**Bardsey Neighbourhood Plan**

**Brief notes of meeting with Ian Mackay (IM) 24th July 5pm at Leonardo Building**

**Present: For LCC: IM**

**For BSC: IF/CS/JC/LB**

1. **Neighbourhood Planning Update**
   1. IM mentioned a number of general points pertinent to neighbourhood planning and LCC’s evolving approach to the process; clearly the result of events both nationally and locally. The following are important to note:
      1. LCC has prepared a key issues summary for most of the neighbourhood plans that have progressed to examination to date. This will be on the Council’s website shortly.
      2. Inspectors and unitary authorities are increasingly and consciously looking for Neighbourhood Plans to have been ***positively prepared***, i.e. to show evidence of being ***pro-development*** and ***contributing positively*** to a community’s longer term sustainability.
      3. IM drew attention to a ***number of Neighbourhood Plans being taken to judicial review*** before they can be accepted, usually by potential developers aiming to force additional development.
      4. The most likely reasons for a Neighbourhood Plan being rejected by the inspector are:
         1. that it is ***not in general conformity with the National Planning Policy Framework***
         2. that it is not in general conformity with local planning policy
         3. that ***individual landowners have not been afforded adequate consideration or opportunity for consultation***
         4. that there have been ***flaws in procedure/governance***
         5. inadequate consultation and engagement.
      5. It is now required that a Neighbourhood Plan submission must include a detailed ***consultation statement***, focussing on the formal consultation stage but covering all of the consultation and engagement which has taken place during the preparation of the plan, detailing objectives and outcomes. IM asserted that this is now as important as the plan itself, and that an individual on the Steering Committee needs to be nominated at the earliest opportunity with responsibility for compiling the statement as the project progresses.
      6. Decisions taken during a neighbourhood planning process must be ***open and transparent***, and must be taken by the ***Parish Council not the Steering Committee***.
      7. It is good practice to engage with Landowners and developers (this could be via the Steering Committee). The Parish Council could also engage with them directly if it wishes to but it would be more appropriate if this was left to the steering committee who could then advise the PC. There are no hard and fast rules on this.
2. **Site Allocations Process (SHLAA)**
   1. **Core Strategy.** IM indicated that this would be formally approved by the Council in Autumn 2014. (Cllr Gruen email of 11th July indicates the Inspector releasing the draft report in August with the Core Strategy released ‘later in 2014’).
   2. **Site Allocations Plan**.
      1. Cllr Gruen’s email indicated that LCC will ‘aim to consult on the draft site allocations plan later in 2014’.
      2. IM envisaged that this target may well not be achieved for various reasons, notably the time for the Development Plans Panel to review the sites. (This process starts at the beginning of October).
      3. IM pointed out that if the target slips towards March 2015 the local and general election preparations may cause a further delay to beyond May 2015.
      4. Progress towards LCC’s site allocations plan would impact the timing on Bardsey’s NP. IM made abundantly clear that LCC would much prefer (almost expect) our pre-submission Consultation to await the release of the Draft Allocations Plan.
   3. **Risk to SHLAA**. IM regards the biggest risk to both NPs and LCC Site Allocations Plan red sites as being Landowner/Developer led challenges. At least one available precedent for such a challenge would be a claim that they (the developer or landowner) had not been engaged/consulted.
   4. **PAS sites**. IMCK confirmed that Bardsey have no PAS sites. He handed out part of an LCC internal email originated by Tom Ridley (senior planner) clarifying the criteria for PAS sites, which will be circulated to the SC.
   5. **Bardsey SHLAA sites**: IM confided the responses received to last year’s LCC public consultation on some of the Bardsey SHLAA sites were as follows (N.B. IM promised to provide further information via June Gallant):

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Site** | **LCC Classification** | **Total Comments** | **Agree with LCC** | **Disagree with LCC** | **Neutral** |
| 780 | Sieved Out | 0 | 0 | 0 | 0 |
| 1106 | Red | 49 | 37 | 10 | 1 |
| 1153 | Green | 16 | 10 | 5 | 1 |
| 3133 | Red | 2 | 2 | 0 | 0 |
| 1127 | Already Approved! | 8 | 5 | 2 | 1 |
| 3134 | Red | 12 | 8 | 3 | 1 |

