

Newbold Verdon Neighbourhood Plan Steering Committee

Meeting Tuesday 26th February 2019

18.30pm

23 Mill Lane, Newbold Verdon

Agenda Items

Attendees

Heather Davison (Chair), Ed Walsh, Roger King, David Cope, Mike Wildsmith, Margaret Cope-Baines, Janet Sykes, Tim Wright.

Apologies

Julian Cartwright, Jim Sharman, Terry Gallagher, Joyce & Bill Crooks, Jo Walsh.

Chair's Update

Including SEA update and Report on the meeting with the HBBC Planning Department

Provided earlier, see Appendix A

AECOM are on target for delivering the SEA at the end of March. We are now entering the 5-week consultation period. This covers Statutory bodies only.

The focus is on Historic England's concerns including impacts on line of sight and the conservation area. They may yet request additional supporting evidence, which we will endeavour to provide as and when requested.

AECOM are also proposing to conduct a 'desk top' exercise to look at the suitability of other sites.

HBBC confirmed that there were no Planning applications from any developers in regard to Newbold Verdon. However, HBBC are also seeking legal counsel advice on how any such applications should be responded to in the period prior to NPs being made.

Where are we in the process

HBBC have provided an indicative timetable for the latter stages of the NDP process. Please note, the time periods for the Submission Consultation and referendum are set out in legislation, all other stages are indicative and could be shorter or longer depending on the length of the examination and any modifications require. Provided earlier, see Appendix B.

As timetables are prepared for NPs, HBBC are proposing to set up Service Level Agreements between the PC/NP groups and HBBC. HBBC will then police progress against the schedule.

Discuss implications of Planning applications being made before the NP is "made". Should we be talking to Bloors as the developer of the preferred site.

Discussions on the above covered the points detailed in the Chair's Update (Appendix A), plus the following points:

- It should be noted that it will be 6 to 8 months before Bloors are in a position to submit a planning application. However, it is expected to be in agreement with the NVNP when prepared.
- Concerns remain over infrastructure, especially the doctors' surgery, and ensuring these requirements are met by any developer.
- Both Gary Kirk (YourLocale) and Nicola Smith (HBBC) both recommend that we could, and should, talk with the developer to ensure that village infrastructure requirements are addressed. However, there is concern over ensuing that, if done, it is done appropriately.
- Note: The NVNP will require a review (every two years).

Following the discussion, the following actions were agreed:

- Any discussions with the developer will be held after the SEA is completed.
- Gary Kirk (YourLocale) and Nicola Smith (HBBC) are to be written to, to query and clarify their recommendation to hold discussions with the developer. **Action: Heather Davison.**

Finances

Further funds are to be applied for, when required.

AOB

Community actions.

There is concern over the lack of progress on the Community Actions by the Parish Council (PC). The PC are being encouraged to set up groups to attend to some of the community actions. The PC have discussed this, the discussion is ongoing. The Standing Committee are to circulate the action plan to all Steering Group members.

Date of next meeting

To be arranged.

Appendix A

Report of the Chair to the Neighbourhood Plan Advisory Steering Committee

Tuesday 26th February 2019

This report is very much an up, date on where we are now in the process of the NP and then some issues we should consider moving forward

AECOM are moving forward with the SEA and are still on track to complete by the end of March, as yet they have asked for some additional information which Roger supplied and he also sent them the latest version of the NP obtained from Gary Kirk. They are focusing on Historic England's concerns and have not indicated that they are likely to extend beyond that. We will have to wait and see what the consultation period brings.

HBBC have been working on improving their procedures and the way they work with NP groups, as we are aware there are the statutory requirements and the actions required to reach referendum, whilst some of the timings are prescribed, the way in which the overall schedule is set has been looked at and refined, with the resulting Indicative timetable personalised to Newbold Verdon being set. We have been asking about the need for a purdah period and the planning department have confirmed this with their legal team and it's there to stay. Following the timetable set by HBBC themselves, we are due for referendum by December 19.

Ed Walsh and myself had a meeting with HBBC planning department, Miriam Surtees and Brian Sutton. Nicola Smith the Acting Head of Planning was very positive regarding the NP process and was keen to move the process along and work with us to make the it as smooth and straightforward as possible.

Consideration must be given to our response to the ongoing situation with the NP and any Planning Applications that may be put in before the NP is completed. The issues that this could give rise to are

Should we engage with any developers or Landowners before the NP has gone to referendum?

If we do have any meetings to what end?

Are there any legal or procedural pitfalls to be aware of?

As it stands at this time,

During our meeting with the HBBC they we clear that there were no Planning applications from any developers in regard to Newbold Verdon

Ed has had contact with Max Whitehead from Bloors who have indicated they are likely to put in a planning application after the SEA has been completed. They would like to have contact both the NP group and the PC to move forward with any development, to work in line with the NP.

Gary Kirk and the HBBC have both said that having a positive relationship with the preferred developer is not only acceptable but makes good sense, we need to ensure that we do this in the correct manner.

Roger has raised the issue with his thoughts on a way forward I have included this at the end of this report.

