

PORTFOLIO HOLDER DECISION

28 November 2019

Subject: Gaydon Neighbourhood Plan - Area Designation

Lead Officer: Eva Neale
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**Lead Member
Portfolio Holder:** Councillor D Pemberton

Summary

The report provides information on Neighbourhood Planning and its process. It recommends designating the Neighbourhood Plan Area as submitted by Gaydon Parish Council. This will enable the Gaydon Neighbourhood Development Plan (NDP) to be prepared on the Parish area.

Recommendation

That the Gaydon Neighbourhood Plan Area be designated as submitted in Appendix 1.

1. Background/Information

- 1.1 The District Council received an Area Designation application submitted from Gaydon Parish Council on 26 June 2019 for the formal designation of a Neighbourhood Plan Area covering the Parish of Gaydon. A copy of the area application and map of the proposed designated area is attached to this report at **Appendix 1**.
- 1.2 It should be noted that there are elements of two large strategic sites within the Parish boundary. One is the site occupied by Jaguar Land Rover (JLR) and the other is known as 'Gaydon Lighthorne Heath' (GLH). These sites also fall within the Parishes of Lighthorne Heath and Chesterton.
- 1.3 SDC is satisfied that this will not cause an issue at this stage having taken into consideration guidance within the PPG.

2 What is a Neighbourhood Plan?

- 2.1 Once 'made' (adopted), a NDP will form part of the Development Plan for the area. Consequently, the Local Planning Authority is required to make decisions in accordance with the NDP, unless material considerations indicate otherwise; in the same manner by which it makes decisions in accordance with the NPPF and Core Strategy. 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
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- Pre-submission 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 This application contains a map which shows the proposed Neighbourhood Plan Area. Gaydon 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 proposed area is considered appropriate as a Neighbourhood Area. The Parish Council states that:
- *"At the Parish Council meeting held on 12 April 2019, it was agreed that the neighbourhood plan area should exactly match the administrative area of the Parish Council and thus follow the Parish boundary. This is appropriate because the entirety of this area is relevant to the local community for the purposes of planning and development and it is right to consider it as a whole. However, Gaydon is a village with facilities such as a shop, pub, and local employment, which draw people from other neighbouring villages, and the need is acknowledged to consult with them as the plan progresses."*
- 3.5 Through The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, there is a requirement to publicise area designation applications if the area specified in the application does not encompass the entire Parish area. However, in cases where the Neighbourhood Area encompasses the entire Parish area, the Regulations confirm there is no requirement to advertise the Area Designation application prior to authorisation by the Local Planning Authority.
- 3.6 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.
- 3.7 To assess the appropriateness of any proposed Neighbourhood Area, the Local Planning Authority must ensure that Neighbourhood Areas are
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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.

- 3.8 Consideration should be given to whether there would be any overlapping of Neighbourhood Plan Areas. Since the proposed area comprises the entire Parish, there would be no overlapping with adjacent neighbourhood boundaries.
- 3.9 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. It is not considered the proposed area is wholly or predominantly business in nature and as such it would not be appropriate to designate it as a business area.
- 3.10 Since this application relates to the entire Parish area, the proposed Neighbourhood Plan area is logical and appropriate.
- 3.11 It should be noted that there are parts of two strategic sites identified in the Core Strategy within the Parish boundary, namely, Gaydon Large Rural Brownfield Site (Policy AS.11) and Gaydon Lighthorne Heath (Proposal GLH). Part of these sites also falls within the neighbouring parishes of Chadshunt and Lighthorne Heath, and Chesterton, Lighthorne Heath and Lighthorne, respectively.
- 3.12 Whilst the presence of a strategic site is not a reason to refuse an application based on the parish area, in order to pass the basic conditions, the content and policies of the NDP will need to reflect the fact that these sites are strategic allocations, covered by strategic policies (and in the case of Proposal GLH, a detailed masterplan Supplementary Planning Document) and relate to more than one parish. It is the Council's view that it would be inappropriate for different parts of a strategic site to be potentially covered by different area-based planning policies.
- 3.13 Officer's understand from the Parish Council that there is no appetite to prepare a joint NDP covering the full extent of the two strategic sites. As such, as the area designation aligns with the parish boundary, SDC is compelled to approve the application.
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4. Options available to the Leader of the Council

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

Option 1

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

Option 2

To refuse the Gaydon 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 Councillor Daren Pemberton (as Portfolio Holder):

5.2 Councillor Chris Kettle (as Ward Member): No comments received.

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/Climate Change Implications*

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. The Gaydon NDP is therefore of relevance to two of the three main objectives of the Stratford-on-Avon District Council Corporate Strategy 2015-2019: Key Objective 2 (People and their Environment) which relates, amongst other things, to the delivery of housing targets and landscape/environmental protection when considering

new development; and Key Objective 3 (Responsible Community Leadership) which encourages, amongst other things, joint working between the Council and local communities to achieve benefits for residents. Through the preparation of a NDP for the Parish of Gaydon, its residents may have more influence over development and decisions that affects their area.

6.5 Analysis of the effects on Equality and Health

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 Designation application has been submitted by Gaydon Parish Council for the designation of the Parish of Gaydon 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 development of the Gaydon Neighbourhood Plan.

David Buckland
CHIEF EXECUTIVE

