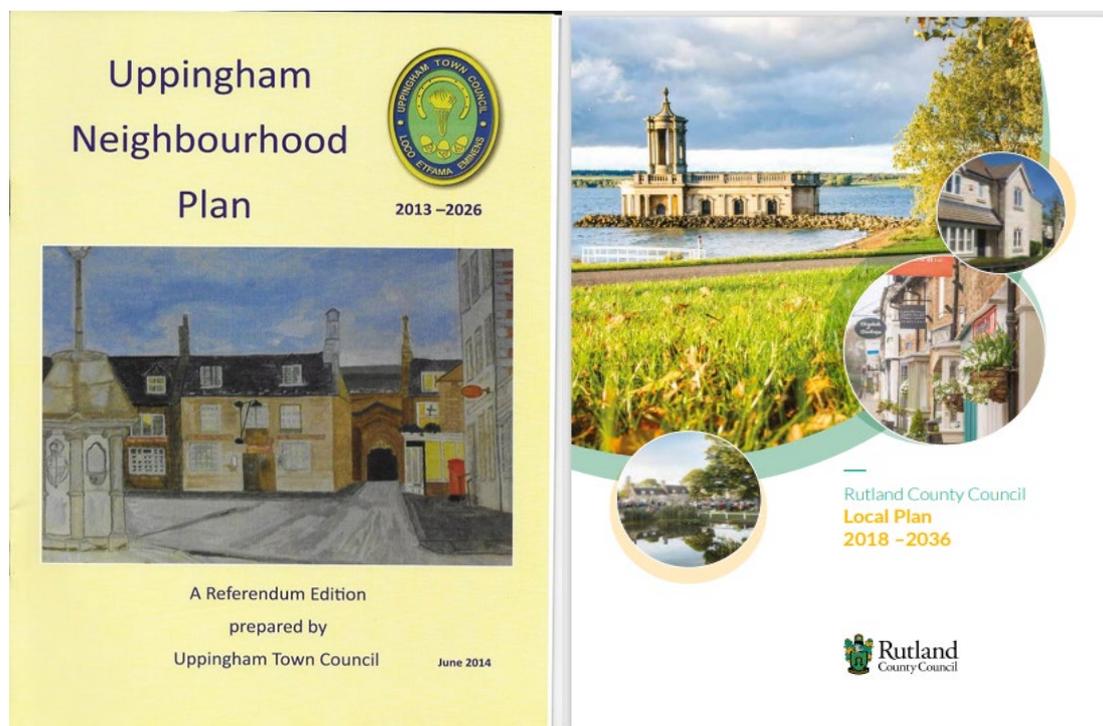


*Draft Version*

## Support for Uppingham Town Council on the review of the Uppingham Neighbourhood Plan



## Paper 1: Principles underlying the review of the Uppingham Neighbourhood Plan

(Contractor: Clive Keble (MRTPI) on behalf of Design Midlands Dec. 2020)

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## Principles behind the review of the Uppingham Neighbourhood Plan

