



Final Version 'Health Check' Review Report for: Reg. 14 Pre-Submission Version Abbots Bromley Parish Neighbourhood Plan

**Report prepared and issued 23rd October 2022 by
Martin S. Lee MA MRTPI AMInstLM MTCPA NPIERS**

<u>Contents:</u>		<u>Page:</u>
1.0	Context	2
2.0	Findings	3
3.0	Recommendations	4
	Plan Document	
	Appendices	5
	Development Management Policy Wording	5
Part I – Process		6
Part II – Content		9
Part III – Development Management Policies		12

1.0 Context:

1.1 Under the Supporting Communities in Neighbourhood Planning Programme RTPI/Planning Aid is using NPIERS to source suitably qualified and experienced reviewers to undertake 'health checks' on emerging Neighbourhood Development Plans or Orders that are eligible for the government funding under this programme.

1.2 The 'health check' review:

- a. is an independent desk based review designed to help both the qualifying body and the local planning authority to identify issues that may cause delay or rejection of Plans or Orders at the submission or independent examination stages;**
- b. considers whether there are any obvious problems in meeting the basic conditions and other legal requirements;**
- c. imitates formal examination but is less comprehensive and only deals with the Plan or Order, and where requested, the Basic Conditions and Consultation Statements, but not background documentation or processes;**
- d. does not involve re-writing the Plan or Order but provides general advice on what changes need to be made, and:**
- e. is advisory only and has no legal status.**

2.0 Findings:

- 2.1 Work is underway to achieve a Neighbourhood Plan (NDP) for the Neighbourhood Area (NA) of Abbots Bromley Parish and progress has been made to the point where a Regulation 14 Submission Draft Neighbourhood Plan (SDNP) has been prepared and published in June 2022 by Abbots Bromley Parish Council (ABPC) with input from: a Neighbourhood Planning Group (NPG) comprised of 10 parish residents; AECOM as consultants to the NPG, and; officers of the Planning Department of East Staffordshire Borough Council (ESBC). The SDNP has already been subject to several rounds of public consultation and redrafting over a number of years. Further consultation is intended once this commissioned review has been undertaken.**
- 2.2 It is evident from review of the SDNP that considerable effort and time has been put into its preparation. The SDNP has been advanced by the ABPC as the 'qualifying body'. The SDNP has been developed through wide consultation, exploiting an inclusive approach to stakeholder engagement, with technical support provided by ESBC.**
- 2.3 The PSDNP focusses on issues central to local business community aspirations derived from local consultation and providing 'strategic recommendations' and 'development management policies'. It may be considered to have the potential to offer a sound basis for future decision making in respect of planning proposals emerging in the plan area over the next 15 years, subject to certain adjustments which are outlined in the recommendations provided below.**
- 2.4 The recommendations contained in this Health Check are provided in the spirit of a 'critical friend' and aim to enable ABPNP to achieve the status of a 'made' plan that will help strengthen social and community sustainability, viability and cohesion.**
- 2.5 The next step in the process towards the Plan being 'made' is Regulation 16 Consultation on the basis this review is intended to be a final check before issue of a formal Submission Version to the Local Planning Authority.**

3.0 Recommendations – Abbots Bromley Parish Neighbourhood Plan

1. Plan Document - augmented to address:

- (a) Enumeration – although sections are numbered, the numbering of each individual paragraph is required throughout the ABPNP for greater ease of use as a development management tool by ESBC as the Local Planning Authority by enabling specific referencing to text within the ABPNP;**
- (b) Introduction – brief explanation of NPG membership at 1.1 should be expanded to explain its composition (e.g. are any volunteer local residents also from businesses within the NA);**
- (c) Overview of the Neighbourhood Area – the strikes through the defined Settlement Boundary in Figure 2 on Page 8 should be deleted as they are unnecessary and there are incidences where they give the mistaken impression of an extension to the Settlement Boundary.**
- (d) Policies for Planning –**
 - DEC1 – the first sentence contains the superfluous phrase “subject to Local Plan Policies” which is unnecessary and should be deleted as the sentence has already referred to “in accordance with the development plan”;**
 - DEC2 – to represent a development management policy it should start with a phrase along the lines of “New-build, extension, expansion and/or intensification of”.**
- (e) Throughout – general attention to erratic spacing between paragraphs, general use and consistency of enumeration, and employing bold and/or italicisation consistently to make headings and subheadings stand out more clearly.**

2. **Appendices - expanded to include:**
 - (a) **Basic Conditions Statement and ESBC confirmation of compliance;**
 - (b) **Copy of Screening Opinion from ESBC confirming lack of requirement for full SEA and/or HRA of FWNP.**

3. **Development Management Policy Wording - to be reviewed and adjusted as appropriate in the light of issues identified above and within Part III below (and/or subsequently at formal Examination or Referendum).**

