

# Chichester District Council

Cabinet

1 June 2021

## Neighbourhood Plans Update and Resourcing

### 1. Contacts

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### 2. Executive Summary

This report sets out the current situation with regards to neighbourhood planning work, the needs to support neighbourhood planning in a timely manner and the ongoing demands this is making on the planning policy team. It sets out the current factors which are considered relevant for prioritising neighbourhood plan work and seeks Cabinet's agreement with this approach. Finally, it sets out both short and longer term measures to secure additional resource to support neighbourhood planning within the Chichester Plan area.

### 3. Recommendations

#### 3.1 That Cabinet:

- (a) **Notes the current situation regarding neighbourhood planning work in the Chichester local plan area.**
- (b) **Approves an additional Senior Planning Officer post in the Planning Policy Division at a cost of £54,000 per annum funded from reserves in the current year and subsequently from base budget to support neighbourhood planning work.**
- (c) **Endorses the use of the specialist SDNPA officers for short term support on neighbourhood planning work when required subject to budget.**
- (d) **Endorses the priority criteria set out in paragraph 7.4 to respond to neighbourhood planning work.**

## 4. Background

- 4.1 The Council's support for Parish Councils seeking to prepare neighbourhood plans, where they wish to do so, is now well established. Currently a total of 23 parishes within, or partly within, the Chichester local plan area are subject to neighbourhood plan area designations. Eleven neighbourhood plans have now been 'made' and form part of the development for that area including Lavant and Petworth jointly with the South Downs National Park Authority.

Parish	Date 'made'
Birdham	July 2016
Bosham	November 2016
Chidham & Hambrook	September 2016
Fishbourne	March 2016
Kirdford	July 2014
Lavant	July 2017 ( <i>SDNPA lead authority</i> )
Loxwood	July 2015
Petworth	July 2018 ( <i>SDNPA lead authority</i> )
Southbourne	December 2015
Tangmere	July 2016
Wisborough Green	July 2016

- 4.2 The neighbourhood plans that are now 'made' relate to the policies and requirements set out in the adopted Chichester Local Plan: Key Policies 2014-2029 (CLPKP). A number of these plans are now being reviewed and revised. This report updates members on the position with regard to the outstanding neighbourhood plans going through the system and related to the CLPKP, and also sets out progress being made by parishes on the revisions or new plans that relate to proposals in the Local Plan Review. As well as a general update on the overall position and timing of Neighbourhood Plans, the report addresses the associated resource implications.

## 5. Neighbourhood plans related to the CLPKP

### Boxgrove and Selsey Neighbourhood Plans

- 5.1 These two plans were delayed as a consequence of EU environmental case law in 2018, the effects of the decisions of the Court of Justice of the European Union (CJEU) necessitating further work to support the plans to ensure compliance with the Habitat Regulations and related assessment (HRA) and Strategic Environmental Assessment (SEA) and relevant consultation in each case.
- 5.2 With the completion of this work and the examinations, the Decision Statements on Boxgrove and Selsey Neighbourhood Plans were agreed by Cabinet and published last summer. Unfortunately, due to the Covid 19 restrictions, the Government

postponed all referendums until 6 May 2021. Following the referendums, these two plans are the subject of reports elsewhere on this Cabinet agenda.

#### Westbourne Neighbourhood Plan

- 5.3 This plan has suffered severe delays as a result of similar HRA and SEA work being required as indicated in paragraph 5.1. The plan was then further delayed on the basis that Natural England's assessment during 2019/20 suggested that the intertidal parts of Chichester Harbour, subject to several European designations, was now classified as 'unfavourable-declining' condition. As a consequence, further HRA was required to assess the potential impact of the plan's proposals on the Harbour and a subsequent Addendum to the SEA was also published, both for public consultation prior to submission as part of the examination.
- 5.4 Following the publication of the Examiner's report the Decision Statement was considered and agreed by Cabinet on the 6 May and this plan will now move to referendum at a date to be agreed.