### 1. Introduction

- 1.1 The original reason for reviewing the Neighbourhood Plan (NP) was to enable local determination of actual locations for new housing in Uppingham to meet the new dwelling requirement and employment land in the emerging Rutland Local Plan (LP).
- 1.2 In terms of timing, Rutland County Council (RCC) approved the pre-submission Local Plan to proceed to the formal Regulation 19 public consultation stage, but this was delayed due to the Covid-19 pandemic. However, it has now taken place running for 10 weeks between 27 Aug. and 6 Nov. RCC is currently considering the representations and it is likely that the LP will be submitted to the Secretary of State for an Examination in Public, to consider whether it meets the Tests of Soundness, early in 2021. A new LP may, therefore, be adopted later in 2021.
- 1.3 The NP review is an opportunity to run in parallel with the LP process, using consultation outcomes and evidence to inform any representations that the Town Council (TC) has made to ensure the best outcomes for the residents and businesses of Uppingham.
- 1.4 In terms of national guidance, there is a toolkit (see Section 4 Review & revision): <https://neighbourhoodplanning.org/toolkits-and-guidance/how-to-implement-monitor-and-review-your-made-neighbourhood-plan/> which includes a checklist of the factors to consider in whether to review a NP. This includes: Effectiveness, National Legislation & Policy, Local Policy, Local Circumstance & Evidence and Local Opinion. It states that the community and stakeholders should be engaged early on any proposed revision and feedback invited on what is required. Where a review will involve modifications that “*Materially affect the policies in the Neighbourhood Plan*”, the usual process/stages from Regulation 14 (Draft Plan Consultation) to Submission (Regulations 15 & 16) apply.
- 1.5 In addition to the emerging LP, there are, however, other reasons why the NP should be reviewed. These include:
- planned strategic growth elsewhere;
  - recent and proposed changes by the Government to the planning system in England;
  - measures to combat climate change, and
  - longer term changes arising from COVID-19 (e.g. working patterns and housing needs).
- Along with more detail of the LP review, each of these factors is considered below.

### 2 The Local Plan Review

- 2.1 In the emerging LP, there is an explicit reference to the need for a review of the NP at Paras. 4.13 and 5.13, which reads: “*The Uppingham Neighbourhood Plan, was made part of the Development Plan in January 2016 and covers the period to 2026. The Neighbourhood Plan allocated sites for housing and employment development. As this new Local Plan extends the plan period to 2036, additional housing and employment land will need to be allocated in Uppingham to meet the needs of the town for the extended plan period. The Neighbourhood Plan identified land to the west and north of Uppingham as the most desirable direction for future growth, however the*

*Neighbourhood Plan group have committed to review their plan to bring it into conformity with the new Rutland Local Plan and will therefore make appropriate additional allocations to meet the housing and employment needs for the town as set out in this plan.” and “The allocations in the Uppingham Neighbourhood Plan only address development needs to 2026. As this new Local Plan extends the plan period to 2036, additional housing and employment land will need to be allocated in Uppingham. The Uppingham Neighbourhood Plan Group has indicated its intention to review the Neighbourhood Plan and to make additional allocations to meet the housing and employment need identified for the parish. Therefore, no additional sites are allocated within this Local Plan for Uppingham.”*

2.2 Policy H1 (Sites for residential development) specifies a requirement of 200 new dwellings for Uppingham and states that: *“\*It is expected that the Neighbourhood Plan body will work in partnership with the Council to identify suitable, sustainable locations for a minimum of 200 new additional homes over the Local Plan period. Should the Neighbourhood Plan not do this within the first three years of the Local Plan being adopted, the Local Plan will make any required allocations through its first review.”*

### **3 Planned strategic growth elsewhere**

3.1 Through traffic, especially externally generating commuting and HGVs on the A6003 is a longstanding and legitimate concern of the town council, local residents and businesses in Uppingham. Planned strategic growth at Kettering and Corby and in Rutland related to the proposed St George’s new settlement will increase traffic in Uppingham and this may legitimately be considered in the NP review.

### **4 Changes to the planning system in England**

4.1 These are both actual (short term) and potential (longer term). Changes to the way in which housing requirements are calculated and whether zoning rather than site allocation apply may affect the way in which the LP review is addressed and impact on housing numbers. However, under proposed transitional arrangements\* there is an opportunity for a new LP to operate until around 2024/25 without a further review. For now, therefore, that may be set aside.

\* <https://lichfields.uk/blog/2020/september/18/the-local-plan-transition-from-the-nppf-2019-and-the-standard-method-to-a-new-white-paper-planning-system/>

4.2 The shorter-term changes, especially those related to Use Classes and Permitted Development, are of more immediate significance. LP and NP policies for shopping frontages will need to be reworded and possibly re-considered. The same will apply to those for conversion of buildings to residential use and extensions to such properties.