Part I – Process

	Criteria	Response/Comments
i.	Have the necessary statutory requirements been met in terms of the designation of the neighbourhood area?	In order to fully comply with Regulation 15 of the current Neighbourhood Planning (General) Regulations, the Plan document must (a) make clear the date on which the Neighbourhood Area was formally designated. The ABPNP does so in section 1.1 Background to the Neighbourhood Plan on Page 2
ii.	If the area does not have a parish council, have the necessary statutory requirements been met in terms of the designation of the neighbourhood forum?	The Plan needs to include specific reference that ESBC has formally accepted/approved ABPC as a Qualifying Body (QB) and therefore able to prepare a Neighbourhood Development Plan after securing the formal designation of the neighbourhood area. Recommendation 1(a): Confirmation of ESBC acceptance of ABPC as a QB should be included in paragraph 1.1
iii.	Has the plan been the subject of appropriate pre-submission consultation and publicity, as set out in the legislation, or is this underway?	To be confirmed. The ABPC will need to check that the consultation ESBC undertakes complies with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 including consultation with the bodies referred to in Paragraph 1 of Schedule 1 of the Regulations.
iv.	Has there been a programme of community engagement proportionate to the scale and complexity of the plan?	It is essential to demonstrate that a logical and proportionate programme of community consultation has occurred over a period of more than 18 months. The text of the Submission Version ABPNP refers to contributions received from individuals, groups and other bodies, throughout the various stages of consultation undertaken to date. The Consultation Statement, when finalised, must be able to effectively demonstrate appropriate community engagement/involvement throughout the process, from 'neighbourhood area' designation to the FWNP being formally 'made'. Recommendation1(b): Community Engagement Timeline / Consultation Statement should be included showing a clear Project Plan through to ABPNP being formally 'made' and be updated to ensure proper co-ordination of remaining plan-making stages.
v.	Are arrangements in place for	Unknown at present. ESBC as the Local Planning Authority is empowered to

	an independent examiner to be appointed?	appoint an independent examiner, but only with the agreement of the QB. Any person appointed as independent examiner must be appropriately qualified and experienced and not have any conflict of interest. It is good practice to be able to demonstrate a proper selection process has occurred. NPIERS will, on request, nominate an available, suitably qualified and experienced, Approved Independent Examiner with no conflicting interests in development/land affected by the FWNP.
vi.	Are discussions taking place with the electoral services team on holding the referendum?	Unknown at present. This is a matter which the ABPC may discuss with ESBC at the appropriate time, either pre- or post-Examination.
vii.	Is there a clear project plan for bringing the plan into force and does it take account of local authority committee cycles?	No detailed Project Plan covering the period right up the Plan being 'Made' (post-Referendum) taking account of ESBC Committee cycles is presently displayed on the webpage for the ABPNP. The Consultation Statement provides a comprehensive and practical guide to the stages of plan making being undertaken. There are certain statements on timeframes which will need to be reviewed and updated to clarify the future timetable in the context of progress to date and actions outstanding including issues arising from this 'health check' review which will enable the revised publication to incorporate an up to date, tailored Project Plan available for public scrutiny on the website against which progress can be monitored as the Neighbourhood Plan is taken to a successful outcome of being 'made'. Recommendation 1(c): Community Engagement Timeline / Consultation Statement should include clear Project Plan through to ABPNP being formally 'made' and be updated to ensure proper co-ordination of remaining plan-making stages.
viii.	Has a SEA screening been carried out by the LPA?	Yes. The Submission Version ABPNP contains a statement confirming that a SEA screening has been carried out and a formal Screening Opinion provided by ESBC. Such a Screening Opinion should be made available on the website and referred to within the Draft Plan as part of the suite of Background Documents. Every Neighbourhood Plan must be accompanied by either a Strategic Environmental Assessment (SEA) Environmental Report that includes a description of the process undertaken and the information set out in Schedule 2 of the SEA Regulations, or a Screening Opinion from WCC that provides a reasoned justification why a SEA is not required.

		<p>Recommendation 1(d) Include copy of Screening Opinion from ESBC confirming full SEA of ABPNP not required.</p>
ix.	Has an HRA screening been carried out by the LPA?	<p>Unknown. There needs to be a copy of any HRA screening carried out by ESBC made available to view on the ABPNP website.</p> <p>Recommendation 1(e) Include reference to and copy of Screening Opinion from WCC confirming full HRA of ABPNP not required.</p>

