

Draft Windlesham Neighbourhood Plan 2018-2028 - Examination

Summary

The Windlesham Neighbourhood Plan was submitted to the Council on Thursday 15th Council who arranged for its statutory publication on Friday 6th April 2018. In accordance with the regulations the opportunity was provided for interested persons to make representations on the draft Neighbourhood Development Plan. Since representations raising objections to various parts of the Plan have now been duly made the Council is required to appoint an Examiner who will conduct an investigation into the contents of the Plan and, in due course, will make recommendations to the Council to consider prior to a referendum being conducted in the area affected by the proposed Plan.

Portfolio – Planning & People

Date Portfolio Holder signed off report: 28 June 2018

Wards Affected

Windlesham, Lightwater and Bagshot

Recommendation

The Executive is advised to RESOLVE that

- (i) the Windlesham Neighbourhood Plan be submitted to an independent and qualified Examiner; and
- (ii) an examination be conducted into the representations duly made and the compliance with statutory requirements.

1. Resource Implications

- 1.1 For a Neighbourhood Development Plan (NDP) to be adopted it has to be subject to a public examination by an Inspector and then put to a local referendum. It is estimated that the future costs of these could amount to over £30,000.
- 1.2 The Ministry of Housing, Communities & Local Government (MHLG) has confirmed for that funding for neighbourhood planning will continue to be available for 2018/19. Local Planning Authorities can claim up to £20,000 once they have set a date for a referendum following a successful examination where a neighbourhood plan has not previously been made for that area.
- 1.3 Whether a grant is given or not the Local Planning Authority is legally obliged to fund the costs of the examination and referendum from its own resources.

It is noted at the time of the approval of the designation of the Windlesham Neighbourhood Plan area, by the Executive in December 2014 that this is a significant financial burden. This has been anticipated in budget setting.

- 1.4 The statutory duty to support the Parish Council's preparation of the NDP by the Council prior to submission has been discharged by the Planning Policy Team who have provided support and advice and shared evidence sources with the Parish Council. A grant of £5,000 has previously been received from the Department of Communities and Local Government which contributes to a portion of the total staff input which has arising since 2014.
- 1.5 The responsibility to pursue the adoption of the NDP will now pass to the Council and the Planning Policy Team's work programme will adjust to reflect this. Additionally it may be anticipated that the publicity, organisation and conduct of the referendum will have resource implications in this financial year for the Council's Election and Media Teams.

2. Background

Designation and Preparation

- 2.1 Windlesham Parish Council applied to the Council for the designation of a Neighbourhood Area for the Windlesham Ward part of the Parish on 14th October 2014. Following a 6 week consultation the Windlesham ward was designated by the Council on 27th January 2015 as a Neighbourhood Plan Area. The Parish Council (with the appointment of the Neighbourhood Plan Steering Group drawn from the local community) has prepared the Windlesham Neighbourhood Plan 2018-2018.
- 2.2 Following approval by Windlesham Parish Council, formal public consultation (Regulation 14) on the draft Neighbourhood Plan took place over a period of 6 weeks from 20th February - 2nd April 2017. Subsequent amendments to the Plan were made, following feedback from the consultation and matters were recorded in the Consultation Statement.

Publication

- 2.3 Following consideration of the consultation stage, the Parish Council resolved to submit the Windlesham Neighbourhood Plan 2018-2028 to the Council on 15th February 2018.
- 2.4 The Council published the Plan for representations to be registered over a 6 week period from 6th April – 18th May 2018 in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 2.5 The Parish Council have provided a Consultation Statement recording actions including their consideration of comments received.
- 2.6 Although an additional stage which is not specifically required in the regulations the Parish Council have been invited to consider the outcome of

the publication period and to consider whether at this stage they wish to offer including any pre-examination alterations to better deal with points arising and to assist and expedite the examination. This will also provide the opportunity to consider any outstanding issues in the paperwork which have included the full recording of responses to all consultations. In that respect there has been correspondence between the Parish Council and interested persons which will be included in the papers to be provided for the Examiner in due course if still at issue.

- 2.7 Officers are to meet with the Parish Council NDP Steering Group on 5th July and if further relevant matters surface at this time these will be reported orally to the Executive.

