

**Alvechurch Parish Neighbourhood Plan**

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Wards Affected	Alvechurch Village, Alvechurch South, Barnt Green and Hopwood
Ward Councillor Consulted	Yes

**1. SUMMARY OF PROPOSALS**

- 1.1 The Alvechurch Parish Neighbourhood Plan (APNP), which is attached as Appendix 1, was submitted to the Council on 27<sup>th</sup> March 2018. This report seeks approval of the formal BDC response (attached as Appendix 2) to Alvechurch Parish Council ('the qualifying body').
- 1.2 Furthermore, the report seeks Cabinet approval to publish the Neighbourhood Plan for a statutory six week representation period in line with the neighbourhood planning regulations<sup>1</sup>.
- 1.3 Finally, the report also seeks delegated authority to appoint an independent examiner to carry out the examination of the APNP, including consideration of any representations arising from the representation period, and to proceed to a referendum should a favourable examiner's report be received.

**2. RECOMMENDATIONS**

- That Cabinet approves the District Council response to the APNP submission version
- That Cabinet approves a six week statutory representation period on the APNP
- That Cabinet gives delegated authority to the Head of Planning and Regeneration to appoint an independent examiner to undertake examination of the APNP following the consultation period
- That Cabinet gives delegated authority to the Head of Planning and Regeneration to proceed to a referendum on the APNP, subject to receipt of a favourable report from the independent examiner in assessing whether the APNP meets the 'Basic Conditions'

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<sup>1</sup> <http://www.legislation.gov.uk/ukxi/2012/637/regulation/16/made>

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The District Council will be eligible to claim funding of £20,000 from the Ministry of Housing, Communities and Local Government (MHCLG) once a date has been set for the APNP neighbourhood plan referendum. Two opportunities to secure funding exist per financial year, which are usually open for applications in November and March. Therefore the next available opportunity for BDC to apply for grant funding to support the work involved will be dependent on the progression to referendum of the APNP.
- 3.2 Work already carried out by BDC Officers in assisting Alvechurch Parish Council in preparing the APNP has been subsumed in to existing departmental budgets and workloads for the Strategic Planning and Conservation team. Securing the neighbourhood planning grant will allow the Council to recoup departmental costs as well as contribute to examination and referendum costs. Officer time from the Council's Elections Service will be required to organise the referendum.

**Legal Implications**

- 3.3 The APNP has been produced in accordance with the relevant neighbourhood planning regulations arising from the Localism Act 2011 and the *Neighbourhood Planning (General) Regulations 2012* (as amended).
- 3.4 Following submission of the APNP to the District Council in March 2018, Officers have reviewed all APNP submission documents and are satisfied that the APNP is able to proceed to statutory representation period and independent examination. Cabinet approval is sought for the District Council's response (Appendix 2) to Alvechurch Parish Council as the qualifying body for the designated neighbourhood area.
- 3.5 Subject to Cabinet approval, the Council is responsible for publicising this statutory representation period and arranging for the independent examination and local referendum to take place. The Council is required to publicise the submission of the APNP for a minimum six week period<sup>2</sup> and invite representations, which will then be forwarded on to an independent examiner for their consideration.
- 3.6 The requirement that the APNP is subject to an independent examination is to ensure and verify that the neighbourhood plan meets the 'basic conditions', as defined in the 1990 Town and Country Planning Act, before it can proceed to a referendum. This report seeks

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<sup>2</sup> Consultation period to commence by the end of June 2018, subject to Cabinet approval.

approval from Cabinet that authority be delegated to the Head of Planning to appoint an independent examiner to undertake this task<sup>3</sup>.

- 3.7 Should delegated authority be given, and once an independent examination has been carried out on the APNP, the Council will receive an examiner's report making one of three recommendations:
- The APNP meets the basic conditions and can proceed to referendum;
  - The APNP can meet the basic conditions subject to suggested modifications to the plan;
  - The APNP does not meet the basic conditions and should not proceed to referendum.
- 3.8 Should the examiner's report recommend the APNP can proceed to referendum, and should the Council be satisfied with the examiner's recommendations<sup>4</sup>, delegated authority is sought for the Head of Planning to organise a referendum<sup>5</sup> on the APNP.
- 3.9 The referendum would pose the question of whether those eligible to vote (those eligible to vote in local elections and who are resident within the designated neighbourhood area of Alvechurch Parish) would want Bromsgrove District Council to use the APNP to help it decide planning applications in the neighbourhood area.
- 3.10 Should a referendum result in a 'Yes' vote that the APNP be made, it is proposed that the APNP be brought back to meetings of both Bromsgrove District Cabinet and Full Council to approve the adoption of the Alvechurch Parish Neighbourhood Plan.