4.3 It is possible that the proposed changes will have a more fundamental impact on Neighbourhood Planning. Proposal 9 in the Planning for the Future White Paper States: *“NPs should be retained as an important means of community input, and we will support communities to make better use of digital tools.”* The Minister for Housing has recently commented that: *“Government is committed to retaining neighbourhood planning as an*

*important part of the planning system. Indeed, by placing community engagement at the beginning of the planning process, we want to ensure people across the country are more involved in shaping their local environment than before. As part of this we will want to consider whether the content of NPs should become more focused to reflect proposals for Local Plans, as well as the opportunities offered by digital tools and data to support their development and improve accessibility for users.” See:*

<https://www.gov.uk/government/publications/notes-on-neighbourhood-planning-edition-25/notes-on-neighbourhood-planning-edition-25> There is a possibility that the role of NPs will be diminished if influence over the location of new housing is reduced. However, financial incentives to prepare and implement NPs, including development related funding, are likely to remain.

4.4 Details of the recent and proposed changes are contained in Appendices 1 and 2.

## **5 Measures to combat climate change**

5.1 Government Guidance (see: <https://www.gov.uk/guidance/climate-change>) emphasises the important role that planning will play in addressing the impact of climate change. However, a statement issued in 2015 said: *“From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development; the government has now withdrawn the code.”*

5.2 There is some conflict between government actions and a statement that: *“LPAs can set energy performance standards for new housing that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes,”* but it is unclear whether or not NPs can apply binding standards in this way. For policies requiring different standards to be acceptable, technical evidence would be needed to demonstrate that requirements are feasible and economically viable. A guidance note (Low-carbon neighbourhood planning – Feb. 2020) ... concludes that *“...we would only recommend developing these policies if your council’s policies are inadequate and if you are prepared to be challenged.”*

5.3 Building Regulations are evolving, and Government measures will continue to require transport, construction and the way in which we conduct our lives to address climate change. Whilst it is always arguable that more should be done, it is not always productive to use vehicles such as NPs to force issues which fall outside their legal remit, for example, to apply higher standards of sustainable construction. It can be detrimental to a NP when speculative policies are simply struck out at examination.

5.4 However, there are many measures to address climate change which can legitimately be included in NPs, including, but not exclusively limited to, the following:

- Site selection criteria which favour sites on/close to public transport and those which have active travel option( walking and cycling) to shops, schools and places of work.
- Layout and design of new housing to maximise solar gain and sustainable drainage.
- New homes, shops, businesses and car parks to include electric vehicle charging points.
- New homes to include flexible spaces to promote home-working.
- Providing, protecting and improving open spaces and footpaths.

## **6 Longer term changes arising from COVID-19**

6.1 It is possible that the flexibility for opening hours, takeaways, outside dining structures etc. in the hospitality sector will be retained and that the planning controls on such uses will be reduced. In Uppingham, this may require reconsideration of town centre and shopping frontage policies.

6.1 In addition, some of the behavioural changes required during 2020, and continuing into 2021, may lead to policy shifts which should be addressed in NPs, for example:

- Provision for home working and shared local workspaces.
- Online shopping, leading to further increases in warehousing, logistics and delivery.
- A reduced willingness for people to use public transport.
- A need for good quality, safe and accessible local open spaces and countryside access.
- Hospitality businesses, previously built on intimacy, may need more floorspace.

## **7 Monitoring and Implementation**

7.1 The existing NP does not have a dedicated chapter or section on monitoring and implementation, albeit that there is relevant and interesting material with the main text about how particular projects will be pursued. The discussion with the Advisory Group and the Theme Leaders, held as part of this commission, have shown that the TC, Uppingham First and the Advisory Group business undertake extensive liaison with residents, business and other interest groups. The regular meeting with landowners and developer on the progress of housing sites are of note. The intention is to maintain this activity and to record progress. It could be included in a short additional section on Implementation and Monitoring. This could also include the systematic monitoring of the outcomes of planning applications, town centre and other surveys.

