

## Agenda Item 4

<b>Executive Member</b>	Cllr Howard Jones		
<b>Strategic Management Team Lead Officer</b>	Jack Straw		
<b>Author</b>	Jane Smith		
<b>Telephone</b>	01306 879144		
<b>Email</b>	jane.smith@molevalley.gov.uk		
<b>Date</b>	21 June 2016		
<b>Ward (s) affected</b>	Ashtead Village, Ashtead Common and Ashtead Park	<b>Key Decision</b>	Yes
<b>Subject</b>	Draft Ashtead Neighbourhood Development Plan.		
<b>RECOMMENDATIONS</b>			
<ol style="list-style-type: none"> <li>1. That Ashtead Neighbourhood Forum is notified that Mole Valley District Council is satisfied that the proposed NDP complies with the procedural requirements for preparation and submission of a Neighbourhood Development Plan as defined in the Town and Country Planning Act 1990 (as amended) and Neighbourhood Planning (General) Regulations 2012.</li> <li>2. That the draft Ashtead NDP is published for a six week period, under the provisions of Regulation 16 of The Neighbourhood Planning (General) Regulations 2012.</li> <li>3. That publication of the draft NDP is publicised in a manner which will bring it to the attention of people who live, work or carry out business in the Ashtead Neighbourhood Area, together with information to advise interested parties where the draft NDP can be inspected, how to make representations and the date by which representations must be submitted. Such publicity to include: <ul style="list-style-type: none"> <li>• Publication of the draft NDP on the Mole Valley District Council website and availability of hard copies in Council offices and local public libraries;</li> <li>• Notification of those bodies referred to in the Ashtead NDP Consultation Statement;</li> <li>• Notification by letter of all households and businesses in the Ashtead Neighbourhood Area;</li> <li>• Working with Ashtead Community Vision to ensure that any other interested parties who have previously engaged with the NDP are also informed.</li> </ul> </li> <li>4. That arrangements are made by MVDC, in consultation with Ashtead Neighbourhood Forum, for the draft Ashtead NDP to be independently examined as soon as possible after the end of the six week publication period.</li> <li>5. That all representations received during the six week publication period be submitted to the independent examiner of the draft NDP.</li> </ol>			

## **EXECUTIVE SUMMARY**

In July 2013, Ashtead Neighbourhood Forum was designated as a qualifying body by Mole Valley District Council (MVDC) for the purposes of preparing a Neighbourhood Development Plan (NDP) for Ashtead. At the same time MVDC agreed that the area covered by the NDP should extend over the three Ashtead electoral wards.

Over the last three years, Ashtead Neighbourhood Forum has been preparing the draft NDP. This has involved gathering evidence, carrying out extensive community consultation and drafting the content of the NDP and its policies. This work has been overseen by Ashtead Community Vision; a volunteer working group who have dedicated a significant amount of time, commitment and effort in pursuit of the Plan's preparation.

The Ashtead Neighbourhood Forum has now completed its work on the NDP's preparation and submitted it to MVDC who take over the next stage. This involves checking the draft NDP and its accompanying background documents to ensure the statutory processes and legal requirements have been met. Assuming this is the case, MVDC is obliged then to publicise the draft NDP and invite representations.

After that, it is MVDC's responsibility to arrange for the draft NDP to be independently examined and if this results in a successful outcome, to hold a referendum.

The draft Ashtead NDP has been checked and it is concluded that it has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 and other relevant legislation.

The draft NDP contains 16 policies, covering housing, economy, environment and infrastructure issues. They build on policies in the Mole Valley Local Plan and Core Strategy and address issues of particular concern in Ashtead. The draft NDP does not propose any alterations to the Green Belt.

It is recommended that the draft Ashtead NDP is published as soon as possible after the Executive meeting, that representations are invited and that arrangements are put in place for the draft NDP to be independently examined.

MVDC will be required to submit the draft NDP to an independent examiner (who MVDC will appoint) together with any representations as soon as possible after their receipt. The background documents submitted with the draft NDP are also submitted to the examiner.

## **CORPORATE PRIORITY OUTCOMES**

Preparation of an NDP for Ashtead supports MVDC's Environment Priority, which includes developing plans in consultation with the community, for how land is used in Mole Valley.

