

**ITEM NO 4(c)(iii)****ITEM NO 4(c)(iii)**

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<b>Ward Interest:</b>	<b>St Michael's and Stonefield Walton</b>
<b>Report Track:</b>	<b>Cabinet 05/03/20 (Only)</b>
<b>Key Decision:</b>	<b>No</b>

**SUBMISSION BY COUNCILLOR F BEATTY  
ECONOMIC DEVELOPMENT AND PLANNING PORTFOLIO**

<p><b>CABINET</b> <b>5 MARCH 2020</b> <b>Stone Neighbourhood Plan - Progressing to Referendum</b></p>
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**1 Purpose of Report**

- 1.1 To seek Cabinet approval to proceed to a referendum for the Stone Neighbourhood Plan on Thursday 7 May 2020, accepting the recommendations and limited amendments to the recommendations in the Examiner's report (as set out in [APPENDIX 1](#)) on the Stone Neighbourhood Plan and notify relevant parties prior to proceeding to a referendum.

**2 Proposal of Cabinet Member**

- 2.1 That the Stone Neighbourhood Plan proceeds to Referendum, incorporating the Examiner's recommended modifications, and further amendments suggested by Stafford Borough Council are approved.
- 2.2 That the Decision Statement (set out in [APPENDIX 2](#)) be approved and published with the Examiner's Report.

**3 Key Issues and Reasons for Recommendation**

- 3.1 The Examiner's Report confirms that the Stone Neighbourhood Plan, subject to modifications, meets the basic conditions shown below in paragraph 5.3, and can therefore proceed to a referendum when Parish residents and businesses can vote on whether the Plan should be approved.

- 3.2 After considering the Examiner's Report, the Council are satisfied that the modifications made to the Stone Neighbourhood Plan satisfy the basic conditions. However, the Borough Council also consider that further amendments to these modifications should be made to provide clarity and correction, whilst meeting the basic conditions.
- 3.3 Based on the paragraph 13 of Schedule 4B within the Town and Country Planning Act 1990 if the local planning authority propose to make a decision which differs from that recommended by the Examiner, and the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations. These powers were considered in a legal case by the Court of Appeal in R. (Kebbell Developments Ltd) v Leeds City Council [2018] 1 W.L.R 4625. Lindblom LJ. The court clarified that a Council is not required to consult if it promotes modifications which go further than those recommended by the Examiner as long as they are wholly consistent with those recommendations and are not based on "new evidence" or "new facts".
- 3.4 On this basis the Borough Council do not consider that the further amendments proposed alongside the Examiner's recommendations require further consultation as these are not as a result of new evidence, a new fact or a different view taken by the authority as to a particular fact. Therefore the next step is to publish a Decision Statement attached as [APPENDIX 2](#) and proceed to referendum.
- 3.5 At all stages of preparing the Stone Neighbourhood Plan the Council has ensured that the process meets the statutory requirements and follows Regulations, so that the decision making process is clear and transparent.
- 3.6 In due course, following a successful referendum vote, the Neighbourhood Plan must be adopted and will then form part of the statutory development plan for Stafford Borough. Together with the adopted Plan for Stafford Borough, and the revised National Planning Policy Framework, the Neighbourhood Plan will be used to make decisions on planning applications that are applicable within the Neighbourhood Plan area.

#### **4 Relationship to Corporate Business Objectives**

- 4.1 From the Corporate Business Plan 2018-2021 the following Corporate Business Objectives are relevant:

Corporate Business Objective 1 '*To deliver sustainable economic and housing growth to provide income and jobs.*'

Corporate Business Objective 2 '*To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.*'

## 5 Report Detail

- 5.1 Neighbourhood planning was introduced in 2011 by the Localism Act to give communities direct power to develop a shared vision for their neighbourhoods and shape development and growth of their area through the production of Neighbourhood Plans. The process is enshrined in the Town & Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012 (As Amended).
- 5.2 Neighbourhood Plans must be prepared in general conformity with local and national planning policy. They cannot reduce the level of growth outlined in the strategic policies of the local development plan. The Stone Neighbourhood Plan has been prepared in line with the Plan for Stafford Borough.
- 5.3 Neighbourhood Plans must satisfy the Basic Conditions set out below:-
- (a) The plan must have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - (b) Contribute to the achievement of sustainable development;
  - (c) Be in general conformity with strategic policies of the development plan for the area;
  - (d) Be compatible with European Rights (EU) and European Convention on Human Rights (EUCR) obligations;
  - (e) not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (d).

