

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Cllr Tim Ball, Cabinet Member for Planning and Licensing</b>	
TITLE:	<b>Stanton Drew Neighbourhood Development Plan</b>	
WARD:	<b>Stanton Drew</b>	<b>E3290</b>
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Appendix 1: Draft Stanton Drew Neighbourhood Plan – available at: <a href="https://beta.bathnes.gov.uk/sites/default/files/2021-03/Stanton%20Drew%20NDP%20-%20Referendum%20Version.pdf">https://beta.bathnes.gov.uk/sites/default/files/2021-03/Stanton%20Drew%20NDP%20-%20Referendum%20Version.pdf</a>		

### 1 THE ISSUE

- 1.1 Following the successful examination and referendum, this report seeks to make and bring into force the Stanton Drew Neighbourhood Plan (Appendix 1), so that it will be used by the Local Planning Authority to help determine planning applications within the Neighbourhood Area.
- 1.2 Stanton Drew Parish Council is the qualifying body authorised to act in relation to the Neighbourhood Plan.

### 2 RECOMMENDATION

**The Cabinet Member for Planning and Licensing agrees to:**

- 2.1 **Make and bring into force the Stanton Drew Neighbourhood Development Plan, as set out in Appendix 1 (see link above), as part of the Development Plan for the Stanton Drew Neighbourhood Area, in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended).**

### 3 THE REPORT

- 3.1 Stanton Drew Parish Council indicated that they would like to undertake a Neighbourhood Development Plan (NDP) and the Neighbourhood Area, the first formal stage in the process, was designated by the Council on 11th October 2013. The Plan was considered by an Independent Examiner in February 2020, who recommended that it should proceed, with modifications, to the final stage, the referendum.

## **Stanton Drew NDP Referendum**

- 3.2 The referendum took place on the 6<sup>th</sup> May 2021. 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 Stanton Drew to help it decide planning applications in the neighbourhood area?'*

- 3.3 There was a 50% turnout of the overall Neighbourhood Area electorate. A majority (64%) were in favour of using the Stanton Drew NDP to help decide planning applications in the Neighbourhood Area.

## **Compatibility with EU Legal Obligations & Human Rights**

- 3.4 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 retained EU legal obligations or the European Convention on Human Rights (Section 38A(6) of the Planning & Compulsory Purchase Act 2004).
- 3.5 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 retained 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 Planning and Compulsory Purchase Act 2004 applies in this case.

## **Making the Neighbourhood Plan and bringing it into force**

- 3.6 In accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) the Council has a duty to make the Stanton Drew Neighbourhood Plan part of the Development Plan. The Development Plan is the framework for determining planning applications in B&NES (and currently comprises the Core Strategy (2014); Placemaking Plan (2017); Saved Policy from the 2007 B&NES Local Plan; the Joint Waste Core Strategy; and already made Neighbourhood Plans). This will mean that the Stanton Drew Neighbourhood Plan will have full statutory weight in decision making on planning applications.
- 3.7 It is recommended that the Cabinet Member makes the Plan and brings it into force.
- 3.8 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 Neighbourhood Plan and the reasons for that decision in a 'Decision Statement' (Section 38A(9) of The Planning & Compulsory Purchase Act 2004 & Regulation 19 of the Neighbourhood Planning (General) Regulations 2012). Under delegated authority the Head of Planning will issue a Decision Statement. The Council must also publish where and when the Decision Statement can be inspected and send a copy to Stanton Drew Parish Council. The Decision Statement will be published on the B&NES website and will be made available for inspection in the following locations:

- Bath Central Library (normal opening hours)
- One Stop Shop, Manvers St, Bath (normal opening hours)
- St Mary's Church, Stanton Drew

## **Call In**

- 3.9 The Council has a legal duty to make the Plan and bring it into force within 8 weeks once it has been approved at 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 the statutory deadline.

#### **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 Council has a duty to assist communities in the preparation of Neighbourhood Development Plans and orders and to take a Plan through a process of examination and referendum and to bring the Neighbourhood Plan into force. This duty includes making the plan as soon as is reasonably practicable but in any event within 8 weeks after the referendum approving the plan has taken place.

#### **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 5.1 The main costs of producing the Stanton Drew Neighbourhood Plan related to in-kind technical support provided, plus the costs of the external examination, referendum and associated printing costs. These costs will be funded through a £20,000 Government Neighbourhood Planning Grant, which will be received by the Council by the end of this financial year (Neighbourhood Planning Grants are paid quarterly).
- 5.2 Significant community resources have been invested into the Stanton Drew Neighbourhood Plan preparation, including substantial volunteer time.
- 5.3 Once the Neighbourhood Plan is made, Stanton Drew Parish Council will receive 25% of CIL payments for development within their Neighbourhood Area, in line with the CIL Regulations (rather than the typical 15%).

#### **6 RISK MANAGEMENT**

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

#### **7 EQUALITIES**

- 7.1 The Plan was the subject of extensive community engagement and a formal examination. No adverse equalities impacts have been identified.

#### **8 CLIMATE CHANGE**

- 8.1 A key objective of the Neighbourhood Plan is to protect and enhance the natural, built and historic environment within the Green Belt, Conservation Area and wider Parish; and to drive and support sustainable development which delivers homes, businesses, and infrastructure without damaging the environment, and helping the community to flourish as it meets present and future demands. This is implemented through policies proposed in the Plan; for example, the Plan introduces policies relating to design principles, encouraging green corridors and biodiversity, as well as protecting key views within the Parish.

#### **9 OTHER OPTIONS CONSIDERED**

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

#### **10 CONSULTATION**

- 10.1 The Monitoring officer, Section 151 officer and Head of Planning have been given the opportunity to review this report and have cleared it for publication.

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

- Representations were invited with regard to the designation of the neighbourhood area covering Stanton Drew for a 6-week period and the area was designated on 11th October 2013.
- Representations were also invited with regard to the Draft Neighbourhood Plan for a six-week period from 22 November 2019 and 24 January 2020. A further 6-week consultation period ran from 8 June 2020 to 20 July 2020 relating to an updated consultation to support the plan.
- On 6<sup>th</sup> May 2021 the Neighbourhood Plan was 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.

10.3 No additional consultation has taken place or is necessary with regard to the recommendation of this Report; at this stage the only publicity required is in line with paragraph 3.8 above.

<b>Contact person</b>	<i>George Blanchard - 01225 477684 or Richard Daone 01225 477546</i>
<b>Background papers</b>	<i>My Neighbourhood: A Neighbourhood Planning Protocol for Bath &amp; North East Somerset</i>  <a href="http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/NPP/npp_my_neighbourhood_adopted_2014.pdf">http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/NPP/npp_my_neighbourhood_adopted_2014.pdf</a>  <i>Stanton Drew Neighbourhood Plan Area:</i>  <i>Neighbourhood Plan Evidence Base and other Background documents:</i>  <a href="https://beta.bathnes.gov.uk/policy-and-documents-library/stanton-drew">https://beta.bathnes.gov.uk/policy-and-documents-library/stanton-drew</a>
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