#### *Plaistow and Ifold Neighbourhood Plan*

- 5.5 As a result of the Covid 19 restrictions, a second round of CDC public consultation was undertaken on the draft submission Neighbourhood Plan to meet the revised Government requirements. This was completed at the end of October 2020. The examination is well advanced, although advice has been received from Natural England which indicates that there are likely to be additional issues which will need to be addressed. The Examiner and Parish Council have been advised of the position and it is anticipated that subject to further work being undertaken, the examination will proceed in due course.
- 5.6 As with Westbourne Neighbourhood Plan, once the examiner's final report has been received and published, there will be a need for Cabinet to consider the Decision Statement for the neighbourhood plan before it can then potentially move on to referendum.

### **6. Neighbourhood plans related to the Local Plan Review**

- 6.1 Many parishes have chosen to revise their neighbourhood plans in order to address the forthcoming requirements for development in their local communities set out in the Local Plan Review (LPR). There are also a number of parishes that have now chosen to pursue a neighbourhood plan for the first time. As members will be aware the Preferred Approach version of the LPR set out strategic allocations for various parishes and a separate policy, Policy S5, set out draft parish figures for other parishes. This is a not dissimilar approach to that taken in the CLPKP.
- 6.2 However, the level of development anticipated in each parish is not yet finalised. It is recognised by officers that it is difficult for parishes to move forward with their preparations for neighbourhood plans in this fluid situation. This has been compounded by the delays in the LPR process and the current testing of the revised draft development distribution strategy. The parishes were informed of the revised potential figures for their area in December as it is clear they need to be kept informed of these changes as we move forward through the LPR process.

- 6.3 The relevant parishes have again been advised that the housing numbers are not yet final, and indeed may be subject to change through the examination of the LPR, and if they choose to move ahead of the LPR with insufficient evidence there are various risks that present themselves. Officers are continuing to support and advise the parishes to allow them to make decisions on what steps to take in relation to the progress of the neighbourhood plan for their own community. Not all parishes will choose the same path.
- 6.4 One of the risks parishes will face if they move ahead of the LPR process is that the neighbourhood plan has the potential to become rapidly out of date. For example, if a neighbourhood plan is prepared on the basis of a draft housing figure that is eventually superseded, for instance by the recommendations in the Inspector's report on the LPR for a higher figure, then there would be a need for the parish to undertake a swift review of their neighbourhood plan.
- 6.5 There is also a need for further evidence to be provided where a neighbourhood plan is moving ahead of the LPR where that evidence base has yet to be tested by the Inspector of the LPR and put in place to support later neighbourhood plans. This is particularly the case in relation to requirements relating to strategic environmental assessment (SEA) and Habitats Regulations Assessments (HRA) of the plans. Without the benefit of a tested evidence base including these aspects on the strategy set out in the LPR, including any required mitigation proposals, then parishes are faced with the need to undertake additional work to meet these requirements in order to move through to examination ahead of the LPR. Whilst there is some growing Government recognition that such lengthy and onerous procedures were never envisaged for neighbourhood plans, the various regulations and legal requirements that need to be adhered to have not yet been varied.
- 6.6 Despite these difficult considerations, many parishes are choosing to move forward with their neighbourhood plans in order to guide development in their local communities. This also reflects CDC's current lack of a five year housing land supply which has resulted in many parishes feeling they are under significant development pressure.
- 6.7 Set out below is a brief summary of the progress that has been made to date on the neighbourhood plans related to the Local Plan Review. Discussions continue with all parishes that are preparing neighbourhood plans, at whatever stage they may be, and advice and support is available from the planning policy team as and when they have queries. In the majority of cases parishes employ consultants to work and support them with their plan preparation and Government grants are available to support that work with separate funding available for technical work.

*Revised Loxwood Neighbourhood Plan 2019 to 2037*

- 6.8 Loxwood Parish Council submitted their draft submission plan, along with relevant supporting documentation, to CDC in December. In this instance Natural England has now advised that additional work needs to be required to address an issue regarding water supply.