7.2 This section could also cover those projects and proposals which, although they are not planning proposals, will form part of the new NP. In particular, reference can be made to how funding may be directed or obtained to achieve these projects, including developer contributions, CIL, partnership work, the capital programmes of other organisations and external funding bids (e.g. Lottery or Charitable Trust funds).

7.3 A commitment to systematic monitoring of the NP can help to add weight to arguments that the TC may wish to make for grant applications and cumulatively the data obtained will be helpful in informing any further/future reviews.

7.4 Appendix 3 is an example of a “Monitoring, Implementation and Review” from another “Made” NP. Whilst this concerns a village rather than a market town, the principles of the approach could be applicable to Uppingham.

## **8 Recommendations for approaching the NP review**

8.1 It is possible that RCC regards the NP review as justified primarily (possibly exclusively) on the need to identify additional sites to meet the new LP housing requirement. It is good that work over the last 12 months, including a recent Call for Sites, has sought to address this need. However, based on several factors, (good practice, changing

legislation, societal needs and an entirely legitimate desire by Uppingham TC to maximise the benefits of Localism), there is a clear justification for the NP review to be wider.

8.2 It is acceptable, under guidance and legislation, to undertake work and move directly to consultation on a Draft Plan (Regulation 14). However, it is suggested that a short “Issues and Options” type consultation early in 2021 (subject to the Covid-19 situation) would be beneficial. Such a consultation could be undertaken over 3 weeks, focused on a web based survey/questionnaire with a community drop-in session (Covid-19 permitting) but it should also include wider stake holder involvement and external consultation. By way of example, a limited number of key questions might include:

- Thoughts on a revised vision and key objectives?
- In 2021 (as opposed to 2014) what are the key issues for the NP to address?
- We need to accept more new housing, but what key features you would like to see?
- What are the key improvement that should be promoted in an updated NP?

8.3 It will also be necessary to undertake consultation on site assessment and selection which will also need to include all interested parties (residents, landowners, developers and external consultees). There is a comprehensive Locality toolkit (How to assess and allocate sites for development), see: <https://neighbourhoodplanning.org/toolkits-and-guidance/assess-allocate-sites-development/>

8.4 The above will enable the Town Council to have confidence on support for the NP and to identify/address any points of opposition to it. Assuming that the two consultations can be completed in the first half of 2021, it would then be possible to focus attention on a full Draft Plan (including a formal 6 week consultation) to enable submission by the end of the year. Examination, the referendum and adoption/making should then occur in the first half of 2022. This timetable should sit well with that for the Local Plan, enabling maximum local influence on the approach that document takes to Uppingham and creating more (local) certainty on new housing locations and other key issues.

## **(Lewis Silkin notes 5/10/20). Overview of planning changes 2020 (England)**

### **Covid-19**

Changes to the planning system were introduced through the *Business and Planning Act 2020* which received Royal Assent on 22 July 2020. The Act included a range of measures to help businesses adjust to new ways of working as a result of Covid-19. These included:

a) *Pavement licences*: a new streamlined procedure enabling businesses serving food and drink to apply for a temporary pavement licence.

b) *Construction hours*: a fast track application process for the temporary variation of planning conditions relating to construction site working hours.

c) *Time extensions*: provision to allow the commencement period for certain unimplemented planning permissions and listed building consents to be extended. This is to ensure relevant permissions and consents are still extant, enabling development to commence following delays caused by Covid-19.

d) *Remote meetings*: amendment to the *Coronavirus Act 2020* which provides that regulations can make provision relating to requirements for local authorities to hold meetings, the timing and frequency of such meetings, the places at which such meetings must be held, and the way in which people may attend, speak and vote.

e) *Pubs The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 (SI 2020/330)* took effect on 24 March 2020. This relaxed PDRs to allow pubs and restaurants to operate as hot food takeaways for a period of 12 months during the coronavirus outbreak. This applies between 24 Mar 2020 and 23 Mar. 2021.