The policies of the draft NDP also support MVDC's Environment Priority, particularly through the housing and environment policies, which seek to maintain Mole Valley as a highly attractive area with housing that meets local need. The NDP also contains policies which support the Prosperity Priority (by seeking to ensure a vibrant local economy) and infrastructure policies focused on safeguarding local community facilities, which support the Community Wellbeing priority.

**The Executive has the authority to determine the Recommendations**

## **1. Introduction / Background**

- 1.1 A Neighbourhood Development Plan (NDP) is a community-led plan for guiding future development of an area. When adopted, an NDP becomes part of the statutory development plan for the area and has to be taken into consideration by the local planning authority when determining planning applications. It must comply with European and national legislation and must have appropriate regard to national policy and be in general conformity with existing strategic local planning policy. A Neighbourhood Development Plan is prepared by a Parish Council or by a formally constituted Forum where there is no Parish Council.
- 1.2 In July 2013, MVDC designated the Ashtead Neighbourhood Forum as the body which is authorised to prepare a NDP for Ashtead. It also approved the three electoral wards of Ashtead as a Neighbourhood Area for the purpose of preparing the NDP.
- 1.3 Over the last three years Ashtead Neighbourhood Forum has been working on the preparation of the Ashtead NDP. This has involved carrying out early engagement with the Ashtead community to explain the project and make sure people are aware that it was taking place, gathering evidence to underpin the development of the NDP, identifying what the community considers are the key issues it faces and involving the community in the drafting of the NDP.
- 1.4 The culmination of this work was Ashtead Neighbourhood Forum's publication of the pre-submission draft NDP in January 2016. The Forum received a number of comments on the contents of the pre-submission draft NDP, which resulted in the Forum making several changes to the Plan. The Forum has now submitted the draft NDP to MVDC to carry out the next stage in the process towards its adoption as part of the Development Plan. For a copy of the proposed NDP, see Appendix 1 to this report.
- 1.5 Full details of all the community events and activities that the Forum carried out to ensure the local community was engaged in the process of preparing the NDP have been set out in evidence supporting the submission of the draft NDP (see Consultation Statement at Appendix 2 to this report).

## **2. The role of MVDC in considering the Draft NDP**

- 2.1 The draft Ashtead Neighbourhood Development Plan was received on 19 April 2016. MVDC is required to check the submitted plan and the supporting documents to ensure the preparation of the NDP has followed the proper legal process and that it has met the legal requirements for consultation and publicity. If the draft NDP is found to have passed these tests, MVDC is responsible for publicising the proposed plan and arranging for an independent examination and referendum to take place.
- 2.2 At this stage, MVDC is not required to make any decision on whether the draft NDP meets the basic conditions (see paragraph 2.10 to 2.14). This will be a matter for the Independent Examiner, although it is open to MVDC to make representations for his/her consideration, when the NDP has been published.

### **Material submitted with the draft Ashtead NDP**

- 2.3 The Neighbourhood Planning (General) Regulations 2012 require the following to be submitted by a Neighbourhood Forum:
  - A map or statement which identifies the area to which the plan relates.
  - A Consultation Statement.

- The proposed Neighbourhood Development Plan.
- A statement on how the plan fulfils the basic conditions.

### **Map identifying the NDP area**

- 2.4 A map showing the area to which the NDP relates is included in Appendix 1 of the draft NDP. It clearly shows the area covered by the Ashtead NDP.

### **Consultation Statement**

- 2.5 A Consultation Statement has been submitted by the Ashtead Neighbourhood Forum and is attached as Appendix 2 to this report. This explains who was consulted about the proposed Neighbourhood Development Plan and how they were consulted. It also summarises the main issues and concerns raised and how they have been addressed.
- 2.6 The Consultation statement catalogues the extensive work the Forum carried out to inform the community at all stages in the preparation of the NDP. Measures included press releases, regular newsletter deliveries to all households, regular articles in local media, a dedicated web site, appearances at local community events, public meetings and use of social media.
- 2.7 The list of bodies and land owners consulted by the Forum is considered appropriate. The consultation statement clearly identifies those issues that arose from the Forum's consultation on the draft NDP and how they have been addressed.