The HBBC have an ongoing process of information gathering to form the new Borough wide plans and it feels very like the NP is falling behind, however all those we have spoken to feel this is whilst an uncomfortable position to be in, the NP will still hold the influence needed to make it very much a worthwhile endeavour.

From Roger King

Doctors Surgery (and other infrastructure matters)

I also feel that any discussions with Bloors about the housing development that did not include all of the supporting expectations especially around that of the surgery could lead these crucial infrastructure elements potentially side-lined when in fact they should be of equal weighting.

Possible Solutions

If, as is possible, Bloors decide to move along with an application prior to the referendum, could the developers and landowner be invited to make representations to the Parish Council to view their plans and to make comments. It may also be possible for this to be widened out at some later stage to the general public.

This would separate the process entirely from the neighbourhood plan but would allow things to progress at a rate agreeable to the developers and, provided the PC believed the other issues of infrastructure were being addressed, it would be sympathetic to the desires of the neighbourhood plan.

Obviously, members of the PC overlap in their role as NP members it would therefore mean that whoever met with Bloors wearing these two hats would be fully aware of the NP expectations. For balance and a different perspective, other parish councillors who have not been part of the NP may well add value to these discussions, which should be minuted and for public record.

Given that Ed and Heather are talking to HBBC tomorrow, could this scenario be raised with them to see what they think and what implications there might be. I have also ccd Gary into this email for his comments.

I think this is a solution that would not compromise the NP process, whilst at the same time it would allow for input into Bloors deliberations.

Sometime later down the line it could then be possible for the PC and the developers to invite residents to consider any proposals whilst avoiding any conflict with the NP.

Regards,

Roger

Appendix B

Indicative timescales for the next stages of Newbold Verdon NDP

		Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20
1	Pre-Submission Consultation														
2	SEA Screening														
2.1	Production of SEA	■	■	■	■										
3	Submission of Draft Plan Reg 15			■	■	■									
4	LA Checks – Basic Conditions Statement			■	■	■									
	Pre-Election Period		■	■	■	■	■	■							
5	Submission Consultation (Invite Reps) LPA to produce rep also				■	■	■	■	■						
6	Appointment of examiner				■	■	■	■	■	■					
7	Examination						■	■	■	■	■				
8	Receipt of Examiners Report							■							
9	LA Checks part 2							■	■	■	■				
10	Director Approval								■						
11	Referendum notification Period									■	■	■	■	■	■
12	Referendum Date											■			
13	Plan made												■		

Stage 1 – Complete

Stage 2- The Group are currently preparing a full SEA and this work is being carried out by Aecom. The Group have been advised this will be completed by the end of March.

Stage 3 – Draft plan estimated to be submitted in April. The NDP Group have informed the Council that they are aiming to submit during the first week of April.

Stage 4 - The allowance period at stage 4 is for the checking of the basic conditions statement and prepare for the Submission Consultation

Pre-Election Period: The Submission Consultation is a Borough Council consultation and as such the Local Authority must take this into account. Officers have been provided a legal opinion on this matter which is as follows. Neighbourhood Plans fall within the legal restrictions set out in the Purdah rules. When local authorities are applying the restrictions they must act reasonably. The statutory basis of Purdah is set out in Section 2 of the Local Government Act 1986. The section of the Act which is relevant is (2) Prohibition of political publicity: ‘...(2)In determining whether material falls within the prohibition regard **shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed** and, in particular, to the following matters— (a)whether the material refers to a political party or to persons identified with a political party or **promotes or opposes a point of view on a question of political controversy** which is identifiable as the view of one political party and not of another;’ This applies to consulting on the Neighbourhood Plan. The local elections will take place on Thursday, 2nd May 2019 and therefore the second week of May has been scheduled for the first week of consultation.

Stage 5 - Submission Consultation - 6 weeks.

Stage 6 & 7 - Appointment of examiner can take place during the submission consultation. RICS/NPIERS suggest that examinations typically take between 5 to 10 days of examiner time but in terms of overall duration these days may be spread over several weeks. In the case of the Sheepy Examination this took six weeks and on this basis six weeks has been allowed for the DPD. However, the examiner can also decide to hold a hearing if there are significant comments from the public, or there are any significant proposals in the plan and therefore this could be extended.

Stage 8 - In terms of the examiner's report, a period of 1- 2 weeks has been factored in, this is to give the Borough Council and Qualifying Body the opportunity to fact check.

Stage 9 – When the examiner issues the final report, the local authority must then decide what action to take in response to the examiner's recommendations and determine whether or not the neighbourhood plan should proceed to referendum, and whether this will be with or without modifications. This should be done within 5 weeks, or a later date agreed with the QB.

Stage 10 – Two weeks has been provided for the Director of Environment and Planning to consider the approval of the NDP going forward to referendum and to become made. This is done in consultation with the Executive Member and relevant Ward Councillor(s)

Stage 11 – 2 weeks has been provided for electoral services to prepare for the referendum notification this is followed by 6 weeks notification/publicity for the upcoming referendum. During this time Electoral Services will organise the referendum.

Stage 12 & 13 – Following a ‘yes’ vote at referendum, the plan can be ‘made’.