***Upward extensions The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020*** came into force on 1 August 2020 and introduced a new permitted development right, Class A allowing for the construction of up to 2 storeys to create new flats on the topmost residential storey of a building which is an existing purpose-built, detached block of flats. The new PDR contains limitations and conditions on how it will operate and is subject to prior approval.

*The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020* came into effect on 31 August 2020. It introduces new PDRs for upward extensions of existing homes and the new homes above certain other types of building. It contains limitations and conditions on how it will operate and is subject to prior approval.

***Demolition and Rebuild The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020*** came into effect on 31 August 2020. Article 4 of the 2020 Order adds a new class ZA to the GDPO 2015 Order, dealing with demolition of buildings and construction of new dwelling houses in their place. To fall within the scope of the new PDR, the building that is to be demolished must have been built before 1 January 1990, be vacant, redundant and free-standing and fall within the Class B1(a) offices, B1 (b) research and development, B1 (c) industrial processes (light industrial), and freestanding purpose-built residential blocks of flats (C3) use classes on 12 March 2020. The PDR is subject to prior approval and the buildings must have been vacant for at least six months prior to the date of the application for prior approval.

***Temporary use and markets The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020*** extend the ability to

carry out a temporary change of use for up to 28 days without planning permission. The new Regulations create a second temporary period of 28 days available until 31 December 2020 as well as an additional 14 days for the holding of a market or motor car and motorcycle racing including trials of speed and practising for these activities. The Regulations also introduce a new PDR to allow a local authority to hold a market for an unlimited number of days without the requirement to submit an application for planning permission from 25 June 2020 to 23 March 2021.

### **Longer term proposed reforms**

#### ***Planning Changes Consultation Paper***

*Changing the standard method of assessing housing need.* The current method sets a baseline using a 10-year average of the 2014 national household growth projections. This is then adjusted based on affordability with a 40% cap to limit the increases an individual local authority can face. The Government's proposes a revised method geared towards delivering a number nationally that is consistent with the commitment to plan for the delivery of 300,000 new homes a year. To achieve this, they will introduce a new element into the standard method, a percentage of existing housing stock levels, which takes into account the number of homes that are already in an area. The Government also proposes to introduce an affordability adjustment that takes into account changes over time and to remove the cap.

*First Homes* The Government has developed a new home-ownership affordable housing tenure, First Homes which will secure a 30% discount on market price. The intention is to amend the NPPF to require a minimum of 25% of all affordable housing units for any development to be secured through developer contributions as First Homes.

*SMEs – raising threshold for affordable housing* The proposal is to raise the affordable homes threshold from sites of 10 or more units or less than 0.5 hectares to up to either 40 or 50 new homes through changes to the NPPF. This would be available for a limited period of 18 months.

*Planning in Principle* The Government proposes to remove the restriction in the current Permission in Principle regulations on major development. The existing restrictions in the Permission in Principle Regulations relating to EIA and Habitats requirements will remain.

#### ***Planning for the Future (White Paper)***

*New Role for Local Plans* The Government plans to alter the role of local plans with the focus being site or area-specific requirements, including broad height limits, scale and/or density limits for relevant "zoned" land (see below re 'zoning').

Local authorities would also play a role in producing design guides and codes to reflect local character and preferences about the form and appearance of development. These would probably be produced on a 'twin track' with the Local Plan.

Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the local plan adoption process (approx. 30 months).

Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

*Digital technology* The Government hopes that greater use of digital technology will make decision-making faster and more certain. The established time limits of eight or 13 weeks for determining an application from validation to decision will become firmed deadlines.

*Zoning* The White Paper proposes simplifying the role of land use plans. This will involve local plans identifying three types of land: (i) Growth areas suitable for substantial development (ii) Renewal areas suitable for some development such as 'gentle densification' and (iii) and areas that are Protected where development will be restricted.

*CIL and S106* It is proposed that the Community Infrastructure Levy and s106 obligations will be replaced by a single "Infrastructure Levy". This would be charged as a fixed proportion of the development value above a threshold with a mandatory nationally-set rates. The new levy would include the provision of affordable housing. The scope of the Infrastructure Levy may be extended to cover permitted development rights.