Part II – Content

	Criteria	Response/Comments
i.	Are policies appropriately justified with a clear rationale?	<p>Yes, with the following observations and qualifications (see Part III and Recommendation 1 above). The Submission Version ABPNP has logic, clarity and quality in its presentation. Statements in this version of the ABPNP confirm publicity and consultation undertaken at various stages has been extensive, thorough, and most importantly effective in ensuring that the ABPNP is shaped by local opinion. The Plan document provides a comprehensive, coherent explanation of the proposed policies, accompanied by a well presented reasoned justification. For policies to fulfil their function of being used in the formal consideration and determination of planning applications and appeals by the Local Planning Authority and the Planning Inspectorate they must relate to land use decision making and be clear and unambiguous.</p> <p>Recommendation 2(a) - SNDP Development Management policy wording to be reviewed and adjusted as appropriate in the light of issues identified (either earlier within this Health Check, in Part III and/or subsequently at formal Examination or following Referendum).</p>
ii.	Is it clear which parts of the draft plan form the 'neighbourhood plan proposal' (i.e. the neighbourhood <i>development plan</i>) under the Localism Act, subject to the independent examination, & which parts do not form part of the 'plan proposal', and would not be tested by the independent examination?	<p>Yes. The Submission Version clearly establishes the nature of the ABPNP as part of the emerging Development Plan for the area with the intention that the entire Consultation Draft should form the FWNP proposal. The Pre-Submission Version FWNP clearly identifies and separates recommendations/aspirations from Development Management and spatial policies thus providing the essential clarity required as to which are the 'Policies' contained within the FWNP that are to be used in the formal consideration and determination of planning applications within the designated Neighbourhood Area. There are a variety of other documents referred to in the Plan which are clearly identified as separate, supporting documents, not forming part of the Plan itself.</p>
iii.	Are there any obvious conflicts with the NPPF?	<p>No. The Submission Version ABPNP is very clear in aligning itself with the relevant Development Plan and not seeking to compromise the implementation of its strategies and policies.</p>

iv.	Is there a clear explanation of the plan's contribution to achievement of sustainable development?	Yes. The Plan document offers clear explanation of the ABPNP's intended contribution, particularly in its policies and their justification. Any Sustainability Statement prepared should provide substantial detail in demonstration of the anticipated, positive contribution the NDP will make.
v.	Are there any issues around compatibility with human rights or EU obligations?	None currently apparent. The Basic Conditions Statement produced includes expression confirming full engagement and providing some clarity on this aspect. Recommendation 2(c): Include reference within FWNP to and/or append copy of Basic Conditions Statement to FWNP with WCC confirmation of compliance;
vi.	Does the plan avoid dealing with excluded development including nationally significant infrastructure, waste and minerals?	Yes. A Basic Conditions Statement should be included in the appendices ad library of documents provided on the ABPNP website to provide the necessary clarity on this aspect. Recommendation 2(d): Include reference within ABPNP to and/or append copy of Basic Conditions Statement to ABPNP with ESBC confirmation of compliance;
vii.	Is there consensus between the LPA and QB over whether the plan meets the basic conditions including conformity with strategic development plan policy &, if not, what are the areas of disagreement?	To be confirmed. The Basic Conditions Statement should provide the necessary clarity on this aspect. Recommendation 2(e): Include reference within ABPNP to and/or append copy of Basic Conditions Statement to ABPNP with ESBC confirmation of compliance;
viii.	Are there any obvious errors in the plan?	None that appear material to its potential performance as part of the Borough wide development plan which are not addressed by the above Recommendations and following suggested textual alterations.
ix.	Are the plan's policies clear & unambiguous & do they reflect community aspiration?	Yes, subject to the above Recommendations and following suggested textual changes.

Note: Parts I and II of this 'health check' have been completed first, with concise commentary text, stating whether each criterion has been met, with a brief explanation. Recommendations for action suggested have been included and these actions transferred to the 'Summary of Recommendations' section at the beginning of the report. The report is intended to assist the qualifying body in identifying any possible issues to be addressed by them prior to submission. It aims to be written in clear, concise and accessible way with recommendations that are practical and constructive. The report does not provide any guarantee that further issues to be addressed will not be identified by any subsequent formal Examination and/or Referendum.

The following Part III contains observations and recommendations with (where relevant) rewording for 'development management' policies within the Draft Plan.

Part III – Development Management Policies

Policy No.	Policy Title	Suggested Revisions to Policy Text
DEC1	Residential Development	<i>The first sentence contains two phrases "subject to Local Plan Policies" and "in accordance with the development plan" which represent repetition of the same meaning. The Neighbourhood Plan will when 'made' be part of the development plan. Accordingly, it is recommended the sentence is reworded as follows for the sake of clarity "Residential development will be supported (i) within the existing settlement boundary where it meets the following requirements or (ii) elsewhere where it accords with Local Plan Policies:"</i>
DEC2	Employment, Tourism & Community Facilities	<i>To represent a development management policy, it should start with a phrase along the lines of "New-build, extension, expansion and/or intensification of".</i>