### **Draft Ashtead NDP**

- 2.8 The draft NDP has also been submitted by the Forum and is at Appendix 1 to this report. It contains planning policies covering the following summarised issues:

#### **Housing**

- AS-H1:** Site specific policy for provision of a footpath as part of any future development of land at Murreys Court (a site which is already allocated for housing development in the Mole Valley Local Plan)
- AS-H2:** Mix of house sizes on sites of 5 or more dwellings
- AS-H3:** Mix of house sizes on sites of between 1 and 4 dwellings
- AS-H4:** Encouragement of dwellings suitable for downsizers in a defined Central Area of Ashtead
- AS-H5:** Maintaining built character
- AS-H6:** Off-street parking standards for housing developments

#### **Economy**

- AS-Ec1:** Designating Barnett Wood Lane shops as a Local Shopping Area (in addition to areas already designated at Craddocks Parade and The Street)
- AS-Ec2:** Identifying existing public houses as valued community facilities to be safeguarded
- AS-Ec3:** Site specific policy for retail development at 53-57 The Street

#### **Environment**

- AS-En1:** Safeguarding availability of school playing fields for school and community use
- AS-En2:** Retention of amenity space, hedges and trees

**AS-En3:** Retaining character

### **Infrastructure**

**AS-Inf1:** Improving health facilities

**AS-Inf2:** Improving pedestrian access

**AS-Inf3:** Safeguarding valued community facilities

**AS-Inf4:** Local priorities for infrastructure improvement

2.9 The policies in the draft NDP have been assessed. It is concluded that they are in general conformity with the Mole Valley Core Strategy and the saved strategic policies of the Mole Valley Local Plan. The draft NDP does not include any policies to alter the Green Belt.

### **Basic Conditions Statement**

2.10 A Basic Conditions Statement has been submitted by the Forum and is at Appendix 3.

2.11 The purpose of the Basic Conditions Statement is to demonstrate how the draft NDP:

- Has had regard to national policy;
- Contributes to the achievement of sustainable development;
- Meets the requirement that the draft NDP is in general conformity with the strategic policies of the local area;
- Meets human rights requirements and EU obligations.

2.12 The Basic Conditions Statement prepared by the Ashtead Neighbourhood Forum addresses each of the conditions that the legislation requires a draft NDP to be measured against. This has been carried out in a thorough manner and provides a clear audit to show how the draft Ashtead NDP meets the basic conditions.

2.13 In particular it demonstrates how the draft NDP meets the main aims of the National Planning Policy Framework and is in general conformity with the strategic objectives of the Mole Valley Core Strategy and the saved policies of the Mole Valley Local Plan. It also explains that a Strategic Environmental Assessment screening and a Habitats Regulation Assessment have been undertaken and demonstrates the draft NDP is unlikely to have any significant impact on a site of European importance.

2.14 Finally, the Basic Conditions Statement explains how the draft NDP contributes to the achievement of sustainable development and includes a Sustainability Appraisal of each policy.

### **Conclusions and next steps**

2.15 Having considered the submitted documents, it is considered that the Ashtead Neighbourhood Forum has complied with the requirements of Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 and that the NDP should now be publicised in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations.

2.16 Therefore the next step is for MVDC to publicise the draft Ashtead NDP, make it available for inspection and invite representations by a specified date of not less than six weeks from the date of publication.

2.17 It is proposed to publicise the draft NDP by writing to each household and business in the Ashtead Neighbourhood Area and by publicising the draft NDP

on the MVDC website and through traditional and social media channels. MVDC is also required to notify those bodies and organisations referred to in the Consultation Statement that the draft NDP has been received. Officers will also continue to work with Ashtead Community Vision to ensure that others who have previously engaged with the NDP are kept informed.