*Build Out - Design Codes and Guidance* The NPPF will be amended to emphasise that masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types by different builders which allow more phases to come forward together. It is expected that design guidance and codes will be prepared locally with community involvement and will be made more binding within planning decisions.

A body will be set up a body to support the delivery of provably locally-popular design codes and each authority will be required to have a chief officer for design and place-making. The Government wants to introduce a fast-track for 'beauty' through changes to national policy and legislation.

*Environment* The NPPF will be amended to provide a "quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England". The Government also wants to make improvements in the energy efficiency standards for buildings to help deliver the UK commitment to net-zero by 2050.

*Heritage* NPPF policies for listed buildings and conservation areas will be reviewed and amended to ensure their significance is conserved while allowing sympathetic changes to support their continued use and address climate change.

*Resources* In order to develop and implement the reforms, the Government will develop a comprehensive resources and skills strategy for the planning sector.

## Appendix 2. Planning Portal - Changes to Use Classes from 1 September 2020

[https://www.planningportal.co.uk/info/200130/common\\_projects/9/change\\_of\\_use](https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use))

- From 1 September 2020, for purposes of Use Class, A1/2/3 & B1 to be treated as Class E
- For any planning applications submitted before 1 September 2020, the Use Classes in effect when the application was submitted will be used to determine the application.
- For any reference to Permitted Development Rights, and for restrictions to them or applications for Prior Approval, the Use Classes in effect prior to 1 September 2020 will be the ones used until the end of July 2021 (this is defined as the 'material period' in legislation so may be referred to as such).

### Class A is revoked from 1 September 2020.

- Class A 1/2/3 are effectively replaced with the new Class E (a,b,c)
- A4/5 uses **are not covered by** the new Class E and become defined as 'Sui Generis' It is included here for reference and use in specific situations where it remains valid.
- **A1 Shops** - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes
- **A2 Financial and professional services** - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies. It does not include betting offices or pay day loan shops - these are now classed as "sui generis" uses (see below)
- **A3 Restaurants and cafés** - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes
- **A4 Drinking establishments** - Public houses, wine bars or other drinking establishments (but not night clubs) including drinking establishments with expanded food provision
- **A5 Hot food takeaways** - For the sale of hot food for consumption off the premises.

**B1 Business is revoked from 1 September 2020. It is effectively replaced** with the new Class E(g). It is included here for reference and use in specific situations where it remains valid).

- **B1 Business** – Uses which can be carried out in a residential area without detriment to its amenity. **This class is formed of three parts:**
  - B1(a) Offices - Other than a use within Class A2 (see above)
  - B1(b) Research and development of products or processes
  - B1(c) Industrial processes

### Uses B2 and B8 remain valid.

- **B2 General industrial** - Use for industrial process other than one falling within class E(g) (*previously class B1*) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)
- **B8 Storage or distribution** - This class includes open air storage.

### **Class C is not affected by the 1 September 2020 changes.**

- **C1 Hotels** - Hotels, boarding and guest houses where no significant element of care is provided (excludes hostels)
- **C2 Residential institutions** - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres
- **C2A Secure Residential Institution** - Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks
- **C3 Dwellinghouses** - This class is formed of three parts
  - C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child
  - C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems
  - C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger
- **C4 Houses in multiple occupation** - Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

### **Class D is revoked from 1 September 2020.**

- D1 is split out and replaced by the new Classes E(e-f) and F1
- D2 is split out and replaced by the new Classes E(d) and F2(c-d) as well as several newly defined 'Sui Generis' uses.

It is included here for reference and use in specific situations where it remains valid.

- **D1 Non-residential institutions** - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non-residential education and training centres
- **D2 Assembly and leisure** - Cinemas, music/concert halls, bingo/dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports/recreations (except for motor sports, or where firearms are used).