3. Key Issues

- 3.1 A Tabulation of the Representations received from Publication is set out in Annex 1.
- 3.2 The Executive are reminded that it is not for the Council at this stage to seek to resolve points of view as set out in the representations or to come to a conclusion on their respective merits. The role of the Independent Examiner is to consider the representations within the parameters set in Regulations and Government advice and to make recommendations to the Council following this Examination and which may include public Hearings. The outcome of the Examination in formal Examination Report which will be made to the Council and be published. This will be the subject of further consideration at a future Executive after the Examiner has Reported.
- 3.3 Following the Executive decision recommended in this Executive Report the representations will be passed to the Examiner to be appointed. The Examiner will also be provided with a copy of the draft Windlesham Neighbourhood Plan 2018-2028 and further supporting paperwork including relevant evidence and the finalised Consultation Statement.
- 3.4 Government Guidance recommends that the Council appoint an Examiner selected from the panel of experienced, qualified and trained independent professionals maintained by the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) which is hosted by the RICS. Officers have been in contact with NPIERS and are shortlisting suitable candidates.

4. Options

- 4.1 The Options are as follows:
- (i) To agree the recommendations of this report to allow the Windlesham Neighbourhood Plan Neighbourhood Plan 2018-2028 as proposed by Windlesham Parish Council to proceed to independent examination.
 - (ii) To not agree the recommendations of this report. In this case the Council would de facto be in breach of the statutory responsibilities

under the Localism Act 2011 and as set out in the Regulations as the Council does not have discretion to not progress a NDP which has been duly submitted by a Parish Council.

- (iii) Agree that the £5,000 grant from the Department of Communities and Local Government be used to support the officer and other Council costs.

5. Proposal

- 5.1 Officers recommend that the Windlesham Neighbourhood Plan 2018-2028 proceed to Examination.

6. Supporting Information

- 6.1 Tabulation of Publication Responses at Annex 1.

7. Corporate Objectives And Key Priorities

- 7.1 Underpins Objective 1 of the Corporate Plan - *Making Surrey Heath an even better place where people are happy to live* by helping to ensure that local communities can shape development in their neighbourhoods.

8. Policy Framework

- 8.1 Neighbourhood Planning is promoted through the National Planning Policy Framework (NPPF). NDPs must support the strategic development needs set out in the adopted Surrey Heath Local Plan and a test which the Examiner will consider is that of general conformity with the adopted Local Plan.

9. Legal Issues

- 9.1 The Neighbourhood Plan is prepared in accordance with the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012 and subsequent.

10. Governance Issues

- 10.1 No matters arising.

11. Sustainability

- 11.1 No matters arising.

12. Risk Management

- 12.1 DCLG grant funding may be withdrawn and is likely to be insufficient to cover all costs of the remaining Neighbourhood Plan processes which will fall upon the Council. This could lead to a potential expense of over £30,000 incurred by the Council and cannot be mitigated as the Council is legally obliged to

cover the costs of the examination and referendum. There are also risks that the Plan may not be completed, may fail an examination or not pass the referendum leading to additional expense and time. Some further Government funding may be available to draw down should substantive modifications and an additional referendum be required however this cannot be totally assured and again is likely to cover only a portion of the total costs.

13. Equalities Impact

13.1 No matters arising.

14. Human Rights

14.1 No matters arising.

15. Community Safety

15.1 No matters arising.

16. Consultation

16.1 The proposed Windlesham Neighbourhood Plan has been the subject of prior consultation Full consultation was carried out by the Parish Council and recorded in the Consultation Statement. Additionally the statutory 6 week publication period has been conducted by the Council to allow the registration of representations in accordance with the Neighbourhood Planning (General) Regulations 2012 and subsequent.

17. PR And Marketing

17.1 The grant funding is offered to Local Authorities by MHCLG in recognition of the officer time supporting and advising the community in taking forward a Neighbourhood Development Plan (NDP) and ensuring a full and proper consideration of matters at issue through the independent examination process. A NDP allows a community to identify and be fully involved and engaged with local planning issues and to prepare a statutory Development Plan to compliment the Surrey Heath Local Plan and to best meet planning needs including promoting sustainable development and achieving the appropriate control of development.

Annexes	Windlesham Neighbourhood Plan - Responses to Publication
Background Papers	None
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Consultations, Implications and Issues Addressed

Resources	Required	Consulted
Revenue	✓	
Capital		
Human Resources		
Asset Management		
IT		
Other Issues	Required	Consulted
Corporate Objectives & Key Priorities	✓	
Policy Framework		
Legal	✓	
Governance	✓	
Sustainability		
Risk Management	✓	
Equalities Impact Assessment		
Community Safety		
Human Rights		
Consultation		
P R & Marketing		

Review Date:

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