

Committee: Planning and Licensing Committee	Date: 11 November 2020
Subject: Ingatestone and Fryerning Neighbourhood Plan (2020-2033), Regulation 14 Consultation	Wards Affected: Ingatestone and Fryerning
Report of: Phil Drane, Director of Planning and Economy	Public
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Summary

The 2011 Localism Act introduced new powers for local communities to produce neighbourhood plans, which can be used to guide and shape future development in an area. Once adopted a neighbourhood plan forms part of the statutory Development Plan for the area and it is used in the determination of planning applications.

Brentwood Borough Council approved the designation of the Ingatestone and Fryerning Parish as a Neighbourhood Plan Area in October 2017. Since then, the parish council has progressed their neighbourhood plan and published the draft document for Regulation 14 consultation (Appendix A). The Council's proposed response is set out in Appendix B. This response focuses on the consistency with the emerging Brentwood Local Development Plan.

The Ingatestone and Fryerning Neighbourhood Plan consists of seven policies which compliment the policies found in the emerging Brentwood Local Development Plan. These include policies on housing, heritage, economy, transport, environment, and wellbeing.

Recommendation

Members are asked to:

- R1. Approve the response to the Ingatestone and Fryerning Neighbourhood Plan Regulation 14 consultation, as set out in Appendix B.**

Main Report

Introduction and Background

1. The 2011 Localism Act introduced new powers for local communities to produce neighbourhood plans, which can be used to guide and shape future development in an area. Once adopted a neighbourhood plan forms part of a statutory Development Plan for the area and it is used in the determination of planning applications alongside the Brentwood Local Plan and other material planning considerations, including the National Planning Policy Framework.
2. Brentwood Borough Council approved the designation of the Ingatestone and Fryerning Parish as a Neighbourhood Plan Area at its Planning & Licensing Committee on 11 October 2017 (Item 136). The legislation required that the Council designate the area specified in the Parish Council's application, which covers the whole of the Parish. Since then, the parish council has progressed to publish a draft Neighbourhood plan document for consultation under Regulation 14 (Appendix A).
3. National planning practice guidance states that a Neighbourhood plan must meet basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. Following the Regulation 14 consultation, the Ingatestone and Fryerning Neighbourhood Plan will need to include a statement setting out how the plan meets the requirements of the basic conditions as set out below:
 - a) The neighbourhood plan has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - b) How the neighbourhood plan contributes to the achievement of sustainable development;
 - c) The neighbourhood plan conforms with the strategic policies of the Brentwood Local Plan;
 - d) The neighbourhood plan must be in conformity with the EU obligations; and
 - e) Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with proposals within the neighbourhood plan.
4. The Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the statutory stages which must be completed in the production of a neighbourhood plan. A summary of these is outlined in the Ingatestone and Fryerning Neighbourhood Plan, extracted below as Figure 1.

