

18 February 2016

**Subject:** Loxley Neighbourhood Plan Area Designation

**Lead Officer:** Matthew Neal  
*Contact on 01789 260320*

**Lead Member  
Portfolio Holder:** Councillor C Saint

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### Summary

The report provides information on Neighbourhood Planning and its process. It summarises the consultation representations received in relation to the proposed Loxley Neighbourhood Development Plan (NDP) and recommends designating the Neighbourhood Plan Area as submitted by Loxley Parish Council. This will enable the formal preparation of the Loxley NDP.

### Recommendation

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

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## 1. Background/Information

1.1 The District Council has carried out consultation on the area application submitted by Loxley Parish Council for the formal designation of a Loxley Neighbourhood Plan Area. The Neighbourhood Plan Area comprises Loxley Parish. A copy of the area application is attached to this report as **Appendix 1 and 2 (letter and map respectively)**.

## 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
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- Consideration of the Plan by an Independent Examiner
- Referendum of the local community
- Adoption of the Neighbourhood Plan if 'sound'.

### **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 application contains a map which shows the proposed Neighbourhood Plan Area. Loxley Parish Council qualify 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 area is considered appropriate as a Neighbourhood Area. Loxley Parish Council states that:
- *"The Area Designation for the Parish of Loxley is proposed to be consistent with the existing parish boundary. The proposed name of the Plan will be the Loxley Neighbourhood Plan. The intention is that this Plan will accord with the provisions of the Localism Act, the National Planning Policy Framework, saved policies of the current Local Plan and the emerging Core Strategy for the District.*
  - *A map showing the area delineated by the parish boundary for Loxley, which is the area to which this application relates, is appended to this application. The area covered by this application is the whole of the parish and does not intrude into any adjoining parish. We consider this boundary in its entirety to be appropriate to define the Neighbourhood Plan Area.*
  - *It is recognised that there will be a need to consult with adjacent parishes on appropriate matters where there is a mutual interest, but it is not intended to include any part of neighbouring parishes in the defined area".*
- 3.5 Consultation has been carried out on the proposed area application in line with the Neighbourhood Planning (General) Regulations 2012. The consultation period commenced on 14 January 2016 and finished on 12 February 2016.
- 3.6 The consultation was carried out by publishing a copy of the area application on the District Council's website. A public notice was placed in the Stratford Herald and the Stratford Observer. In addition, an email notification was sent to all stakeholders and interested parties, in accordance with Schedule 1 of the Neighbourhood Planning (General) Regulations 2012. A copy of the area application and the public notice were also displayed in the Stratford-upon-Avon library and in the District Council offices. Furthermore, laminated copies of the proposed area map and public notice were also sent out to the Parish Council, for distribution in the village by the Loxley Neighbourhood Plan Steering Group. A press release was also sent to the radio station Touch FM.
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- 3.7 Twelve consultation representations were received in response to the area application, six from consultees and six from local residents. The Coal Authority, Sport England, Warwickshire Police and Natural England had no comments to make; The Inland Waterways Association supported the application and Historic England had no objections. All six representations from local residents were in support of the preparation of a neighbourhood plan. All responses have been forwarded to the Loxley Neighbourhood Plan Steering Group for their records.
- 3.8 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.
- 3.9 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.
- 3.10 Consideration should be given to whether there would be any overlapping of Neighbourhood Plan Areas. The proposed area comprises the existing parish boundary, so there would be no overlapping with adjacent neighbourhood boundaries.
- 3.11 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 comprises the existing Loxley Parish, it would not be appropriate to designate it as a business area.
- 3.12 Government guidance from the Planning Advisory Service states that unless there are valid planning reasons, Local Planning Authorities should approve area applications.
- 3.13 This application relates to the entire Parish area, consistent with all other neighbourhood areas applied for within Stratford-on-Avon District. Since the area applied for does not overlap with any other neighbourhood boundaries, to designate the entire Parish as the neighbourhood area would be logical.

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

- 4.1 The following options are available in relation to the Loxley NDP:

##### **Option 1**

To approve the Loxley Neighbourhood Plan Area so that it may be designated as such, and enable the further development of the Loxley NDP.

##### **Option 2**

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To refuse the Loxley Neighbourhood Plan Area designation and to 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, Councillor Philip Seccombe had not provided any comments on the Loxley 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. Through the preparation of a NDP for Loxley, 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.
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## **8. Conclusion**

- 8.1 An Area application has been submitted by Loxley Parish Council for the designation of the Parish of Loxley 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 Loxley NDP.

Paul Lankester  
CHIEF EXECUTIVE