- 2.18 MVDC will then appoint an appropriately qualified and experienced person to carry out the independent examination of the draft Ashtead NDP. This appointment has to be agreed with the Ashtead Neighbourhood Forum.
- 2.19 MVDC will send the independent examiner the draft Ashtead NDP and supporting information and a copy of any representations received during the publication period. The independent examiner will take these representations into account.
- 2.20 Normally, the independent examination will be conducted by written representations. However, if it is considered necessary, the examiner may invite interested parties to a public hearing to present their representations.
- 2.21 The independent examiner will only consider whether the draft NDP meets the basic conditions<sup>1</sup>. The examiner is not permitted to explore other considerations.
- 2.22 Following the examination, the examiner will issue a report to MVDC and the Ashtead Neighbourhood Forum. If the draft NDP meets the basic conditions, the examiner will recommend that the NDP proceed to the referendum stage. Alternatively, he or she may suggest modifications are needed to the NDP so that it meets the basic conditions before it can proceed to the referendum. It will be MVDC's responsibility to make such modifications.
- 2.23 The examiner may conclude that the draft NDP does not meet the basic conditions and no modifications could be made to ensure that it meets those conditions. In that situation the examiner would recommend the draft NDP does not proceed to the referendum.
- 2.24 If the NDP can proceed to referendum (with or without modification) the examiner will be required to advise MVDC on the referendum area. This may include people beyond the boundary of the neighbourhood area.
- 2.25 It will be MVDC's responsibility to cover the costs of the independent examination and referendum. However, DCLG funding is available to defray the costs.

### **3. Financial Implications**

Grants have been received from DCLG towards the costs of providing officer support to those preparing NDPs. Funding from DCLG towards the cost of the subsequent referendum can also be claimed. Parts of the process of developing the Ashtead NDP will incur additional costs to the Council – for example the mail notifications and the appointment of an independent examiner. These will be countered, however, by the £5,000 Government Grant already received and the potential for a further £20,000 at the referendum stage.

### **4. Legal Implications**

The draft NDP has been prepared in accordance with the provisions of the Town and Country Planning Act 1990, the Localism Act 2011 and the Neighbourhood Planning (General ) Regulations 2012.

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<sup>1</sup> See paragraph 2.11.

## **5. OPTIONS**

- 5.1 (1) Proceed with publication of the draft Ashtead Neighbourhood Development Plan for a period of not less than six weeks and invite representations.
- 5.2 (2) Not proceed with publication of the draft Ashtead NDP.
- 5.3 The Ashtead Neighbourhood Forum has met all the legal requirements of submitting a draft NDP to MVDC and there is no reasonable justification for why the draft NDP should not be publicised and subsequently independently examined. Option (1) is therefore recommended.

## **6. CORPORATE IMPLICATIONS**

### **Monitoring Officer commentary**

The Monitoring Officer is satisfied that all relevant legal implications have been taken into account.

### **S151 Officer commentary**

The s151 Officer confirms that all material financial risks and implications have been considered in this report.

### **Risk Implications**

Delay in publishing the draft Ashtead NDP at this stage would undermine public confidence in the NDP process and MVDC's role in supporting the volunteers who have committed significant time and effort to reach this stage.

The independent examiner of the draft Ashtead NDP could come to the conclusion that the draft NDP does not comply with the basic conditions and could not be modified to secure compliance. In this event, the reasons for the examiner's conclusions would need to be considered and stakeholders re-consulted. The option would then be to either abandon the NDP or change it and then go through the process again from the pre-submission 6-week consultation.

### **Equalities Implications**

An Equality Impact Assessment has been undertaken as part of the development of the draft NDP, which concludes that the draft NDP policies would not give rise to any adverse equalities implications.

The proposed mailshot to all households will help to ensure that those who seldom leave their homes (for reasons including age or disability) are not excluded from the opportunity to comment on the draft NDP. Consultation materials produced by MVDC for publication of the NDP will follow internal guidelines for designing accessible documentation.

### **Employment Issues**

MVDC will be required to commission a suitably qualified person to undertake the independent examination of the draft Ashtead NDP. However, they will not be employed by MVDC and there are no employment issues associated with the recommendation.

### **Consultation**

The draft Ashtead NDP has been subject to extensive consultation by the Ashtead Neighbourhood Forum. The Neighbourhood Planning (General) Regulations require the parent local planning authority (MVDC) to publicise the draft NDP for a period of not less than six weeks and the proposed consultation process is set out in this report.

**Communications**

A press release has been prepared and, as required, regular communications channels such as the Council's website and social media will be used to support future publicity/consultation exercises.

**BACKGROUND PAPERS**

None