

PLAN4 LOCALISM

Bridge Neighbourhood Development Plan: Healthcheck Report

Introduction

I have been commissioned to undertake a health-check or 'soft' examination of the May 2016 Bridge Neighbourhood Plan and its supporting evidence/documents, including the Village Design Statement 2013 and the responses from the statutory consultees. In addition, I have been sent some correspondence from a group of residents to the Parish Council dated 24th November 2016, which I have taken into account in making my report.

I have reviewed all these documents and other relevant national and local policies to determine whether, in my professional opinion, the Neighbourhood Development Plan would meet the Basic Conditions. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood development plans by section 38A of the Planning and Compulsory Purchase Act 2004. They are that:

1. *“Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;*
2. *The making of the neighbourhood plan contributes to the achievement of sustainable development;*
3. *The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.*
4. *The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.*
5. *Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan”.*

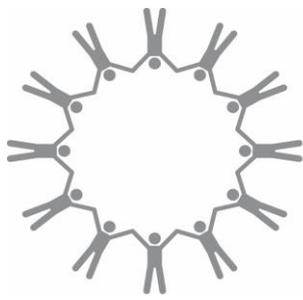
With regard to Basic Condition 5 above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes the following basic condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the Town and Country Planning Act:

“The making of the Neighbourhood Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects”.

In conducting the Health-check I have also considered whether the legislative requirements are met namely:

- *“The Neighbourhood Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provisions relating to ‘excluded development’, and must not relate to more than one Neighbourhood Area) and*
- *The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A”.*

The output of this review is the following report in which I set out my professional opinion on whether the Neighbourhood Development Plan would meet the Basic Conditions and regulatory requirements if submitted unchanged, and any recommended changes or additions to the evidence base. Appended to this report is a table of the May 2016 draft Bridge Neighbourhood Plan vision and policies with my recommended modifications shown as tracked changes.



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General Comments

The May 2016 draft Bridge Neighbourhood Plan is clearly the result of a great deal of work by dedicated individuals who have genuinely tried to engage the wider community in their endeavours. It is very much in the spirit of Neighbourhood Planning in that it seeks to empower local people to shape their surroundings, using local knowledge to formulate locally distinctive planning policies that seek to address the specific issues of the parish of Bridge.

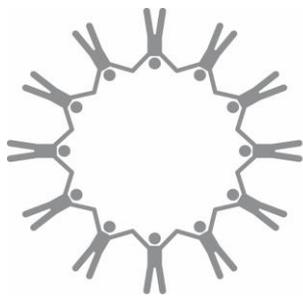
Like most Neighbourhood Plans it has been prepared against the backdrop of a continually changing national and local planning system, and has needed to be flexible to adapt to this. One of the key ways in which this effects the Bridge Neighbourhood Plan is the increasing emphasis that national Government is placing on the provision of housing and the impact this is having on the emerging Canterbury Local Plan, which is currently at examination.

Simply put, at the beginning of the Neighbourhood Plan process, the Local Plan did not require Bridge to provide any further housing, either by setting it a target to meet in its Neighbourhood Plan or by making site allocations in Bridge in the Local Plan. However, in order to meet the increased housing targets required by the Inspector conducting the examination of the City Plan, Canterbury City Council has submitted proposed modifications to the Local Plan which include allocating a site in Bridge for 40 new homes.

The work on the Bridge Neighbourhood Plan took a positive and proactive approach to the provision of housing, including considering potential sites for allocation. Not surprisingly, this has proved to be the most contentious part of the Plan, causing divisions in the community about the necessity and best location for new development.

In view of the proposed changes to the Local Plan I strongly recommend that the Parish Council, in consultation with the City Council, considers carefully the option of leaving the site allocations to the latter authority and concentrating on criteria-based policies in the Neighbourhood Plan to address the nature and quality of the development. This would simplify the process of producing the Neighbourhood Plan and is likely to be less divisive in the community.

In the event that Bridge Parish Council decides that the Neighbourhood Plan will not deal with the issue of housing numbers or the allocation of sites it is important that this is made clear in the Plan so that the Examiner and future users of the Plan understand that this issue will be addressed in the Canterbury Local Plan.



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Basic Conditions and Legal Requirements

From the material I have been provided it would appear that the Bridge Neighbourhood Plan meets the general legislative requirements in that it:

- specifies the period to which it has effect;
- does not include provisions relating to 'excluded development';
- does not relate to more than one Neighbourhood Area; and
- its policies relate to the development and use of land for the designated Neighbourhood Area.

