

Subject: Beaudesert & Henley-in-Arden Neighbourhood Development Plan – Pre-submission consultation responses

Lead Officer: Matthew Neal
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**Lead Member
Portfolio Holder:** Councillor D Pemberton

Summary

This report and associated schedule of significant comments at **Appendix 1** provides the basis for the District Council's corporate response to the Regulation 14 'pre-submission' consultation undertaken by Beaudesert & Henley-in-Arden Joint Parish Council in respect of the Beaudesert & Henley-in-Arden Neighbourhood Development Plan 2011-2031 (NDP). A further schedule of minor comments comprising typographical, presentational and specific wording amendments has also been prepared and will be sent alongside the significant comments in Appendix 1, to the Parish Council for consideration.

The Cabinet is asked to endorse the significant comments set out in **Appendix 1** in order to inform the Parish Council (as Qualifying Body) of the District Council's formal reply to the draft Plan.

Recommendation

That the schedule of significant comments at Appendix 1 be endorsed and submitted to the Beaudesert & Henley-in-Arden Joint Parish Council as the formal response to the pre-submission consultation process associated with the Draft Beaudesert & Henley-in-Arden Neighbourhood Development Plan provided at Appendix 2.

1. Background/Information

- 1.1 The District Council approved the area application submitted by Beaudesert & Henley-in-Arden Joint Parish Council for the formal designation of the Beaudesert & Henley-in-Arden Neighbourhood Area at The Cabinet meeting on 8 September 2014. A letter confirming the area designation was issued to the Parish Council on 9 September 2014.
 - 1.2 Since that time, the Neighbourhood Plan Steering Group, under the direction of the Parish Council (as the Qualifying Body as set out in section 38A (12) of the 2004 Act) has been working toward the production of a draft NDP through evidence gathering, consultation and the drafting of a suite of policies based on the vision and objectives of the local community.
 - 1.3 Prior to formal submission of the NDP to the District Council with a view to its Independent Examination, the Qualifying Body must first publicise it, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area; consult any consultation body
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referred to in paragraph 1 of Schedule 1 of The Neighbourhood Planning (General) Regulations 2012 (as amended) whose interests may be affected by the proposals for a neighbourhood plan; and send a copy to the Local Planning Authority. Details of the proposals for the NDP together with details of how and when to make representations on the NDP must also be published. This is known as the pre-submission consultation under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, as amended.

- 1.4 The Parish Council commenced their minimum six week pre-submission consultation/publicity period on their draft NDP on 23 January 2019 with an end date for comments of 13 March 2019.
- 1.5 Under the Constitution, there is a requirement to report the Authority's corporate response to Members for endorsement. The Parish Council (as Qualifying Body) has been made aware of the date of The Cabinet meeting at which the Council's response is to be discussed.
- 1.6 Since the Parish Council is responsible for administering this pre-submission consultation process, the District Council remains merely a consultee on the draft NDP at this stage.
- 1.7 The significant comments received from the various Council Services are set out in the attached **Appendix 1**. A further schedule of minor comments comprising typographical, specific wording amendments and presentation issues has been prepared and will be sent to the Parish Council alongside the significant comments as set out in **Appendix 1** as the District Council's formal response.

2. Options available to The Cabinet

- 2.1 The following options are available:

Option 1:

To endorse the significant responses to the pre-submission consultation process, either as drafted or subject to minor changes and forward to the Qualifying Body for consideration.

Option 2:

To request that further work be done to revise the formal response prior to being reported back to The Cabinet for endorsement.

Option 3:

To decide that it would be inappropriate to submit the responses to the Qualifying Body.

3. Evidence Base

- 3.1 The schedule of significant officer comments at **Appendix 1** to this report is proposed to be the District Council's formal response to the Regulation 14 pre-submission consultation on the Beaudesert & Henley-in-Arden Neighbourhood Development Plan, along with the separate schedule of minor comments. The comments, if endorsed, will help inform the submission version of the Plan.
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4. Members' Comments

- 4.1 The Portfolio Holder for Planning and Building supports the schedule of significant comments as the formal response to the pre-submission consultation process associated with the draft Beaudesert & Henley-in-Arden Neighbourhood Development Plan.
- 4.2 Ward Member: Councillor Stephen Thirlwell – No formal comments received, but verbal reporting of two minor typographical errors which have been incorporated into the schedule at Appendix 1.

