

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	13th AUGUST 2020	CATEGORY: (See Notes) DELEGATED or RECOMMENDED
REPORT FROM:	ALLISON THOMAS	OPEN
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SUBJECT:	HILTON, MARSTON ON DOVE AND HOON NEIGHBOURHOOD DEVELOPMENT PLAN REGULATION 16 CONSULTATION	
WARD(S) AFFECTED:	HILTON, MARSTON ON DOVE AND HOON	TERMS OF REFERENCE: EDS 03

1.0 Recommendations

- 1.1 That the Committee authorises the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan Regulation 16 Consultation to be conducted in accordance with as much of the adopted Statement of Community Involvement as practicable, allowing for the restrictions due to COVID-19.
- 1.2 That the Committee approves the outstanding matters from the Council's Regulation 14 comments (at Appendix 1) to be made on behalf of the Council to the Regulation 16 Consultation.

2.0 Purpose of the Report

- 2.1 Firstly, to enable the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan (NDP) to proceed to the publicity consultation in accordance with Regulation 16 of the Neighbourhood Planning Regulations (2012) (as amended) notwithstanding that full compliance with the Council's Statement of Community Involvement would not be possible due to the current, and continually changing, restrictions in place due to COVID-19.
- 2.2 Secondly, to endorse the proposed Council response to the Regulation 16 consultation, setting out the outstanding concerns regarding the Neighbourhood Plan as proposed, specifically including where the NDP is not in accordance with the strategic policies of the Council's adopted Local Plan, together with the requirements of the National Planning Policy Framework (NPPF).

3.0 Executive Summary

- 3.1 The Council's Statement of Community Involvement (SCI) includes a requirement that hard copies of documents (Listed in the Appendices) are made available in the Council Offices and in libraries within the District. Given the Covid-19 restrictions which are likely to remain in place for time, it is unlikely the Council will be able to comply to the letter with this aspect of the SCI. It will be possible for appointments to be made for members of the public to inspect the documents at the Council offices, but, in terms of Libraries, there may be restrictions in place over the coming months. However, this can be mitigated by additional online publicity targeted at residents and businesses in Hilton, and in the current circumstances with Covid-19, additional online publicity to the consultation will mitigate for any lack of availability of hard copies of documents.
- 3.2 The Council provided comments to the Parish Council at the draft Neighbourhood Plan Consultation stage (Regulation 14). These comments are attached at Appendix 1. The Parish Council's responses to these comments are included at Appendix 5.

4.0 Detail

- 4.1 The Hilton, Marston on Dove and Hoon Neighbourhood Area was formally designated by this Committee in March 2018. Following this designation, Hilton Parish Council, in consultation with the local community, prepared a draft NDP for consultation in accordance with Regulation 14 of the Neighbourhood Planning Regulations. Under the Town and Country Planning Act 1990 (as amended) the Council has a statutory duty to assist communities in the development of NDPs and as such officers have advised Hilton Parish Council in drafting the NDP so as to facilitate a successful examination, referendum and ultimately a 'made' NDP.
- 4.2 The Regulation 14 consultation commenced in October 2019 and closed on 9 December 2019. The prescribed statutory bodies were consulted, including the Council and the County Council, together with local residents and other organisations. Summaries of the consultation responses, together with how these comments have been addressed in the submitted NDP, have been compiled by the Parish Council; these are referred to in the Consultation Statement and will, for ease of reference, be included as appendices in the Regulation 16 consultation.
- 4.3 In advising Hilton Parish Council in the drafting of their NDP officers have sought to shape the NDP so that it complies with all the relevant policy and legislation. At the Regulation 14 consultation stage various concerns remained outstanding and these were set out to the Parish Council. Whilst the NDP has been amended following the Regulation 14 consultation a number of these concerns remain, in particular, the NDP's express intention to prevent new housing development within Hilton until 2035 and to reduce the density of housing on the Lucas Lane site. This approach is contrary to national policy and guidance regarding the purpose and content of NDPs; paragraph 13 of the NPPF states: *"The application of the presumption [that is, the presumption in favour of sustainable development] has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies."*
- 4.4 The adopted Local Plan runs until 2028. South Derbyshire's housing requirement beyond 2028, which the next local plan will need to accommodate, is not yet known;

the Government is due to publish a revised standard methodology on which the housing requirement will be based. It is not tenable for the Council to express support for a NDP which is seeking a moratorium on housing development into the next plan period.