**Service / Operational Implications**

- 3.11 Despite the APNP belonging to the Parish Council, the District Council has worked closely with the neighbourhood plan steering group in the preparation of the plan, both prior to and since designation of the neighbourhood area in January 2013.
- 3.12 In subsequent years, considerable officer time has been spent advising and supporting members of the neighbourhood plan steering group. In particular, officers have advised on matters concerning technical planning regulations and provided information to help comply with other

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<sup>3</sup> Appointment to enable examination to commence in August/September 2018, subject to Cabinet approval, examiner availability and extent of representations received.

<sup>4</sup> The Council has 5 weeks from the date of the examiner's report to publish its decision on whether the APNP will proceed to referendum.

<sup>5</sup> The relevant documents advertising that a referendum will take place must be published not less than 28 working days before the referendum date.

legal requirements such as strategic environmental assessment (SEA) and habitat regulation assessment (HRA).

- 3.13 The APNP includes a Vision Statement and eight Key Aims for the plan, in addition to policy sections covering the following topics:
- General Policy – actively involving local people in the planning process;
  - Policies for Housing;
  - Policies for Heritage, Design and the Natural Environment;
  - Policies for Leisure, Health and Well-being;
  - Policies for Business, Shops and Services;
  - Policies for Getting Around and Transport.
- 3.14 The APNP also includes Community Actions for the plan; a series of non-statutory projects that stand apart from the policies of the plan as they are not directly related to the use of land within the designated area and therefore cannot be included within policy text.
- 3.15 A series of supporting documents are also submitted alongside the APNP. These are listed under the background papers section at the end of this report. Amongst these documents is a Basic Conditions Statement submitted by the Parish Council to outline how they consider the APNP meets the basic conditions it will be examined upon before it can proceed to referendum.
- 3.16 Should it be ‘made’ (adopted), the APNP will form part of the statutory development plan, and therefore planning decisions in Alvechurch Parish will need to be made in accordance with the APNP as well as the BDP and NPPF.

**Customer / Equalities and Diversity Implications**

- 3.17 The APNP has already been subject to numerous events and public meetings to publicise the preparation of the plan and contribute to its development. A pre-submission public consultation was also undertaken to enable further community engagement and allow changes to the plan to be made prior to its submission to the District Council. Further detail of all engagement can be found in the APNP Consultation Statement listed within the background papers section at the end of this report.

**4. RISK MANAGEMENT**

- 4.1 The APNP is not a plan produced directly by the District Council, however if ‘made’ it will become part of the development plan, and thus

hold statutory power, for planning decisions made by the local authority within Alvechurch Parish (the designated neighbourhood area).

- 4.2 The District Council has a duty to support the progression of the APNP, including publicising the statutory consultation and arranging independent examination and referendum, where the plan is deemed to meet the basic conditions.
- 4.3 Implementation of the APNP if made/adopted will make a positive contribution to the achievement of sustainable development in Alvechurch Parish. It will provide a complementary planning framework alongside the BDP for the local planning authority to make planning decisions on proposals within the designated neighbourhood area.
- 4.4 The recommendations in this report are made in the context of the APNP being deemed to be likely to meet the basic conditions at examination and being able to proceed to referendum. It should be noted however that the publication of the revised NPPF is expected this summer by central government, which may fall between the submission of the APNP and its eventual examination.
- 4.5 There is therefore a risk that should significant changes be made to national policy that affects the likelihood of the APNP being considered to have "...regard to national policies and advice contained in guidance issued by the Secretary of State..." (one of the basic conditions), then there may be an increased prospect of the APNP not being deemed to meet the basic conditions.

**5. APPENDICES**

Appendix 1 - APNP submission version, March 2018  
Appendix 2 - BDC officer response to APNP submission version

**6. BACKGROUND PAPERS**

APNP Basic Conditions Statement, January 2018  
APNP Consultation Statement, March 2018  
Alvechurch Parish Design Statement, 'A Community Voice for Rural Character', March 2018  
APNP Evidence Base Statement, March 2018  
APNP Sustainability Appraisal, March 2018  
APNP – SEA and HRA Screening Report, 2015  
Bromsgrove District Plan 2011-2030

**7. KEY**

APNP – Alvechurch Parish Neighbourhood Plan  
BDP – Bromsgrove District Plan

**BROMSGROVE DISTRICT COUNCIL**

**Cabinet**

**27<sup>th</sup> June 2018**

NPPF – National Planning Policy Framework

**AUTHOR OF REPORT**

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