- 6.9 Officers recognise Loxwood PC is keen to make good progress with their revised neighbourhood plan, particularly in the light of the pressure from planning applications in that area. However, in supporting their work CDC is required to undertake the necessary procedures to make sure the plan is in a robust position before moving on to consultation and examination.

*Hunston Neighbourhood Plan 2019 to 2037*

- 6.10 Hunston Parish Council submitted their draft submission plan, along with relevant supporting documentation, to CDC in December. This is the parish's first neighbourhood plan. As with Loxwood, those documents are now being checked before they are formally accepted by CDC to move forward to the CDC formal public consultation period and then on to examination.

*Southbourne Parish Neighbourhood Plan Review 2019 - 2037*

- 6.11 The draft submission plan was submitted to CDC along with the relevant supporting documentation at the beginning of March. Given the level of development proposed in the plan and the development pressures being faced by the parish from potential speculative applications that may undermine a plan-led master planned approach to development, work on the plan was prioritised and the Neighbourhood Plan is currently out for public consultation under regulation 16.

*Chidham and Hambrook Neighbourhood Plan Review*

- 6.12 Work has been underway in the parish for some considerable time with the parish working with consultants on a review of its neighbourhood plan. Officers are aware of the pressure on the parish in relation to current applications and discussions are continuing between officers and the parish as to how best to advance their plan. As yet the parish has not undertaken its own regulatory parish consultation on the revised plan which would mark a significant step in its progress.

*Fishbourne Neighbourhood Plan Review*

- 6.13 Work began on a review of the Fishbourne Neighbourhood Plan some time ago. This is currently being considered further but as yet the parish has not undertaken its own regulatory parish consultation on the revised plan.

*Other Neighbourhood Plans*

- 6.14 Work is also progressing on a number of other neighbourhood plans in the Chichester plan area. These are all at different stages but are in general well underway in terms of their background work and supporting evidence. These include Birdham, Chichester city, North Mundham, West Wittering and Wisborough Green. Oving Parish has also recently been designated as a neighbourhood plan area and is considering the next steps for its plan.

**7. Conclusion on current situation**

- 7.1 The level of activity concerning Neighbourhood Plans is increasing. We have the last of the "old" neighbourhood plans (associated with the adopted Chichester Local

Plan which have been delayed for a variety of technical reasons) being completed, while the first tranche of “new” neighbourhood plans (either in accordance with or in response to the emerging Local Plan Review) are being progressed.

- 7.2 Naturally, each neighbourhood plan group is keen for its Plan to be progressed as quickly as possible, but the range and level of activity outlined in this report is proving difficult to manage, given it requires detailed knowledge of the regulations and input from a range of specialists, including services from across the Council. So far, priority has been given to ensuring the referenda for the Boxgrove and Selsey neighbourhood plans were undertaken on 6 May, and that progress towards a referendum is made on the Westbourne Neighbourhood Plan. Thereafter some judgement has been applied with regards to priorities to date.
- 7.3 It is apparent the current workload associated with neighbourhood plans within the planning policy team is leading to delays in their progress. Furthermore, the understandable decision by many parishes to proceed with neighbourhood plans in advance of the Local Plan Review is drawing an increasing amount of planning policy team resource away from the production of the local plan. Cumulatively, parishes require an increasing amount of officer time to provide general advice and support to address the regulatory requirements, technical issues and other queries that arise.
- 7.4 At present, officers have prioritised work according to a range of factors, including the date neighbourhood planning work was received, the scale of development sought in the neighbourhood plan area, and the development pressures in that area. It is not considered appropriate for one “formulaic” rule to be established – but Cabinet is asked to confirm that these are relevant factors when prioritising work.

## **8. Outcomes to be Achieved**

- 8.1 Given the above, and notwithstanding the approach to prioritising neighbourhood planning work set out in paragraph 7.4 above, it is suggested that additional resources are now necessary to assist with neighbourhood plan work. There are two actions which are proposed

## **9. Proposal**

- 9.1 The proposal is for a short-term measure to assist with the current volume of work, and a longer-term solution to be secured, as set out below.