- 4.5 If this were accepted, then regrettably it is likely that other Parishes in South Derbyshire would seek to impose their own moratoriums on new development beyond 2028. Although the District Council could seek to argue through its own local plan examination that further development is needed in Hilton (or elsewhere) beyond 2028 to have such an argument would undermine the purpose of neighbourhood planning which is to provide locally specific policies consistent with principles of shaping new development but not preventing it. It is of great importance that the neighbourhood plan at Hilton is amended in line with the District Council's comments in the appendix, in order to allow choices to be made about new development locations beyond 2028. It is currently envisaged that the Local Plan review in South Derbyshire will cover a period to 2041 and it is not considered to be tenable to have one the Key Service Villages in the District unavailable to include for decisions on new housing allocations for a period of 13 years.
- 4.6 A NDP attains the same status as a Local Plan following approval at referendum; at this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.0 Financial Implications

- 5.1 The financial cost of conducting a Regulation 16 consultation will be covered by existing budgets.

6.0 Corporate Implications

Employment Implications

- 6.1 A Neighbourhood Plan amended in line with the comments in the appendix will have beneficial impacts as it will improve the attractiveness of Hilton as a great place to live, visit and invest.

Legal Implications

- 6.2 The Neighbourhood Plan will be subject to an independent examination during which compliance with the Neighbourhood Planning regulations will be assessed.

Corporate Plan Implications

- 6.3 The Neighbourhood Plan contains a number of policies consistent with the Corporate Plan. These include:
- to enhance biodiversity across the District (Our Environment)
 - to improve public spaces to create an environment for people to enjoy. (Our Environment)
 - Promote health and wellbeing across the District. (Our People)

Provided the requested amendments are also made included in the appendix then the Neighbourhood Plan will also be consistent with the following aspects of the Corporate Plan.

- To influence the improvement of infrastructure to meet the demands of growth. (Our Future)

- Enable the delivery of housing across all tenures to meet Local Plan targets (our Future)

Risk Impact

6.4 None.

7.0 Community Impact

Consultation

7.1 None

Equality and Diversity Impact

7.2 None

Social Value Impact

7.3 The NDP has been prepared by Hilton Parish Council involving volunteers from the local community. This community involvement is encouraged by the 2011 Localism Act.

Environmental Sustainability

7.4 Beneficial with the required amendments to the Plan

8.0 Conclusions

8.1 The Hilton NDP has been subject of a great deal of work led by the Parish Council. Provided the outstanding comments of the District Council are addressed through the examination process then the Neighbourhood Plan will be a valuable addition to the Planning Policy framework applicable to Hilton.

9.0 Background Papers

Appendix 1 – South Derbyshire District Council Regulation 14 consultation response to Hilton, Marston on Dove and Hoon NDP

Appendix 2 – Submission Hilton, Marston on Dove and Hoon Neighbourhood Development Plan 2020 – 2035

Appendix 3 – Basic Conditions Statement

Appendix 4 – Consultation Statement

Appendix 5 – Consultation Statement Appendices

Appendix 6 – Strategic Environmental Assessment and Habitat Regulations Assessment Screening Determination for Hilton, Marston on Dove and Hoon NDP

Notes:

- * Category – Please see the Committee Terms Of Reference in [Responsibility for Functions - Committees](#). This shows which committee is responsible for each function and whether it has delegated authority to make a decision, or needs to refer it elsewhere with a recommendation.
- ** Open/Exempt - All reports should be considered in the open section of the meeting, unless it is likely that exempt information would be disclosed. Please see the [Access to Information Procedure Rules](#) for more guidance.
- *** Committee Terms Of Reference in [Responsibility for Functions - Committees](#).