



Date of Meeting	23 January 2019
Portfolio	Cabinet Member for Planning, Development & Housing
Report Author	Sohida Banu
Public Document	

Rooley Moor Neighbourhood Plan - Submission

Executive Summary

- 1.1 The Rooley Moor Neighbourhood Plan has been submitted to the Council by the qualifying body, Rooley Moor Neighbourhood Forum. The Local Planning Authority is required, by The Neighbourhood Planning (General) Regulations 2012, to make a decision whether the submitted documents meet the relevant statutory requirements under regulation 15.
- 1.2 The submitted documents have been assessed against the relevant statutory requirements, which derive from the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, and the Neighbourhood Planning (General) Regulations 2012. This assessment has concluded that the Rooley Moor Neighbourhood Plan should proceed to being formally published by the Council and being submitted for examination under Regulations 16 and 17 of the Neighbourhood Planning (General) Regulations 2012.

Recommendation

- 2.1
 - To note the process for assessing the submitted draft neighbourhood plan and make a decision whether they meet the relevant statutory requirements under regulation 15¹.
- 2.2
 - To agree that the submitted Rooley Moor Neighbourhood Plan can proceed to formal publication and be submitted for examination, including making of arrangements for the holding of an examination by an appointed examiner, under Regulations 16 and 17 of the Neighbourhood Planning (General) Regulations 2012.

Reason for Recommendation

3. Regulations 5 to 20 of The Neighbourhood Planning (General) Regulations 2012 set out the requirements for preparing a Neighbourhood Plan.

¹ Neighbourhood Planning (General) Regulations 2012

The requirement for the Local Planning Authority to make a decision at this stage whether the Rooley Moor Neighbourhood Plan meets various requirements is contained in regulation 15 of The Neighbourhood Planning (General) Regulations 2012.

Following which Regulation 16 requires that consultation is undertaken prior to carrying out an examination into the Rooley Moor Neighbourhood Plan.

Key Points for Consideration

4.1 **Background**

4.2 The Localism Act 2011 introduced the opportunity for local communities to produce Neighbourhood Development Plans (NDPs), Neighbourhood Development Orders and Community Right to Build Orders. NDPs allow communities to shape development and growth in their local areas and form part of the statutory development plan for the local planning authority once 'made', that is, once a draft neighbourhood plan reaches the point of coming in to legal force.

4.3 In summary, in order for a draft NDP to come in to legal force, the draft plan needs to have passed successfully through an independent examination process, enough people need to have voted in favour of it at a referendum, and there needs to be no legal reason requiring the local planning authority to decline to bring the draft plan into effect at that final stage.

4.4 **Stages so far**

Stage 1 - completed

The first stage of preparing a NDP is the designation of a neighbourhood forum and a neighbourhood area. Once a neighbourhood forum has been designated by the local planning authority, the qualifying body can begin to prepare a NDP.

4.5 Stage 2 - completed

Once the qualifying body has prepared a draft pre-submission NDP, the neighbourhood forum must consult on the plan for a period of at least 6 weeks.

4.6 Stage 3 - **Current**

Following a review of the all the comments from the pre-submission consultation, a revised neighbourhood plan will be prepared and submitted to the local planning authority. The local planning authority must make a decision whether it complies with the relevant statutory requirements before the draft plan can progress to the next stages, which involve the draft plan being made available for public comments (which is referred to as 'publicising' or 'publication') and being submitted to examination (which is an assessment of the draft plan that is conducted by an independent examiner).

4.7 A draft Rooley Moor Neighbourhood Development Plan has been formally submitted to the Council by the Rooley Moor Neighbourhood Forum. A decision is required whether the submitted draft NDP should proceed to publication and submission to examination.

4.8 When a neighbourhood plan is submitted to the local planning authority, it must include—

(a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates (Appendix 1);

(b) a consultation statement which explains and demonstrates how engagement with the community and others shaped the development of the plan (Appendix 2);

(c) the proposed neighbourhood development plan (Members Lounge) (Appendix 3); and

(d) a statement explaining how the proposed neighbourhood plan meets the requirements (Appendix 4) – the basic conditions and other tests, including an Equality Impact Assessment (Appendix 5) – *The basic conditions are that neighbourhood plans must:*

- *have regard to national policies and guidance such as the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG),*
- *be in general conformity with the strategic policies contained in the development plan (Local Plan)*
- *contribute to the achievement of sustainable development, and*
- *comply with EU obligations and human rights legislation.*

(e) a screening opinion confirming that the plan proposal is unlikely to have significant environmental effects (Appendix 6);

(f) a screening opinion confirming that the plan proposal is unlikely to have significant effects on a European site or European offshore marine site or the Environmental Assessment of Plans and Programmes Regulations 2004 (Appendix 6).