**Class E (Commercial, Business and service) is introduced from 1 September 2020.**

In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e):

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
  - **E(c)(i)** Financial services,
  - **E(c)(ii)** Professional services (other than health or medical services), or
  - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
  - **E(g)(i)** Offices to carry out any operational or administrative functions,
  - **E(g)(ii)** Research and development of products or processes
  - **E(g)(iii)** Industrial processes

**Class F (Local Community and Learning) is introduced from 1 September 2020.**

In two main parts, Class F covers uses previously defined in the revoked classes D1, 'outdoor sport', 'swimming pools' and 'skating rinks' from D2(e), as well as newly defined local community uses.

- **F1 Learning and non-residential institutions** – Use (not including residential use) defined in 7 parts:
  - **F1(a)** Provision of education
  - **F1(b)** Display of works of art (otherwise than for sale or hire)
  - **F1(c)** Museums
  - **F1(d)** Public libraries or public reading rooms
  - **F1(e)** Public halls or exhibition halls
  - **F1(f)** Public worship or religious instruction (or in connection with such use)
  - **F1(g)** Law courts
- **F2 Local community** – Use as defined in 4 parts:
  - **F2(a)** Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres
  - **F2(b)** Halls or meeting places for the principal use of the local community
  - **F2(c)** Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)
  - **F2(d)** Indoor or outdoor swimming pools or skating rinks

**Sui Generis** 'Sui generis' is a Latin term that, in this context, means 'in a class of its own'. Certain uses are specifically defined and excluded from classification by legislation, and therefore become 'sui generis'. These are:

- theatres
- amusement arcades/centres or funfairs
- laundrettes
- fuel stations
- hiring, selling and/or displaying motor vehicles
- taxi businesses
- scrap yards, or a yard for the storage/distribution of minerals and/or the breaking of motor vehicles
- 'Alkali work' (any work registerable under the Alkali, etc. Works Regulation Act 1906 (as amended))
- hostels (providing no significant element of care)
- waste disposal installations for the incineration, chemical treatment or landfill of hazardous waste
- retail warehouse clubs
- nightclubs
- casinos
- betting offices/shops
- pay day loan shops
- public houses, wine bars, or drinking establishments – from 1 September 2020, previously Class A4
- drinking establishments with expanded food provision – from 1 September 2020, previously Class A4
- hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises) – from 1 September 2020, previously Class A5
- venues for live music performance – newly defined as 'Sui Generis' use from 1 September 2020
- cinemas – from 1 September 2020, previously Class D2(a)
- concert halls – from 1 September 2020, previously Class D2(b)
- bingo halls – from 1 September 2020, previously Class D2(c)
- dance halls – from 1 September 2020, previously Class D2(d)

Other uses become 'sui generis' where they fall outside the defined limits of any other use class. For example, C4 (Houses in multiple occupation) is limited to houses with no more than six residents. Therefore, houses in multiple occupation with more than six residents become a 'sui generis' use.

## Appendix 3 Example of “Monitoring, Implementation & Review” section from another NP

### 8 Implementation

8.1 This section outlines the approach to the implementation of the Mancetter Neighbourhood Plan, including working in partnership, funding mechanisms, priority projects and monitoring/review. The approach will be that new development should be supported by the timely delivery of infrastructure, services and facilities necessary to provide a balanced, self-sufficient community.

8.2 Mancetter Parish Council is committed to Localism and locally informed influence over planning decisions and it will be the key organisation in the implementation, monitoring and review of the Neighbourhood Plan. The Council will build upon its track record in engaging in planning decisions (reactively through consultation and proactively through promoting the policies of this plan) and by delivering related projects for the local community. It is recognised that partnership working is needed for the potential of the Plan to be realised.

