

**Subject: Marston Sicca Neighbourhood Plan Area Designation**

**Lead Officer: Matthew Neal**  
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**Lead Member**  
**Portfolio Holder: Councillor C Saint**

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### **Summary**

The report provides information on Neighbourhood Planning and its process. It recommends designating the revised Neighbourhood Plan Area as submitted by Marston Sicca Parish Council. This will enable the Marston Sicca neighbourhood development plan (NDP) to be prepared on the revised area, excluding the Long Marston Airfield site and the Meon Vale site.

### **Recommendation**

**That the revised Marston Sicca Neighbourhood Plan Area be designated as submitted in Appendix 1 and 2.**

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## **1. Background/Information**

- 1.1 The District Council received a revised Area Designation application submitted from Marston Sicca Parish Council on 7 November 2016 for the formal designation of a revised Marston Sicca Neighbourhood Plan Area. The Neighbourhood Plan Area does not comprise the entire Parish of Marston Sicca. A copy of the area application is attached to this report as **Appendix 1 and 2 (letter and map respectively)** which shows the sites known as 'Meon Vale' and 'Long Marston Airfield' to be specifically excluded from the area to be designated.
  - 1.2 An original Area Designation application was submitted to SDC by Marston Sicca Parish Council in September 2014 and approved at Cabinet on 10 February 2014. The first application was based on the Parish boundary minus the site known as 'Meon Vale'. This was due to the fact that the parish Council recognised Meon Vale was being dealt with through a separate planning process as a strategic site through the Core Strategy and did not consider it appropriate to include this site within the neighbourhood development area.
  - 1.3 The original application did include the part of the Long Marston Airfield site that is located within Marston Sicca Parish. However, the original area designation application acknowledged that the Airfield site was then under consideration by SDC as a possible further strategic site to be promoted through the Core Strategy. The Parish Council stated within their application letter that, should the Airfield site end up being included in the adopted version of the Core Strategy, the parish Council "would not address strategic planning matters on this site under any neighbourhood plan".
  - 1.4 Following the adoption of the Core Strategy, with Long Marston Airfield listed as one of the Strategic Sites for the Plan Period, Marston Sicca
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Parish Council has now applied to amend the designated area on which the NDP will be prepared, by omitting the Long Marston Airfield site as well as the Meon Vale site.

## **2 What is a Neighbourhood Plan?**

2.1 Once adopted, a NDP will form part of the statutory Local Plan for the area. Consequently, the Local Planning Authority is required to make decisions in accordance with the Neighbourhood Plan, unless material considerations indicate otherwise; in the same manner by which it makes decisions in accordance with the Development Plan. A NDP is therefore a significant planning document, which may be prepared by a Town or Parish Council, or combination of parishes, (or Neighbourhood Forum in non-parished areas) with the local communities. The NDP is able to set out policies on development and planning policies in response to local issues. A NDP is required to be in general conformity with the Development Plan policies and the National Planning Policy Framework.

2.2 There are a number of key procedural stages involved in the Neighbourhood Planning process. These include the following:

- Designation of a Neighbourhood Plan Area
- Presubmission consultation and publicity of the Neighbourhood Plan
- Submission of the Plan to the Local Planning Authority
- Consideration of the Plan by the Local Planning Authority relating to its conformity with the Development Plan
- Consideration of the Plan by an Independent Examiner
- Referendum of the local community
- Adoption of the Neighbourhood Plan if it meets the Basic Conditions.

## **3. Designation of a Neighbourhood Plan Area**

3.1 The designation of a Neighbourhood Plan Area is the first formal stage in the plan making process.

3.2 The Neighbourhood Planning (General) Regulations 2012 requires that a valid application for a Neighbourhood Plan designation includes the following information;

- A map which identifies the area to which the area application relates;
- A statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area, and;
- A statement that the organisation or body making the area application is a relevant body for the purposes of Section 61G of the Town and Country Planning Act 1990 (as Amended).

3.3 The new application contains a map which shows the proposed revised Neighbourhood Plan Area excluding the two strategic development sites mentioned earlier in this report. Marston Sicca Parish Council qualifies as a relevant body to submit an area application to the Local Planning Authority.

3.4 The area application also includes a statement to explain why the revised area is considered appropriate as a Neighbourhood Area. The Parish Council states that:

- *"We consider our Parish Boundary is not appropriate in this case as it would encompass two sites which we feel should not be included. The first site, known as Meon Vale and is also referred to as the "Army Depot". This huge*
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*site is already controlled under the existing Masterplan and so it would not be appropriate to include this in any Neighbourhood Plan. The second site we refer to is known as Long Marston Airfield. Following the adoption of the Core Strategy, this area has been approved as a strategic site for residential development so will have its own planning controls etc in place and we feel should not be included in our Neighbourhood Plan.”.*

