion D

Acknowledging that Cllr Lloyd objects that the Background Section to this document "is in part factually incorrect" but has not yet stated in what respects he believes that is the case, SPC instructs the Clerk to upload this document to the SPC website without delay and invites Councillor Lloyd to provide a written appendix in time for the next meeting of SPC, for uploading if approved.

Councillor Paul Campbell

21 July 2019 V3

22 July 2019 V4

Andrew Metcalfe

23 July 2019 V5

Paul Campbell

24 July 2019 V6

Paul Campbell

24 July 2019 V7