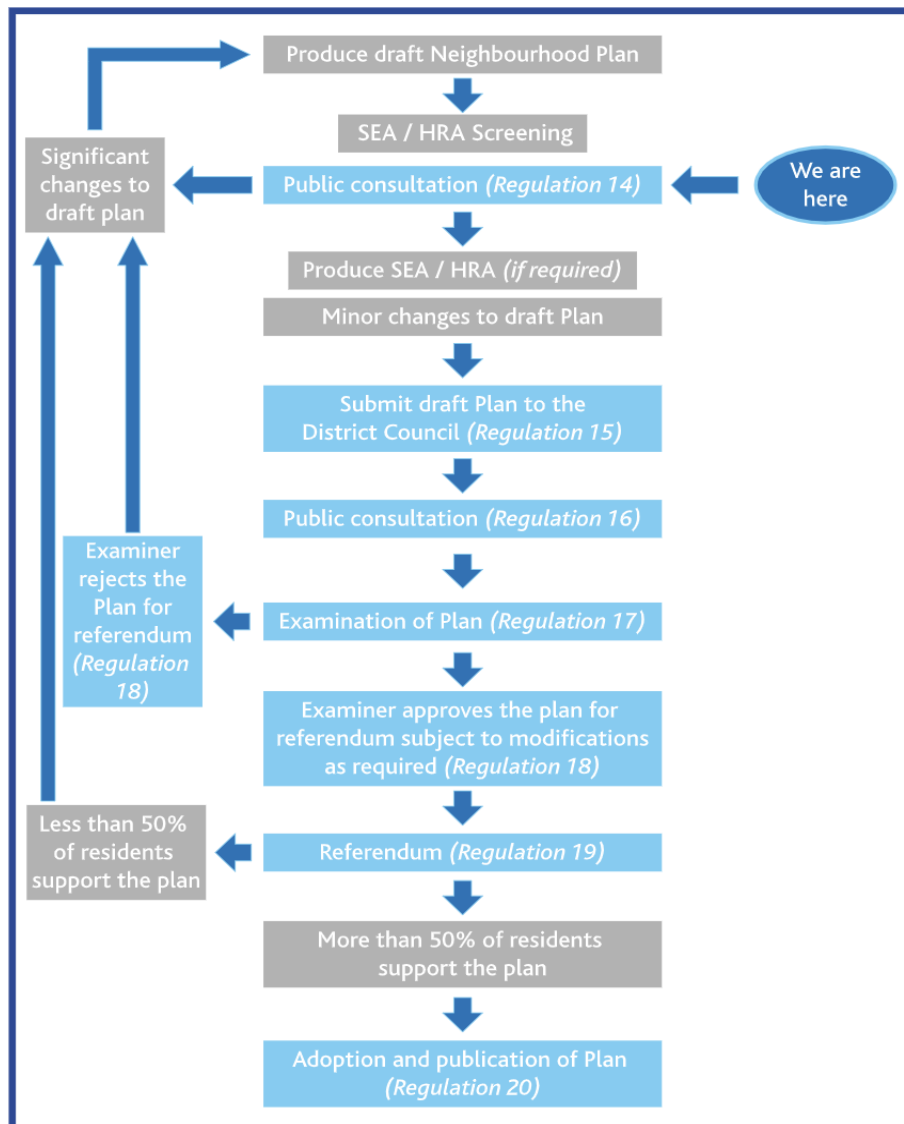


Figure 1: Stages of a Neighbourhood Plan

Issue, Options and Analysis of Options

5. Neighbourhood plans give local communities direct power to develop a shared vision and shape the development and growth of their local area. The Neighbourhood Plan Area has been approved by the Council. The parish council has now progressed with the development of their neighbourhood plan and published a draft version for consultation, as required under Regulation 14.
6. The neighbourhood plan consists of the following seven policies:
 - a) Policy 1: Housing
 - b) Policy 2: Housing Design

- c) Policy 3: Heritage
- d) Policy 4: Economy
- e) Policy 5: Transport
- f) Policy 6: Environment
- g) Policy 7: Wellbeing, Leisure and Community Facilities

Policy 1: Housing; and Policy 2: Housing Design

7. The Ingatestone and Fryerning Neighbourhood Plan housing policies support the requirements outlined in the emerging Brentwood Local Development Plan, allocating R22: Land Adjacent to the A12, Ingatestone for 57 new homes. The neighbourhood plan specifically requires 35% affordable housing, resulting in 37 market housing and 20 affordable housing on site. This policy helps to further support Local Plan policy HP05: Affordable Housing. However, it is suggested that a minor correction is required to change the policy reference from R21 to R22, as it appears in the Local Development Plan.

Policy 3: Heritage

8. Ingatestone and Fryerning Parish contains several heritage assets, including three conservation areas. Two of the conservation areas are located within Ingatestone, due to its location on the old Roman Road between London and Colchester and coaching activity during the 18th and early 19th centuries. The village still retains the original medieval street plan and contains some historic coaching inns.
9. This policy seeks to protect and enhance, where possible, designated and non-designated heritage assets. Applications are required to identify the historical significance and local importance. Given the Heritage Assets and historic importance of Ingatestone, it is suggested that the Council should support this approach, which further complements Local Development Plan policy HP22: Local Heritage Assets.

Policy 4: Economy

10. This policy supports the Local Development Plan employment allocation E8: Land Adjacent to A12 and Slip Road, Ingatestone. The policy seeks to support business use and ancillary uses where it is demonstrated that the location of these uses will not inhibit the operation of the principle uses on the site. It is suggested that the Council support this policy, but notes that the use classes order has been amended since 1 September 2020, which will require changes to the use classes stated in the policy prior to submitting the neighbourhood plan to the Council under Regulation 15.

Policy 5: Transport

11. It is known that parking is a particular issue identified in Ingatestone, given the level of car ownership within the parish, 1.44 per household (higher than the national average), and limited public parking and designated street parking places.
12. This policy seeks to protect, and where possible provide additional car parking places, provide new and/or improved bridleways, pedestrian and cycle routes connecting Ingatestone and Fryerning and within Ingatestone, Fryerning and Mill Green.
13. The policy includes a requirement for major developments (10 dwellings or more) within the parish to assess and clearly demonstrate the impact of the scheme on the local highway capacity and public transport system. This would affect the Local Development Plan allocations at R21: Land South of Ingatestone; and R22: Land Adjacent to the A12, Ingatestone. The parking issue is acknowledged and the need for sufficient assessment of impacts through relevant planning applications is consistent with the Local Development Plan.

Policy 6: Environment

14. This policy seeks to protect the environment, requiring development proposals to achieve biodiversity net gains, encourage sustainable transportation and active travel, provision for electric car charging points. It is suggested that the Council notes the need to also include reference to Natural England's *Nature Network Evidence Handbook*, and *Nature Networks – a summary for practitioners* which outlines how developers and landowners can achieve biodiversity net gains. Also, reference to the Essex Coastal Recreational disturbance Avoidance & Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) should be included as it directly affects a portion of the parish.

Policy 7: Wellbeing, Leisure and Community Facilities

15. This policy seeks to protect open space and leisure facilities, where possible, unless they are no longer in use. It is suggested that the Council refers to the need to mention the Brentwood Built Facilities Strategy and Brentwood Leisure Strategy to ensure no loss of indoor or outdoor recreational facilities and these conform with the Council's evidence base.

