

**Subject:** Brailes 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 Brailes Neighbourhood Plan and recommends designating the Neighbourhood Plan Area as submitted by Brailes Parish Council. This will enable the formal preparation of the Brailes Neighbourhood Plan.

### **Recommendation**

**That the Brailes 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 Brailes Parish Council for the formal designation of a Brailes Neighbourhood Plan Area. The Neighbourhood Plan Area comprises Brailes Parish. A copy of the area application is attached to this report as **Appendix 1 and 2**.

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

2.1 Once adopted, a Neighbourhood Plan 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 Neighbourhood Plan 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 Neighbourhood Plan is able to set out policies on development and planning policies in response to local issues. A Neighbourhood Plan 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
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- 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 '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. Brailes 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 area is considered appropriate as a Neighbourhood Area. Brailes Parish Council states that:
- We consider that our Parish boundary to be suitable and ideal to define the Neighbourhood Plan Area as it encompasses all of Brailes and Winderton and some isolated residences to which a Neighbourhood Plan would be important and is the same area used for the Parish's previous Parish Plans dated 2005 and 2012
- 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 6 February 2014 and finished on 21 March 2014.
- 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, Stratford Observer, Banbury Guardian and Cotswold Journal newspapers. 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 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 Brailes Neighbourhood Plan Steering Group. A press release was also sent to the radio station Touch FM.
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- 3.7 Five consultation representations were received in response to the area application. The Coal Authority, Network Rail and Mobile Broadband network had no comments to make. Inland Waterways supported the application and Sport England raised no objection and provided some generic guidance. All responses have been forwarded to the Brailes Neighbourhood Plan Steering Group.
- 3.8 When determining an area application, the Council is required to consider how desirable it is 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 Brailes 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.

#### **4. Options available to the Cabinet**

- 4.1 The following options are available in relation to the Brailes Neighbourhood Plan:

##### **Option 1**

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

##### **Option 2**

To refuse the Brailes 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.

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## **5. Members' Comments**

- 5.1 Cllr Philip Seccombe supports the proposed Brailes Neighbourhood Plan Area designation since the boundary is contiguous with the Parish boundary.

## **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 Neighbourhood Plans.
- 6.1.2 Neighbourhood Plans 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 Neighbourhood Plan 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 Neighbourhood Plans. Any additional costs will be met within existing resources.

### **6.3 *Environmental***

- 6.3.1 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. 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 Neighbourhood Plan. 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 Neighbourhood Plan for Brailes, 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
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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 An Area application has been submitted by Brailes Parish Council for the designation of the parish of Brailes 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 Brailes Neighbourhood Plan.

Paul Lankester  
CHIEF EXECUTIVE



## REPORT INFORMATION SHEET

Please complete and submit to Committee Services with draft report

Committee/Date	Cabinet on 16 June 2014	
Item No/Title of report	Brailes Neighbourhood Plan Area application	
<b>CONSULTATIONS UNDERTAKEN</b>		
<b>Consultee</b>	✓	<b>Details / Date of consultation / comments received</b>
Ward Members		Cllr Philip Seccombe
Committee Chairman/ Portfolioholder * <i>*Required</i>		
Financial Services * <i>*Required</i>		
Legal Services * <i>*Required</i>		
Other Services		
Other organisations		
Final decision by this Committee or recommendation to another committee/Council ?		Final decision Recommendation to The Cabinet
Does this report contain exempt information?  If so, under which paragraph(s) ?		No
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)		No