### Additional resource from South Downs National Park Authority (SDNPA)

- 9.2 Chichester District Council already has a Service Level Agreement with the SDNPA which sets out a framework for utilising appropriately skilled and experienced SDNPA officers to undertake work on neighbourhood planning issues. This includes input on many procedures and stages in the process including for example, collating and drafting officer responses to neighbourhood plan consultations. The process is well understood by relevant SDNPA officers and has proved to be effective in assisting with temporary peaks in work. In light of the current workload this arrangement has been resumed and SDNPA officers are

currently assisting with some of the current work. It should be stressed they are treated as part of the CDC team in this regard, with no input to their activities from SDNPA management or Members.

- 9.3 Funding for this resource is currently being met from the dedicated Neighbourhood Planning budget, which is small in scale and primarily aimed at meeting direct costs of neighbourhood plans, such as examiners fees. However, as a short-term solution this is considered appropriate. But there is insufficient budget for this arrangement to continue indefinitely, and in any event, this is not considered to be the best long-term solution. Therefore a further longer term solution is proposed as follows.

#### Additional CDC officer resource

- 9.4 Currently, the planning response to Neighbourhood Plan work, draws heavily upon an experienced principal officer who provides advice across the whole Chichester plan area. It is proposed that an additional post is created within the planning policy team to work on neighbourhood planning matters. This role needs to be sufficiently senior with the appropriate experience to be able to give clear advice to neighbourhood plan groups and other parties.
- 9.5 Such a role will provide the following benefits to planning and development and the Council -
- First, it will aid the Council in providing timely and appropriate advice to neighbourhood planning groups reducing the time they have to wait for responses given the volume of enquiries and work involved.
  - Second, it will build resilience in the Council for neighbourhood planning issues. As outlined above, the Council is at present reliant upon one experienced officer. Having another appropriately qualified and experienced officer will ensure continuity and provision of service.
  - Finally, it will assist the planning policy team to focus on the local plan review and other local plan related matters.
- 9.6 Although this additional officer resource is being requested as a result of current workload pressures, given the cyclical nature of local plan and neighbourhood plan preparation, it is not expected that these workloads will reduce in the foreseeable future. In any event, given the skill set and experience sought, *should* the current workload change any additional capacity provided by the additional resource would be available for work on the local plan and other associated matters.
- 9.7 Unlike the short-term use of SDNPA officers, this additional full-time role cannot be met through existing service budgets. As outlined above, the resource needs to be appropriately experienced and therefore, based on a senior planning officer post, the cost including on-costs would be £54,000 per annum.

## **10. Alternatives Considered**

- 10.1 One alternative is to seek to appoint to a temporary post for two years. However, it is considered less likely that this option would attract appropriately experienced candidates.

10.2 Another option is to continue to deliver the service as effectively as possible within the existing resources. However, it is considered that this would be likely to lead to continued delays to neighbourhood plan work and also potentially impact on progress on the local plan review.

**11. Resource and Legal Implications**

11.1 The resource implications are set out in paragraph 9.7 above. The cost of the proposed post can be met from reserves in the current year. However, this will add additional budget pressure to the base revenue budget from April 2022. If members decide that this is a priority and commit to funding the post on a permanent basis, then in accordance with the adopted Financial Strategy equivalent savings will need to be identified to accommodate this in future years. This will need to be considered as part of the future services prioritisation process later this year.

**12. Consultation**

12.1 It is not considered that the recommendations in this report would require any additional consultation.

**13. Community Impact and Corporate Risks**

13.1 If CDC is not able to appropriately respond to neighbourhood planning issues, this may result in reputational damage to the Council and result in delays to the preparation of neighbourhood plans.

**14. Other Implications**

Are there any implications for the following?		
	Yes	No
<b>Crime and Disorder</b>		x
<b>Climate Change and Biodiversity</b>		x
<b>Human Rights and Equality Impact</b>		x
<b>Safeguarding and Early Help</b>		x
<b>General Data Protection Regulations (GDPR)</b>		x
<b>Health and Wellbeing</b>		x
<b>Other</b>		x

**15. Appendices**

15.1 None.

**16. Background Papers**

16.1 None