

Subject: **Stratford-upon-Avon Neighbourhood Plan Area Designation**

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

Summary

The report provides information on neighbourhood planning, summarises the consultation representations received on the Neighbourhood Plan Area consultation for Stratford-upon-Avon and recommends designating the Neighbourhood Plan Area as submitted by the Town Council. This will enable the formal preparation of the Stratford-upon-Avon Neighbourhood Plan.

Recommendation

That the Stratford-upon-Avon Neighbourhood Plan Area be designated as submitted in Appendix 1.

1. Background/Information

1.1 The District Council has carried out consultation on the area application submitted by Stratford-upon-Avon Town Council for the formal designation of Stratford-upon-Avon Neighbourhood Plan Area. The neighbourhood plan area comprises Stratford-upon-Avon parish (see **Appendix 1**). A copy of the area application is attached to this report as **Appendix 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 Local 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 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 Local 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 Plan
- Submission of the Plan to the Local Planning Authority

- Consideration of the Plan by the Local Planning Authority as to its conformity with the Local 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 an 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 Following the initial submission of Stratford-upon-Avon's Neighbourhood Plan Area application in January 2013, the area application has been amended. This is to reflect its parish boundary changes set out in the Community Governance Review report and approved at the Council's on 22 April 2013.
- 3.4 As the amended area application does not include any additional land within the proposed Stratford-upon-Avon Neighbourhood Plan Area boundary, it was considered that no further consultation would be necessary.
- 3.5 The application contains a map which shows the proposed neighbourhood plan area. Stratford-upon-Avon Town Council qualifies as a relevant body to submit an area application to the Local Planning Authority.
- 3.6 The area application also includes a statement to explain why the area is considered appropriate as a neighbourhood area. The justification provided states that 'Consideration was given to the possibility of excluding certain areas within the administrative boundary of Stratford-upon-Avon Town Council, such as Tiddington and Alveston, but this was dismissed on the basis that those communities would not be in a position to promote their own NDP because they fall within a parished area.
- 3.7 Instead these areas will be covered in the NDP with particular regard being given to these issues and pressures facing those communities. Old Stratford and Drayton Parish Council, as it existed, were involved in the initial discussions about the formulation of the NDP. At an early stage they were voted in favour of joining Stratford-upon-Avon Town Council in formulating a joint NDP.
- 3.8 Their main reasons for choosing to join Stratford Town Council were based on geography, the existing interconnection and relationship between the two parishes and the lack of resources for Old Stratford and Drayton to formulate their own plan. Many of the issues facing the town and responses to those pressures affect the parish of Old Stratford and Drayton. It is for this reason that it was felt appropriate that the two parishes jointly formulate a joint NDP.

- 3.9 However, following the recent boundary review the neighbourhood area has been amended to align itself with the newly defined parish of Stratford-upon-Avon Town Council which incorporates a significant proportion of the former Old Stratford and Drayton parish.'
- 3.10 Consultation has been carried out on the proposed area application in line with the Neighbourhood Planning (General) Regulations 2012. The consultation period commenced on 8 October 2012 and finished on 7 December 2012.
- 3.11 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 Stratford Midweek newspapers, and displayed on the Stratford Business Improvement District Business website. In addition, an email notification was sent to all stakeholders and interested parties using the planning policy consultation database, in accordance with Schedule 1 of the Neighbourhood Planning (General) Regulations 2012. Twenty laminated copies of the proposed area map and public notice were also sent out to the Town Council for distribution in the town by the Stratford-upon-Avon Neighbouring Plan Group.
- 3.12 Eight consultation representations were received in response to the area application. All of the representations have expressed support for the Stratford-upon-Avon Neighbourhood Area. The statutory consultees comprising Natural England, Environment Agency and English Heritage have raised no objections and provided some guidance. All responses have been forwarded to the Stratford-upon-Avon Neighbourhood Plan Steering Group.
- 3.13 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.
- 3.14 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.
- 3.15 There would be no overlapping of neighbourhood areas, as the Stratford-upon-Avon Neighbourhood Plan is the first to be submitted in this part of the district.
- 3.16 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. Since the two parishes comprise a mixture of development types, it would be inappropriate to designate the Stratford-upon-Avon Neighbourhood Plan Area as a business area.

- 3.17 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 Stratford-upon-Avon Neighbourhood Plan:

Option 1

To approve the Stratford-upon-Avon Neighbourhood Plan area so that it may be designated as such, and enable the further development of the Stratford-upon-Avon Neighbourhood Plan.

Option 2

To refuse the Stratford-upon-Avon 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. Members' Comments

- 5.1 Cllr Peter Moorse has expressed support for the proposal. Cllr Chris Saint has provided the following comment 'a neighbourhood plan for Stratford-upon-Avon is essential. I am delighted that we now appear to be able to make progress to establish a designated 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 applicable conditions in the Regulations are 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.

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 Stratford-upon-Avon, 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 An area application has been submitted by Stratford-upon-Avon Town Council for the designation of the parishes of Stratford-upon-Avon and Old Stratford and Drayton 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 Stratford-upon-Avon Neighbourhood Plan.

Paul Lankester
CHIEF EXECUTIVE