Compliance with the Basic Conditions is explored below.

EU Obligations

For clarity the relevant EU obligations are still in force and are mostly embedded in UK legislation.

The two key potential requirements are Strategic Environmental Assessment (which looks at the environmental impact of a plan and its alternatives) and Habitats Regulations Assessment (which looks at the impact of a plan on nearby European protected habitats).

For both of these the first step is to request a 'screening opinion' from Canterbury City Council. Based on the content of your Plan this 'screening opinion' will decide whether the assessments are required.

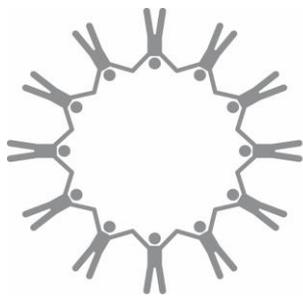
These assessments are far more likely to be required if your Plan includes site allocations that have not already been assessed through the Local Plan process.

Baseline Information and Evidence

A Neighbourhood Plan is only as good as the data and evidence it is built on. The parable of the house built on sand and one with rock foundations is very applicable to planning documents. This evidence base should be both relevant and proportionate. In the case of Bridge, there is a lot of baseline data and evidence about the area, but it is less clear how this is relevant to the issues the Plan is dealing with and how the evidence has influenced the policy choices.

In the event that a Strategic Environmental Assessment is required this will provide a structure to demonstrate these links. However, even if such an Assessment is not a legal requirement, I recommend that a background document is produced which demonstrates:

- Which elements of the baseline information and evidence are most relevant to the Neighbourhood Plan;
- What they tell us about the issues the Plan needs to address;
- What alternatives have been considered to address those issues and solve those problems;
- What the reasons are for the policy approach or sites chosen, and how this choice will contribute to achieving sustainable development.



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This will assist the Examiner (and others) to understand why you have made the choices you have, and that these reasons are rational and help the Plan to achieve its objectives. The justification should be on planning grounds based on the evidence, not on the basis of popularity, unsupported assumptions or non-planning matters such as lease arrangements.

Justification for Site Allocations

The above advice applies even if the Plan does not include site allocations. However, if sites are to be allocated, particularly for housing, then it needs to be very clear that all the reasonable alternatives have been thoroughly and fairly considered using consistent criteria. Most Neighbourhood Plans have demonstrated this with a supporting Site Assessment Framework which tests each site against the same objectives. This can then be used to explain why the sites chosen to be allocated are the most likely to achieve the objectives of the Neighbourhood Plan and contribute to achieving sustainable development.

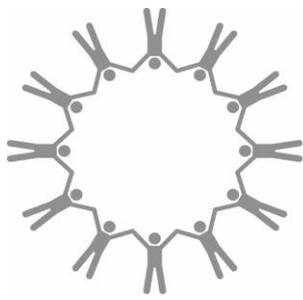
The information needed to complete such an Assessment can be drawn from the City Council's Strategic Housing Land Availability assessment (SHLAA) and its Sustainability Appraisal of sites. It is not for me to judge whether the choices made about sites in the May 2016 draft Neighbourhood Plan are right or wrong, but in my view it is not currently clear why those choices were made and why they are preferable to the alternatives. If the Plan is to include site allocations I recommend that a Site Assessment Framework is produced to explain the Plan's choices.

The Neighbourhood Plan and Village Design Statement

A Neighbourhood Development Plan is required to include policies relating to the development and use of land. There is no other set requirement on content, but best practice and guidance suggest that the most effective Neighbourhood Plans are clear about the important issues in their area; which of those issues will be dealt with by the Neighbourhood Plan; and what the desired outcomes will be.

The Bridge Neighbourhood Plan includes a vision and objectives and some limited information about the parish and its issues, however it is quite sparse and it is hard for a non-resident to understand the character and importance of the parish and what problems the Neighbourhood Plan is trying to solve. Whilst the Neighbourhood Plan is prepared by its current community, it will be ultimately read and used by a much wider group, including new residents; Members and officers of Canterbury City Council; Government Inspectors and developers. It is important therefore that the Plan communicates clearly what is special about Bridge and the type of place that the community want it to be in the future.

Much of the background information about the history and character of Bridge that I would expect to see in the Neighbourhood Plan is actually contained in the Village Design Statement. I suggest that some of this information is replicated at the beginning of the Neighbourhood Plan to set the context for future users of the Plan. This would also be an appropriate place to describe the landscape setting of Bridge and the features of the Kent Downs AONB that need to be conserved and enhanced, as recommended by the Kent Downs AONB Unit.



