

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	9th September 2015	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2781
TITLE:	Stowey Sutton Neighbourhood Plan	
WARD:	Chew Valley South	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1: Stowey Sutton Neighbourhood Plan		

1 THE ISSUE

- 1.1 Following the successful examination and referendum, this report seeks to make and bring into force the Stowey Sutton Neighbourhood Plan (Appendix 1), so that it will be used by the Local Planning Authority to help determine planning applications within the Neighbourhood Area.

2 RECOMMENDATION

Cabinet:

- 2.1 Makes and brings into force the Stowey Sutton Neighbourhood Development Plan, as set out in Appendix 1, as part of the Development Plan for the Stowey Sutton Neighbourhood Area, in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") (as amended by the Localism Act, 2011).

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The main costs of producing the Stowey Sutton Neighbourhood Plan related to in-kind technical support provided, plus the costs of the external examination, referendum and associated printing costs. These costs have been met through the Government Neighbourhood Planning Grant (2014/2015) received by the Local Planning Authority. All other costs associated with supporting the preparation of the Neighbourhood Development Plan have been covered within the existing LDF budget.

- 3.2 Significant community resources have been input into the Stowey Sutton Neighbourhood Plan preparation, including substantial volunteer time.
- 3.3 Once the Neighbourhood Plan is made, Stowey Sutton Parish Council will receive 25% of CIL payments for development within their Neighbourhood Area, rather than the typical 15%.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Localism Act 2011 has reformed the planning system to give local people new rights to shape the development of the communities in which they live.
- 4.2 The Act provides for a new type of community-led initiative known as a Neighbourhood Plan which sets out the policies on the development and use of land in a parish or 'Neighbourhood Area'.
- 4.3 The Council has a duty to assist communities in the preparation of Neighbourhood Development Plans and orders and to take plans through a process of examination and referendum and to bring Neighbourhood Plans into force.
- 4.4 It is considered that the Stowey Sutton Neighbourhood Plan can be made by Cabinet, following the earlier decision (Executive Forward Plan Reference E2788) to amend the Neighbourhood Planning Protocol to clarify that this is a decision for Cabinet, not full Council.

5 THE REPORT

Background

- 5.1 Stowey Parish Council indicated that they would like to undertake a Neighbourhood Development Plan (NDP) in October 2013 and the Neighbourhood Area, the first formal stage in the process, was designated by the Council on 13th December 2013. The Plan was considered by an Independent Examiner in May 2015, who recommended that it should proceed, with modifications, to the final stage, the referendum.
- 5.2 In June 2015, it was agreed to modify the Stowey Sutton NDP in line with the Examiner's recommendations, to publicise the decision and to undertake a referendum. The modified referendum version of the Stowey Sutton NDP is included as Appendix 1.

Referendum

- 5.3 The referendum took place on the 7th August 2015. In accordance with the regulations, the question posed in the referendum was: *Do you want Bath & North East Somerset Council to use the neighbourhood plan for Stowey Sutton to help it decide planning applications in the neighbourhood area?*
- 5.4 There was a 36% turnout of the overall Neighbourhood Area electorate. Of those that voted a majority (95%) were in favour of using the Stowey Sutton NDP to help decide planning applications in the Neighbourhood Area.

Compatibility with EU Legal Obligations & Human Rights

- 5.5 The Council does not have to bring the Plan into force if it is considered that the making of the Plan would breach, or be incompatible, with any EU obligations or the European Convention on Human Rights (section 38A (6) of the 2004 Act).
- 5.6 The Independent Examiner considered this issue and concluded that, subject to the recommended modifications (all of which have been incorporated into the final draft of the Plan), the Plan would not breach or be incompatible with any EU laws or the European Convention on Human Rights. The Council's Legal Services have reviewed the Plan and concur with the examiner's view. As such, it is considered that the legal duty under section 38A (4) of the 2004 Act (to make the plan as soon as is reasonably practicable after the referendum) applies in this case.

Making the Neighbourhood Plan and bringing it into force

- 5.7 In accordance with section 38A(4) of the 2004 Act, following the positive referendum, the Council has a duty to make the Stowey Sutton Neighbourhood Plan part of the Development Plan. The Development Plan is the framework for determining planning applications in B&NES (which currently includes the adopted Core Strategy 2014, saved policies in the B&NES Local Plan 2007 and, when adopted, the Placemaking Plan). This will mean that the Stowey Sutton Neighbourhood Plan has weight in decision making and planning applications should be determined in accordance with the Neighbourhood Plan, and other policies in the Development Plan, unless material considerations indicate otherwise.
- 5.8 It is recommended that the Cabinet makes the Plan and brings it into force.
- 5.9 The Council must also publicise (on the web site or in any other manner to bring it to the attention of those who live, work or carry on business in the Neighbourhood Area) their decision on the NDP and the reasons for that decision in a 'Decision Statement' (s38A (9) of the 2004 Act and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012). Under delegated authority the Divisional Director – Development will issue a Decision Statement. The Council must also publish where and when the Decision Statement can be inspected and send a copy to Stowey Sutton Parish Council. The Decision Statement will be published on the B&NES website and will be made available for inspection in the following locations:
- One Stop Shop's Reception
 - Bath Central Library
 - Chew Valley Caravan Site in Bishop Sutton

CALL IN

- 5.10 The Council has a legal duty to make the Plan and bring it into force as soon as reasonably practicable after the referendum. It is therefore considered that this decision falls within the exceptions to call in contained in rule 5 of the Call in Procedure Rules, namely, that the effect of call in would be to cause the Council to miss this statutory deadline.

6 OTHER OPTIONS CONSIDERED

6.1 No other options were considered given that the Council has a duty to make the Plan and bring it into force.

7 CONSULTATION

7.1 The Monitoring Officer, Section 151 officer and Strategic Director Place have been given opportunity to review this report.

7.2 Considerable consultation has been undertaken alongside the preparation of the Plan:

- Representations were invited with regard to the designation of a Neighbourhood Area covering Stowey Sutton Parish for a 6 week period between 24 October 2013 and 5th December 2013.
- Representations were also invited with regard to the Draft Neighbourhood Plan for a six week period from 29th January -12th March 2015.
- On 7th August 2015 the Neighbourhood Plan was the subject of a community Referendum. Everyone who was registered to vote within the Parish was given the opportunity to vote on whether the Plan should be 'made' by the Council.

7.3 No additional consultation has taken place or is necessary with regard to the recommendation of this Report; at this stage only publicity is required in line with paragraph 5.9 above.

8 RISK MANAGEMENT

8.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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Background papers	<i>My Neighbourhood: A Neighbourhood Planning Protocol for Bath & North East Somerset</i> http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/NPP/npp_my_neighbourhood_adopted_2014.pdf <i>Stowey Sutton: Neighbourhood Plan Evidence Base and other Background documents</i> http://www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/neighbourhood-planning-protocol-my-1
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