- 3.5 Through The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, there is still a requirement to publicise area designation applications if the area specified in the application does not encompass the entire Parish area. In such cases, the Regulations state that designations must be made within 13 weeks of the submission of the application.
  - 3.6 Seven consultation representations were received in response to the revised area application. The Coal Authority, Sport England, Natural England and the Canal & River Trust had no comments to make. Historic England had no objections and Warwickshire County Council had no observations. Finally, National Grid confirmed that 2 no. high pressure gas transmission pipelines and 1 no. high pressure gas distribution powerline fell within the neighbourhood area boundary but did not raise objections to the designation of the area. All responses have been forwarded to Marston Sicca Parish Council for their records.
  - 3.7 When determining an area application, the Council is required to consider how desirable it is to designate the whole of the Parish Area as a Neighbourhood Area; to maintain the existing boundaries of areas already designated as Neighbourhood Areas; and to consider whether it is appropriate to designate the area as a business area in accordance with Section 61G and H of the Town and Country Planning Act (TCPA) 1990.
  - 3.8 To assess the appropriateness of any proposed Neighbourhood Area, the Local Planning Authority must ensure that Neighbourhood Areas are coherent, consistent and appropriate in planning terms. As well as considering consultation representations, other factors may be taken into account. These may include the following:
    - Any natural or man-made features (such as rivers or mountains, roads, railway lines or canals);
    - Catchment areas for current and planned infrastructure and services (e.g. schools);
    - Development proposals and allocations and environmental designations.
  - 3.9 Consideration should be given to whether there would be any overlapping of Neighbourhood Plan Areas. Since the proposed area comprises only part of the parish, there would be no overlapping with adjacent neighbourhood boundaries.
  - 3.10 Section 61H of the TCPA 1990 states that in deciding to designate a Neighbourhood Area, Local Authorities should consider that the area is wholly or predominantly business in nature. Given that the proposed area will still comprise a large part of the Parish, it would not be appropriate to designate it as a business area.
  - 3.11 This application relates to the Parish area, minus the two strategic development sites of Meon Vale and Long Marston Airfield which accords with advice from Locality that suggests strategic sites do not need to be included within neighbourhood plan areas. This approach is consistent with the Parish Council’s original area designation application in 2014 and since
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the area applied for would not overlap with any other neighbourhood boundaries, to designate the revised area set out in this new application would appear to be logical.

#### **4. Options available to the Leader of the Council**

4.1 The following options are available in relation to the Marston Sicca NDP:

##### **Option 1**

To approve the revised Marston Sicca Neighbourhood Plan Area so that it may be designated as such, and enable further development of the Marston Sicca neighbourhood plan.

##### **Option 2**

To refuse the revised Marston Sicca Neighbourhood Plan Area and publish a notice of its refusal on the District Council's website in line with the Neighbourhood Planning (General) Regulations 2012.

#### **5. Ward Members' Comments**

5.1 At the time of writing the report, no comments had been received from Councillor Peter Barnes in respect of the proposed Marston Sicca Neighbourhood Plan Area designation application.

#### **6. Implications of the Proposal**

##### **6.1 Legal/Human Rights Implications**

6.1.1 The Localism Act 2011 places a legal requirement on the District Council to assist and support local communities in the preparation of NDPs.

6.1.2 NDPs must however be compatible with EU obligations and Human Rights requirements together with such plans having regard to national planning policy and be in general conformity with strategic policies in the development plan for the area.

6.1.3 The District Council is under a duty to bring them into force, following examination of the NDP by an independent qualified person, confirming that conditions in 6.1.2 have been met and thereafter such plans have been passed by a Local Referendum.

##### **6.2 Financial**

6.2.1 The Department of Communities and Local Government has provided funding to Local Authorities, to enable them to fulfil their statutory duty to 'assist and support' local communities in the preparation of NDPs. Any additional costs will be met within existing resources.

##### **6.3 Environmental**

6.3.1 NDPs are not required to carry out the type of sustainability appraisal necessary for a Development Plan Document as required by the Town and Country Planning Act 2004. There may be the need to carry out a Strategic Environmental Assessment (SEA) depending on the content of the Neighbourhood Plan. Local Planning Authorities are advised to undertake an early SEA screening of the plan to determine whether it is required. However, it is not required for the consideration of an area application.

##### **6.4 Corporate Strategy**

6.4.1 The designation of a Neighbourhood Area is the first formal step in the production of a NDP. As such, it will contribute towards Aim One 'Addressing Local Housing Need' and Aim Three 'Improving Access to Services' of the Stratford-on-Avon District Council's Corporate Strategy.

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Through the preparation of a NDP for the Parish of Marston Sicca, its residents may have more influence over development and decisions that affects their area.

6.5 ***Analysis of the effects on Equality***

6.5.1 No issues identified.

**7. Risk Assessment**

7.1 Government guidance produced by the Planning Advisory Service states that unless there are valid planning reasons, Local Authorities should approve Area applications. If the Council decides to refuse the application, it must publish its decision and statement of reasons. Any decision to refuse the Area application should be founded on robust reasoning or the Council would be subject to a legal challenge.

**8. Conclusion**

8.1 A revised Area Designation application has been submitted by Marston Sicca Parish Council for the designation of the Parish of Marston Sicca, minus the strategic development sites of Meon Vale and Long Marston Airfield as a Neighbourhood Plan Area by the District Council. This is the first formal stage in the neighbourhood planning process and if adopted, it will enable the further development of the Marston Sicca neighbourhood plan.

Dave Webb  
EXECUTIVE DIRECTOR