Reasons for Recommendation

16. The policies in the Ingatestone and Fryerning Neighbourhood Plan compliment the policies in the emerging Brentwood Local Development Plan. Neighbourhood plan policies allow for specific issues that affect Ingatestone and Fryerning to be considered in more detail. Therefore, a response has been drafted, as set out in Appendix B, which focuses on providing constructive comments before progressing to the next stages of the neighbourhood planning process.
17. Brentwood Borough Council plays a key role in supporting the development of neighbourhood plans. In terms of next stages, following Regulation 14, the parish council will need to submit the final draft along with any relevant evidence base, such as a Sustainability Assessment (SA) / Habitat Regulations Assessment (HRA) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The Council will then be responsible for undertaking a formal public consultation as required under Regulation 16.
18. Once all comments submitted under Regulation 16 have been considered, the Council will need to submit the neighbourhood plan to the Secretary of State for consideration through a formal examination process (Regulation 17). Similar to the Local Plan examination process, a decision will be made by the appointed Planning Inspector whether the neighbourhood plan can be adopted and if so, whether modifications are required (Regulation 18).
19. The final stage, following any required modifications being made, will involve a vote from local residents who live in the parish on the proposed neighbourhood plan (referred to as a Referendum, Regulation 19). Provided at least 50% support is obtained by those who vote, then the neighbourhood plan will formally be adopted (Regulation 20) and will form part of the Brentwood Development Plan. This will require all planning applications within Ingatestone and Fryerning Parish to adhere to the policies found in both the Brentwood Local Development Plan and Ingatestone and Fryerning Neighbourhood Plan.

Consultation

20. According to the Neighbourhood Planning (General) Regulations 2012 (as amended), the requirement at Regulation 14 is that the neighbourhood plan is subject to planning consultation for a minimum of six weeks. Consultation on the Ingatestone and Fryerning Neighbourhood Plan took place between 1 September and 31 October 2020. Officers agreed with the parish council that

an extension be granted so that the Council can discuss and approve its consultation response at Planning & Licensing Committee.

References to Corporate Strategy

21. This is not a Council produced document and so there are no direct references to the Council's Corporate Strategy. However, the neighbourhood plan will form part of the Council's development plan for planning decision-making. Therefore, it is important that there is consistency with the Council's Local Development Plan. Delivery of the Local Development Plan is a corporate priority, as are several cross-cutting objectives that the Local Development Plan provides a vehicle for delivery.

Implications

Financial Implications

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22. Government grants and technical support is available directly to neighbourhood planning groups immediately following area designation.
23. Neighbourhood Planning Regulations require local planning authorities to bear the costs of examination and referendum of neighbourhood plans or orders. Current arrangements from the Ministry of Housing, Communities and Local Government enable local planning authorities to claim some financial support towards neighbourhood planning. This is for £20,000 for each neighbourhood plan once a date has been set for a referendum (limited to five neighbourhood plans in the borough). So far, the Council has received £5,000 of grant monies following designation of Ingatestone and Fryerning Parish as a Neighbourhood Plan Area. The remaining grant can be claimed once a date has been set for referendum, as above.
24. Subject to no significant future change to the level of grant funding available from Government to support local planning authorities neighbourhood planning responsibilities, it is likely that the level of grant that can be claimed in relation to the preparation of the Ingatestone and Fryerning Neighbourhood Plan, will broadly cover the level of anticipated expenditure incurred to meet the Council's prescribed responsibilities.

Legal Implications

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25. It is a statutory requirement to support the preparation of neighbourhood plans and for the Council to adopt, or 'make' them, if supported by the referendum. Relevant legislation includes the Neighbourhood Planning (General) Regulation 2012 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended). Failure to support Ingatestone and Fryerning Parish Council to prepare a neighbourhood plan could result in legal challenge with any subsequent consequences for the Council. The next steps as they relate to legal requirements on the Council are set out within this report.

Economic Implications

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26. The Ingatestone and Fryerning Neighbourhood Plan references the importance of the local economy. This is specifically mentioned in Policy 4: Economy, but also local economic benefits can be achieved through efforts to deliver housing and community facilities.

Equality and Diversity Implications

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27. Equality and diversity implications are considered through national planning practice guidance regarding engagement of communities in the neighbourhood planning and plan-making processes.

Health & Wellbeing Implications

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28. Health and wellbeing are considered in the Ingatestone and Fryerning Neighbourhood Plan, specifically Policy 7: Wellbeing, Leisure and Community Facilities.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

29. None

Background Papers

- Item 136 Planning & Licensing Committee, 11 October 2017, Ingatestone & Fryerning Parish Neighbourhood Plan Area Designation
- Item 496 Policy, Resources and Economic Development Committee, 9 September 2020, Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD)

Appendices to this report

- Appendix A: Ingatestone and Fryerning Neighbourhood Plan 2020-2033, September 2020
- Appendix B: Brentwood Borough Council response to the Ingatestone and Fryerning Neighbourhood Plan 2020-2033 (Regulation 14 Consultation)