In Officers view it is considered the current submission meets the above minimum legal requirements – see compliance checklist appended to the report below.

Next Steps

If approved for publication, it is proposed that the draft Neighbourhood Plan and associated documents will be publicised for consultation over a period of six weeks to start as soon as possible following approval.

The Council will publicise on the website and in any other ways considered appropriate including making a copy available at Rochdale and Spotland Libraries. Various consultation bodies also need to be notified that the draft plan has been formally submitted. Details of how to make representations and the date by which those representations must be received will also be publicised.

The local planning authority will collate any representations received, as these will need to be made available to the independent person who is appointed in due course to conduct the examination of the draft plan. The local planning authority is itself entitled to submit representations about the draft plan as part of this process.

Once all the comments have been considered, the examiner will recommend, any changes or modifications to be included within the final Neighbourhood Plan document.

Alternatives considered

A Neighbourhood Plan is optional and is produced by the local community, therefore, the questions for communities to consider are the time and resource needed to develop a Neighbourhood Development Plan (NDP) as opposed to seeking an alternative policy tool instead.

Costs and Budget Summary

- 5.1 The cost to the Council is made up of officer time, the examination and the organisation and delivery of the referendum.
- 5.2 It is not possible to precisely estimate the cost that likely to be incurred by a local planning authority to support the preparation of a particular Neighbourhood Plan. This is because the costs of the examination are linked directly to its duration which will relate to the complexity of the Neighbourhood Plan. Equally, the costs associated to the referendum will relate to the size of the local community within the Neighbourhood Area.

Based upon experience elsewhere, the costs to a local planning authority associated to the examination of a Neighbourhood Development Plan (NDP) for could be expected to be in the region of £5,000-£10,000 ((4 -11 days at £750 a day + VAT).

Local Authorities are able to claim up to £20,000 Neighbourhood Planning Grant upon successful completion of the NDP examination. This will pay for costs that will be incurred in taking the NDP through to referendum.

Risk and Policy Implications

- 6.1 There are no specific risk issues for members to consider arising from this report.

Consultation

- 7.1 If the draft Rooley Moor Neighbourhood Plan is approved, the Council will publicise and consult for a period of six weeks to begin as soon as possible. During this time the application and supporting information will be published on the Council's website, and paper copies of the documents will be available in Rochdale and Spotland Libraries.

Stakeholders on the Council's planning policy database will be notified by letter or email.

Background Papers	Place of Inspection
<p>8. Submission Rooley Moor Neighbourhood Plan</p> <p>Consultation Statement</p> <p>Basic Conditions Statement</p> <p>Map (included within report)</p> <p>Rooley Moor Neighbourhood Plan Submission: Legal Compliance Checklist (included within report)</p> <p>Strategic Environmental Assessment and Habitats regulations Assessment Screening Report</p> <p>Equalities Impact Assessment scoping pro-forma</p>	<p>Members Lounge</p>
<p>For Further Information Contact:</p>	<p>Paul Moore, Head of Planning Services paul.moore@rochdale.gov.uk</p> <p>Sohida Banu, Planning Officer Sohida.banu@rochdale.gov.uk</p>