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I understand that the Village Design Statement is an un-adopted document that therefore currently carries limited weight in the planning process. This is a shame as it appears to be a very thorough and well thought out document. I would recommend that the VDS be consulted on and examined alongside the Neighbourhood Plan. This would then give it weight in the planning process. An example of where this has been done is the Balcombe Neighbourhood Plan and Design Guide which can be viewed at <http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/neighbourhood-plans/balcombe-neighbourhood-plan/>

Policies

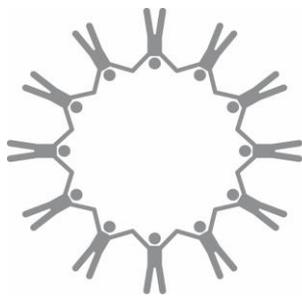
Detailed comments on the policies in the Neighbourhood Plan are shown as tracked changes on the appended table. As a general comment, I would emphasise that the purpose of the policies is that they are used by those making decisions on planning applications (i.e. Members and officers of Canterbury City Council or Planning Inspectors). It is therefore vital that they are:

- Directive – i.e they make it clear how the decision-maker should use the policy to determine the planning application;
- Clear and unambiguous so they cannot be read in a way that has an unintended interpretation (either by the decision-maker, an applicant or the courts);
- Are supported by text which explains what the policy is trying to achieve to assist with correct interpretation and refers to the relevant evidence to justify their inclusion.

Generally, a small number of simple policies are less likely to be missed or misunderstood by a decision-maker than a large number of complex overlapping policies. Therefore, in many cases I am recommending amalgamating policies to make the Plan clearer and easier to use.

I have also tightened up wording to ensure that policies are consistent with national and local policies and guidance but do not duplicate each other or national policy. I have retained some overlap with the Local Plan policies because this is yet to be adopted and these policies may change.

I have focused on the policies themselves and the vision as being the key areas that the Examiner will look at in the Plan. In theory the projects should not be examined because they are not land-use planning matters, but some Examiners get confused if they are scattered throughout the Plan, so I recommend that these are pulled out and included as an Appendix rather than in the main body of the Neighbourhood Plan. You might also find it useful to highlight where some of these projects will need financial support as this could justify Section 106 or Community Infrastructure Levy contributions towards them from new development in the parish.



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Conclusion and Recommendations

As it stands today in my view the Bridge Neighbourhood Plan does not meet the Basic Conditions because:

- In the absence of screening opinions from Canterbury City Council on Strategic Environmental Assessment and Habitats Regulations Assessment it is not clear whether EU Regulations have been met;
- In the absence of a clear framework setting out the reasons for choices made it is not clear whether the Plan would contribute to the achievement of sustainable development;
- Some of the policies do not currently comply with national policies and advice.

I am also of the view that the supporting text in the Plan could be significantly improved so that future users are clear about what it is seeking to achieve. Whilst not a Basic Condition for the Examination, a Neighbourhood Plan is only useful in the longer term if it is used in the way that its writers intended.

I therefore recommend that:

- **The Parish Council seriously considers excluding the issue of housing numbers and sites from the Plan on the grounds that these matters are dealt with in the emerging Local Plan;**
- **Screening opinions are sought from Canterbury City Council on Strategic Environmental Assessment and Habitats Regulations Assessment;**
- **A supporting document is produced to explain the choices in the Plan as set out on page 3;**
- **In the event that the Plan includes site allocations, then a Site Assessment Framework is produced to explain why the sites were chosen;**
- **More information is contained in the text of the Plan to explain the special character of Bridge and its landscape setting, what it is the community value about it and justifying the policies chosen;**
- **The Village Design Statement is consulted on and examined alongside the Plan to give it weight in the planning process; and**
- **The recommended modifications to the vision and policies in the Plan in the appended table are accepted.**

The above would enable the Neighbourhood Plan to move forward to the formal Regulation 14 public consultation. Once completed, there are a number of documents that would need to accompany the submission of the Plan and VDS to Canterbury City Council for Examination. These are:

- The Basic Conditions Statement
- The Consultation Statement
- Any Strategic Environmental Assessment and/or Habitats Regulations Assessment if required
- Any other supporting documents or evidence required to justify the policies in the Plan.

If you require any assistance preparing these documents, please let me know.

Claire Tester, MRTPI
Plan4Localism@gmail.com