### Development of Stone Neighbourhood Plan

- 5.4 In August 2015 Stone Town Council applied to designate the Parish as a Neighbourhood Plan Area, which was approved by the Council in December 2015. Subsequently a Neighbourhood Plan Working Group consisting of local volunteers was established to produce the Neighbourhood Plan.
- 5.5 The Stone Neighbourhood Plan has been subject to extensive community consultation, and supported by an evidence base. The Town Council published a pre-submission version of the Neighbourhood Plan and invited the public to comment between 19 June and 31 July 2018. Following the consultation, Stone Town Council made subsequent amendments in order to produce the submission version of the plan.

- 5.6 In September 2018 Stone Town Council submitted their Neighbourhood Plan, with supporting documents (Basic Conditions Statement, Consultation Statement and a Screening Assessment), to the Council for a six week publication period of consultation between 6 November and 19 December 2018. Between February and August 2019 the independent Examination took place when the appointed Examiner considered the representations received and all of the relevant documents.
- 5.7 On 16 August 2019, the Council received the Examiner's Report (see [APPENDIX 1](#)) on the Stone Neighbourhood Plan, which recommended that the Neighbourhood Plan, subject to the Examiner's recommended modifications, should proceed to Referendum. In summary, the Examiner considers that the Stone Town Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Stone Neighbourhood Area, based on extensive community support and engagement.
- 5.8 The findings of the Examiner's Report recommends a number of modifications to help refine policies so that they are more effective and, most importantly, ensure the Stone Neighbourhood Plan meets the basic conditions
- 5.9 Stone Town Council has considered the Examiner's Report and its recommendations. As a result Stone Town Council submitted a "Urban Vision Enterprise CIC Stone Neighbourhood Plan Options for Moving Forward October 2019' document to the Borough Council on 7 November 2019 prior to a decision being made on the Examiner's Report. The Borough Council has decided that two further amendments to the Stone Neighbourhood Plan 2016-2031 would be appropriate, to provide clarity and to meet Basic Conditions 1 & 3. The amended and final version of the Stone Neighbourhood Plan, subject to the Referendum, is included in [APPENDIX 3](#).

### Next Steps

- 5.10 As the Council are satisfied that the Neighbourhood Plan fulfils the basic conditions of the Neighbourhood Planning Regulations, prior to proceeding to a Referendum, the Council must publicise a Decision Statement (see [APPENDIX 2](#)) to take forward the Stone Neighbourhood Plan.
- 5.11 The decision to proceed is normally made within 5 weeks of receipt of the Examiner's report. However, in this case further representations were received from Stone Town Council, which could not have been considered within that time period.
- 5.12 If a decision to proceed to referendum is made, the Council will proceed in arranging a Referendum to enable local people within the Parish to vote on adopting the Stone Neighbourhood Plan.

<b>6 Implications</b>	
<b>6.1 Financial</b>	The costs incurred in arranging an independent Examination and Referendum are supported by grant aid from the Ministry of Housing, Communities and Local Government (MHCLG). £20,000 will now be claimed to cover the costs incurred by the Council.
<b>Legal</b>	The Stone Neighbourhood Plan meets the legal requirements and Basic Conditions of the Neighbourhood Planning Regulations.  A decision on whether to proceed to referendum should be taken within 5 weeks of receipt of the Examiners report or by an alternative date agreed with Stone Town Council.
<b>Human Resources</b>	The Referendum will require staff resources to be allocated.
<b>Human Rights Act</b>	Nil
<b>Data Protection</b>	Nil
<b>Risk Management</b>	The risk issues contained in this report are not strategic and therefore should not be included in the Strategic Risk Register.

<p>6.2 <b>Community Impact Assessment Recommendations</b></p>	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation</p> <p>The Stone Neighbourhood Plan provides clear guidance to developers and also members of the public through planning policies and proposals in the Parish. This will enable any resident or business to see the requirements related to future development.</p> <p>Working from a consistent evidence base through the Town Council and with partners, ensures that Community Impact Assessment recommendations made in relation to the Stone Neighbourhood Plan with policy-specific areas are also consistent and complementary to an approach that supports equality in both service provision and health outcomes.</p>
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**Previous Consideration - Nil**

**Background Papers - File available in Forward Planning**