

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 at Appendix 1, was submitted by Alvechurch Parish Council ('the qualifying body') to the District Council in March 2018.
- 1.2 Following Cabinet approval (June 2018), the plan was subject to a statutory six week representations period from 28th June – 10th August 2018 and was subsequently examined by an independent neighbourhood plan examiner.
- 1.3 The final examiner's report, attached at Appendix 2, was received in November 2018 and recommended that the APNP met the 'basic conditions'¹, subject to a series of minor modifications, and should therefore proceed to a public referendum.
- 1.4 A referendum into the APNP was held on Thursday 10th January 2019 within Alvechurch Parish. The 'Notice of Result' is attached at Appendix 3, and shows a decisive 'Yes' vote to the referendum question posed.

2. RECOMMENDATIONS

- **That Cabinet notes the result of the referendum on the Alvechurch Parish Neighbourhood Plan held on 10th January 2019**
- **That Cabinet recommends to Council that the Alvechurch Parish Neighbourhood Plan be 'made' (formally adopted) immediately, in accordance with the relevant legislation².**

¹ As defined at paragraph 8(2) Schedule 4B of the 1990 Town and Country Planning Act.

² As set out in the 'Legal Implications' (paragraph 3.3-3.11) section of this report.

3. KEY ISSUES

Financial Implications

- 3.1 Work already carried out by BDC Officers in assisting Alvechurch Parish Council in preparing the APNP has been incorporated in to continuing workloads for the Strategic Planning and Conservation team.
- 3.2 Following the setting of the APNP referendum date, the District Council became eligible for funding of £20,000 from the Ministry of Housing, Communities and Local Government's (MHCLG) neighbourhood planning grant. The application for this funding was submitted in December 2018, and once received the grant will allow the Council to recoup departmental costs as well as contribute to examination and referendum costs.

Legal Implications

- 3.3 The APNP has been produced in accordance with the relevant neighbourhood planning legislation 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 reviewed all APNP submission documents and were satisfied that, with the approval of Cabinet, the APNP was able to proceed to a statutory representation period, independent examination, and referendum, should the plan be deemed to meet the basic conditions. Subsequently, the independent examination into the APNP confirmed that the basic conditions were met subject to a few minor modifications to the plan.
- 3.5 An information statement was published on 26th November 2018 declaring that a referendum on the APNP was to be held. This ensured that no fewer than 28 days', excluding weekends and bank holidays, notice was provided as required by Regulation 4(1) of the Neighbourhood Planning (Referendums) Regulations 2012.
- 3.6 The question asked in a neighbourhood planning referendum is standardised as set out in Schedule 1(1) of the Neighbourhood

Planning (Referendums) Regulations 2012. To comply with this legislation, the question therefore posed for the APNP referendum was:

Do you want Bromsgrove District Council to use the Neighbourhood Plan for Alvechurch Parish to help it decide planning applications in the neighbourhood area?

- 3.7 The referendum area, on the advice of the independent examiner, was identical to the designated neighbourhood area of the APNP; that is, coterminous with the boundary of Alvechurch Parish. As a result eligibility to vote in the referendum consisted of anyone who was 18 years of age or above on the date of the referendum, and who was registered to vote within the referendum area.
- 3.8 From a total of 4,463 eligible voters, 1,629 ballot papers were received (a turnout of 36.5%) with the result of the referendum as follows: Yes – 1,575 (96.7%); No – 54 (3.3%). The ‘Notice of Result’ for the referendum is included at Appendix 3 for information.
- 3.9 Within a previous report to Cabinet in June 2018, with reference to the APNP process, it was stated “*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*”.
- 3.10 In light of the above, this report seeks a recommendation from Cabinet that the next meeting of Full Council on 27th February 2019 approves the APNP to be ‘made’ in accordance with the relevant legislation, in particular Section 38A paragraph 4(a) of the 2004 Planning and Compulsory Purchase Act, which states that, “*A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made...must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan*”.
- 3.11 It should also be noted that the meeting of Full Council occurs 7 weeks after the date of the APNP referendum. Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended) states that the prescribed date for making a neighbourhood plan following a referendum being held “*...is the date which is the last day of*

the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held.”

Service / Operational Implications

- 3.12 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.
- 3.13 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 legal requirements such as strategic environmental assessment (SEA) and habitat regulation assessment (HRA).
- 3.14 Once the APNP is ‘made’ (adopted), the plan 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 Bromsgrove District Plan (BDP).

Customer / Equalities and Diversity Implications

- 3.17 The production of the APNP was 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 undertaken to enable further community engagement and allow changes to the plan to be made prior to its submission to the District Council. The District Council’s statutory representation period also enabled further engagement on the content of the plan by interested parties.

4. RISK MANAGEMENT

- 4.1 The APNP is not a plan that has been produced directly by the District Council, however once ‘made’ it will become part of the development plan, and thus hold statutory power, in the determination of planning applications within Alvechurch Parish.
- 4.2 The District Council has met its duty to support the progression of the APNP, including publicising the statutory consultation and arranging

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independent examination and referendum. It now has a duty to formally 'make' the neighbourhood plan as outlined at paragraph 3.10 above.

- 4.3 Implementation of the APNP will make a positive contribution to the achievement of sustainable development within Alvechurch Parish. It will provide a complementary part of the development plan alongside the BDP for planning decisions taken within the designated neighbourhood area.

5. APPENDICES

Appendix 1: APNP referendum version, November 2018

Appendix 2: APNP Examiner's Report, November 2018

Appendix 3: Declaration of Result of Poll, January 2019

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

NPPF – National Planning Policy Framework

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