#### Working in Partnership

8.3 Partnership and joint working will be key elements in the successful implementation of the plan. The main organisations and the roles that they can play are summarised below:

**North Warwickshire Borough Council.** Forward Planning & Economic Strategy,

Development Control, Housing, Open Spaces, Recreation and Community Facilities

**Warwickshire County Council.** Highways & Transport, Education, Landscape and Social Services. The County has stated that it cannot commit to the financial implications of proposals in Neighbourhood Plans. It will assist communities to deliver infrastructure if they receive funding from S106 Agreements/Community Infrastructure Levy or other sources.

**Adjoining Parish Councils.** Assessing impact of large scale planning applications.

**Natural England.** Natural England should be consulted on proposals affecting stated interests. The views of Warwickshire Wildlife Trust should also be sought.

**Sport England.** On assessments and strategies for indoor and outdoor sports delivery, including design in accordance with their design guidance notes.

**Environment Agency.** Reflecting a key principle to achieve sustainable development, the EA will be involved as a consultee on the following: flood risk management, water quality/resources, waste management, contamination and permits & other regulation.

**Businesses & landowners.** The Parish Council will seek early engagement on proposals in Mancetter or affecting the Parish. Particular attention will be focused on Mancetter Quarry.

**The Coal Authority.** The Neighbourhood Plan area lies within the current defined coalfield. Development High Risk Area Plans show recorded risks from past coal mining activity in the form of 10 mine entries, past surface mining, shallow coal workings, unrecorded shallow coal workings, thick coal outcrops and two surface hazards, in the east of the plan area.

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#### Funding and Implementation Mechanisms

8.4 Financial contributions will be sought from developers, through either S106 Agreements or, if it is introduced in North Warwickshire, the Community Infrastructure Levy (CIL) contributions to a level that adequately mitigates any impact on existing infrastructure and

contributes towards new local facilities, where additional need will be generated. Contributions for local community facilities gained through S106 Agreements or available CIL money will be focused on assisting the delivery of the specified projects as a priority.

8.5 In addition, the Parish Council will seek to influence annual and other budget decisions by the Borough and County Council’s on housing, open space and recreation, economic development, community facilities and transport, through the County Council Local Transport Plan, but subject to reduced budgets is acknowledged. The Parish Council will also work with the appropriate agencies and organisations to develop funding bids to help to achieve Neighbourhood Plan policies and objectives. This might include: The Lottery; UK Government programmes; EU Funds and LEP programmes.

### **Priority Projects**

8.6 The list of infrastructure projects below reflects local priorities. This should inform the spending of the Neighbourhood Portion of CIL, the negotiation of Section 106 agreements and priorities attached to relevant spending programmes and external funding bids, e.g.

- Environmental improvements.
- Countryside management and access to the countryside.
- Managing traffic associated with larger scale development in adjoining areas.
- Consideration will also be given to projects from other plans, strategies and projects prepared by the Parish Council or other partners which relate to local aspirations.

### **Monitoring and Review**

8.7 Mancetter Parish Council, supported by the Borough Council, will produce an annual monitoring report on the Neighbourhood Plan using a table listing each of the Neighbourhood Plan Policies, Proposal and Projects, as indicated below:

<b>Policy</b>	<b>Times used</b>	<b>In accordance</b>	<b>Against policy</b>	<b>Commentary</b>
<b>Proposal</b>	<b>Completed</b>	<b>In progress</b>	<b>Not yet started</b>	<b>Commentary</b>
<b>Project</b>	<b>Completed</b>	<b>In progress</b>	<b>Not yet started</b>	<b>Commentary</b>

8.8 The reports will include a listing of all planning applications in Mancetter and the decisions made on them and a schedule of approved development for new housing from conversions and single plots to larger sites. A narrative section will describe the extent that the Neighbourhood Plan has been successful in influencing planning decisions.

8.9 A more comprehensive review, including an assessment of how the Neighbourhood Plan objectives are being achieved, an update of statistics and review of the policy context, will be undertaken at five year intervals. In conjunction with the cumulative annual reports, this will inform any decision on whether a formal review of the Plan is necessary. It is expected that the Borough and County Council’s will support the monitoring of the NP by providing dedicated data for the plan area.