1. **Bardsey Neighbourhood Planning Process**
   1. **Drop In cancellation**. The reason for this was outlined to IM and this was understood by him.
   2. **Village Survey (April/May 2014).** A hard copy of this was handed over to IM. During the meeting he glanced at the Vision Statement and indicated that he would be offering constructive criticism. The refinement of this would release objectives for the NP. He advised that we should regard the Questionnaire as an informal consultation and that the response rate of 17.5% was quite reasonable.
   3. **Pre submission Consultation:** I M advised that this is one of the most crucial stages in the NP process, and constitutes the ’Formal Consultation’ in the eyes of the inspector. (NB a summary of NP Planning Regulations for the Pre-Submission Consultation is attached at Appendix 2).
   4. **Web site info**. Screen shots of the NP section could be included in the Pre submission Consultation.
   5. **Further informal consultation:** IM advised that we would do well to run a further stage of informal consultation before going to the pre-submission phase (a ‘health check’), once the outcome of the village survey has been taken on board and the NP drafted. Our planned drop in would be perfectly satisfactory. Such further consultation would be regarded as good practice and commend our process to the inspector.
   6. **Linton:** Some interesting feedback to the recent publication of Linton’s draft NP emerged during the course of the meeting:
      1. Bardsey’s NP could be similar to Linton’s, but with significant differences, in that Bardsey is in the Settlement Hierarchy and Linton is not.
      2. LCC would clearly have preferred Linton to wait until the SHLAA site allocations plan had appeared.
      3. IM cautioned that due diligence (or expert advice) is required in drafting planning policy sections, commenting that few of Linton’s planning policies were in general conformity or capable of delivering what they set put to archive as drafted.
   7. **Steering Group composition**: IM regards the Bardsey steering group as having an appropriate balance between Parish Councillors and local residents.
2. **Housing Needs Survey Development**
   1. IM reiterated that LCC is interested in all sites that the PC may wish to suggest, whether GB or not.
   2. IM indicated that Bardsey should consider the timeframe of the plan and consider possible sites in that context.
   3. The three known potential sites were discussed, i.e. SHLAA 1153 (Catholic Church), the Keswick Lane triangle, and the School. The focus of the discussion was on the School site. The task of redeveloping and if necessary moving the school was discussed and LCC could assist with feasibility. IM didn’t regard the School site as a ‘long term objective’ beyond the HNS horizon, and thus sees it as being very much in the frame given support from the interested parties. Cllr Gruen’s email calls for Steering Groups to submit any emerging site proposals, and IM recommended that Bardsey offer these sites up.
   4. A discussion took place of whether the NP would be part site specific/generic. IMCK was sympathetic to the dilemma but no real direction emerged.
   5. In the event that the SC wish to propose any specific exception site or sites within the existing green belt to achieve the HNS numbers, which would clearly require changes to the existing GB boundary (there are 2 precedents for this since July 1984). Such sites within the GB can only be considered via the SAP process. It would be easier if these were identified before the end of September but they could be considered during the formal consultation on the SAP.

**APPENDIX 1**

**Potential stages for Neighbourhood Plan - based on the examples of Exeter St James and Tattenhall Neighbourhood Plans**

**a) with Judicial Review**

Health check by City Council before submission of pre-submission draft NP

Pre-submission draft consultation

Analysis of comments

Re-drafting

Further consultation and redrafting?

Approval for formal submission by Parish Council

Submission to LPA

Publicising submitted plan (LPA)(not less than 6 weeks)

Organising examiner (LPA)

Reps to Examiner (LPA)

Examination

Examiner's report - July 2014

LPA's response to examiners report to Exec Board - August 2014

Publicise Examiners report, LPA's response, modifications (if any) and decision statement (LPA) & organise Referendum - August/September 2014

Referendum - October 2013

Judicial Review? - Tattenhall's took 7 months - October 20L4

Plan 'made' by the LPA May 2015

Publicise the NP (LPA) - May 2015

**b) without Judicial Review**

Health check by City Council before submission of pre-submission draft NP - April 2014

Pre-submission draft consultation - May - June 2014

Analysis of comments - July 2014

Re-drafting - July 2014

Further consultation and redrafting? - August 2014

Approval for formal submission by Parish Council - September 2014

Submission to LPA - September 2014

Publicising submitted plan (LPA) (not less than 6 weeks) - October 2014

Organising examiner (LPA) - October 2014

Reps to Examiner (LPA) - December 2014

Examination - December 2014

Examiner's report - January 2015

LPA's response to examiners report to Exec Board - February 2015

Publicise Examiners report, LPA's response, modifications (if any) and decision statement

(LPA) & organise Referendum - February 2015

Referendum - March 2015

Plan 'made' by the LPA - May 2015

Publicise the NP (LPA) - May 2015

**APPENDIX 2**

**Bringing the Plan into Force**

**Pre-Submission Consultation**

The Neighbourhood Planning regulations require the proposed plan to be the subject of a 6-week consultation before it is submitted to the local authority for independent examination. The requirement includes the following:

* Publicise the plan in a manner which brings it to the attention of people who live, work or run businesses in the neighbourhood area. This should include details of the proposed Neighbourhood Plan, details of where and when it may be viewed, details on how to make comments on the plan and the date by which comments must be received (at least 6 weeks from the date on which it is first publicised).
* Consult statutory consultation bodies whose interests may be affected by the plan. The local council should be able to advise on this, but it includes the county council (if applicable), the Environment Agency, Natural England and English Heritage.
* Send a copy of the proposed plan to the local authority. It is also advisable to consult any neighbouring local, town or parish councils, significant landowners, local businesses and local community organisations, such as chambers of commerce, civic societies and local trusts. Any comments received should be considered and, where necessary, the proposed Neighbourhood Plan should be amended. A brief report should be produced, summarising comments received and describing if and how the plan has been modified in response to the issues raised.
* Possible options for fulfilling the above requirements include:
  + . putting the plan on the Neighbourhood Plan website if there is one
  + asking the local authority to publish it on their website
  + placing copies of the plan in key public buildings, such as libraries, community centres or council offices
  + placing copies of the plan in important local businesses, such as shopping centres or supermarkets
* Many people will not want to read through the whole document, so it may be useful to produce a simple leaflet or display boards that set out the main aims and main focus of policies in the plan.

**The Consultation Statement**

The focus of the consultation statement is on the 6 week statutory consultation. However, it is also useful to include a summary of previous consultation that has been undertaken and how this informed the content of the plan. The consultation statement should contain the following:

* Details of people and organisations consulted about the proposed Neighbourhood Plan
* Details of how they were consulted
* A summary of the main issues and concerns raised through the consultation process
* Descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan

Essentially, this is about demonstrating that there has been proper community engagement and that it has informed the content of the plan. It also makes it clear and transparent that those producing the plan have sought to address the issues raised during the consultation process.