5. Implications of the Proposal

5.1 *Legal/Human Rights Implications*

- 5.1.1 The Localism Act 2011 places a legal requirement on the District Council to assist and support local communities in the preparation of Neighbourhood Development Plans.
- 5.1.2 Neighbourhood Plans must 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.
- 5.1.3 The consideration, endorsement and publication of the responses to the pre-submission consultation process would constitute one element of the work being carried out by the District Council to fulfil its legal requirement to support local communities in the preparation of Neighbourhood Plans.

5.2 *Financial*

- 5.2.1 There are no direct costs arising from the recommendation within this report.

5.3 *Environmental*

- 5.3.1 Neighbourhood Plans 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. In addition, the need to carry out a Strategic Environmental Assessment (SEA) and/or a Habitats Regulation Assessment (HRA) on the content of the Beaudesert & Henley-in-Arden Neighbourhood Development Plan has been screened out and is therefore not required.

5.4 *Corporate Strategy*

- 5.4.1 The consultation responses will help the Parish Council (as Qualifying Body) produce robust and appropriate policies in their NDP, which itself will contribute towards two of the three main objectives of the Stratford-on-Avon District Council Corporate Strategy 2015-2019. Key Objective 2 (People and their Environment) relates, amongst other things, to the delivery of housing targets and landscape/environmental protection when considering new development. Key Objective 3 (Responsible Community Leadership) encourages, amongst other things, joint working between the Council and local communities to achieve benefits for residents.

5.5 *Analysis of the effects on Equality*

- 5.5.1 No issues identified.

5.6 *Data Protection*

- 5.6.1 There are no data protection implications arising from the recommendation of this report.

6. Risk Assessment

- 6.1 There is a risk that, without informing the Qualifying Body of potential areas of conflict with the strategic policies of the Core Strategy, the Neighbourhood Plan may not meet one of the 'basic conditions' that will be tested at the Neighbourhood Plan examination. The Council could therefore find itself in a position whereby it could not endorse the Neighbourhood Plan. The responses set out in the schedule at **Appendix 1** seek to provide assistance to the Qualifying Body in order to help prevent the scenario whereby a Neighbourhood Plan would fail to meet the basic conditions at Independent Examination.
- 6.2 If the schedule of comments is not agreed by Members at this meeting, this will delay forwarding the District Council's corporate response on the NDP to the Parish Council which in turn may delay the preparation of the NDP or lead to the District Council's comments not being taken into account.

7. Conclusion

- 7.1 The significant consultation responses as set out in the schedule at **Appendix 1** will provide the Qualifying Body with information and guidance to aid them in consideration of any potential amendments to their Neighbourhood Plan prior to formal submission to the Local Planning Authority. It is recommended that The Cabinet receives and endorses this schedule of significant responses which will help inform the further development of the Beaudesert & Henley-in-Arden Neighbourhood Development Plan.

Isabel Edgar Briançon
EXECUTIVE DIRECTOR

Background Papers:

None

REPORT INFORMATION SHEET

Please complete and submit to Committee Services with draft report

Committee/Date	The Cabinet 8 April 2019	
Item No/Title of report	Beaudesert & Henley-in-Arden Neighbourhood Development Plan	
Consultations undertaken		
Consultee	✓	Details / Date of consultation / comments received
Ward Members		Councillor Stephen Thirlwell – receipt of verbal comment re: two minor typographical errors in Appendix 1.
Committee Chairman/ Portfolio Holder * <i>*Required</i>		Councillor Daren Pemberton – e-mail confirmation that report and associated appendices were acceptable [14.03.19].
Financial Services * <i>*Required</i>		Sarah Pittaway – conformation of ‘no comments’ on the report received via e-mail [14.03.19]
Legal Services * <i>*Required</i>		Ross Chambers – confirmation of ‘no comments’ on the report received via e-mail [20.03.19]
Other Services		
Other organisations		
Final decision by this Committee or recommendation to another committee/Council ?		Final decision Recommendation to : The Cabinet / Council Committee <i>Delete as appropriate</i>
Does this report contain exempt information/Confidential? If so, under which paragraph(s) ?		No Yes, Paragraphs : <i>Delete as appropriate</i>
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)		No Yes, Forward Plan item – scheduled for (date) <i>Delete as appropriate</i>