Rooley Moor Neighbourhood Plan Submission: Legal Compliance Checklist

	Description	Tick	Relevant Legislation & Regulations	Comments
1. Receipt and assessment of the draft NDP by the Council	The draft plan includes: a. a map or statement identifying the area to which the plan relates b. the consultation statement – which contains details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed NDP c. the proposed NDP d. a statement explaining how the NDP meets the ‘basic conditions’	✓ ✓ ✓ ✓	Regulation 15 Para 8 Schedule 4B to the 1990 Act	<p>See map 1 within supporting documents - Rooley Moor Neighbourhood Area lies within the Spotland and Falinge Ward of Rochdale borough. It is predominantly a rural area populated by existing hamlets at Fern Hill, Smallshaw, Catley Lane Head and Prickshaw and Broadley Fold.</p> <p>A Consultation Statement has been submitted which contains a concise account of the consultation events carried out prior to the regulation 14 consultation. Details of the different techniques used are provided, including bespoke meetings for individual community groups and organisations, a survey distributed to all households in the neighbourhood area and a consultation week held in March 2018. A summary of the issues raised at all stages is included throughout the consultation statement. A summary of the regulation 14 consultation is set out at Page 21 of the consultation statement. Appendix H and I of the Consultation Statement sets out the Regulation 14 Pre Submission comments and Rooley Moor Neighbourhood Forums response to those comments.</p> <p>Rooley Moor Neighbourhood Plan 2018-2028 Submission Plan submitted (with supporting documents) on 6 December 2018.</p> <p>The Basic Conditions Statement was submitted with the Plan on 6 December 2018. At this stage the LPA is not required to consider whether the Plan meets the basic conditions, only that a statement has been submitted.</p>

	<p>e. Where appropriate, the information to enable appropriate environmental assessments if required or where it has been determined that a plan proposal is unlikely to have significant environmental effects, a statement of reasons for the determination.</p>	<p>✓ ✗</p>	<p>The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of the Neighbourhood Planning (General Regulations) 2012. i.e. Regs 102 & 102A</p>	<p>The role of the independent examiner will include assessing whether the Plan meets the basic conditions. It is after the examination has taken place, following receipt of the examiner's report, that the LPA comes to a formal view on whether the Plan meets the basic conditions.</p> <p>Rochdale Council determined that Rooley Moor Neighbourhood Plan is unlikely to have significant environmental effects. The requirement for SEA was set out in the screening opinion issued by Rochdale Council in September 2018. The scope of the SEA was consulted on (by email to statutory authorities – Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report) and responses taken into account in the preparation of the draft SEA and has provided reasons for not therefore requiring an SEA.</p>
<p>2. Rochdale Council's assessment of the proposed neighbourhood plan</p>	<p>a. Is it a repeat plan proposal?</p> <p>b. Is the parish / town council authorised to act?</p> <p>c. Do the proposal and accompanying documents;</p> <ul style="list-style-type: none"> comply with the rules for submission to the LPA (1a-e) meet the 'definition of a NDP' meet the 'scope of NDP provisions' <p><i>Definition of a NDP = "is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan."</i></p>	<p>✗ ✓ ✓</p>	<p>1990 Act Schedule 4B para 5 & Regulation 18</p> <p>38 A and B 2004 Planning & Compulsory Purchase Act as amended by the Localism act Section 38 A (2) 2004 Act Section 38B (1& 2) (4)</p>	<p>This is the first NDP proposal to be submitted for the Rooley Moor Neighbourhood Area.</p> <p>Rooley Moor Neighbourhood Forum was established as the Qualifying Body, responsible for the preparation of the Rooley Moor Neighbourhood Plan (RMNP) when the Neighbourhood Area was designated on 9 March 2016.</p> <p>The RMNP contains 18 planning policies dealing with land use matters. The time period for the ANDP is 10 years – 2018 - 2028, as stated on the front cover.</p> <p>The RMNP does not include policies on excluded development. The RMNP contains policies which only relate to the Rooley Moor Neighbourhood Area.</p>

	<p>Scope of NDP provisions = <i>The NDP must specify the period for which it is to have effect</i></p> <ul style="list-style-type: none"> • <i>It cannot include provision about development that is 'excluded development'</i> • <i>It cannot relate to more than one neighbourhood area or repeat an existing planning permission</i> <p>d. Has the parish / town council undertaken the correct procedure in relation to consultation and publication.</p>			<p>Rooley Moor neighbourhood Forum has undertaken consultation on the RMNP in accordance with the Neighbourhood Planning (General) Regulations 2012, specifically Regulation 14 – pre-submission consultation and publicity. Page 21 of the Consultation Statement sets out details of the pre-submission consultation which was undertaken in March 2018. During this time the draft RMNP was made available via the Forums website. Copies of the plan were placed in different parts of the community for people to review. A copy of the draft plan was also sent to Rochdale Council and other consultation bodies as set out in the Consultation Statement.</p>
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