

BROMSGROVE DISTRICT COUNCIL

Cabinet
2021

10th February

Catshill and North Marlbrook Parish Neighbourhood Plan (CNMNP)

Relevant Portfolio Holder	Councillor A. Kent, Deputy Leader and Portfolio Holder for Planning and Regulatory Services
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford, Head of Planning, Regeneration and Leisure Services
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Wards Affected	Catshill North, Catshill South, Marlbrook
Ward Councillor(s) consulted	Yes
Relevant Strategic Purpose(s)	<ul style="list-style-type: none">• Run and Grow a Successful Business• Affordable and Sustainable Homes• Communities which are Safe, Well Maintained and Green• The Green Thread runs through the Council Plan

1. RECOMMENDATIONS

The Cabinet RESOLVE that:

- 1) the letter at Appendix 2 is sent to Catshill & North Marlbrook Parish Council as the District Council's response to the CNMNP submission version;
- 2) a six-week statutory ('Regulation 16') representation period on the CNMNP is held by the District Council;
- 3) delegated authority is given to the Head of Planning, Regeneration and Leisure Services to appoint an independent examiner to undertake examination of the CNMNP following the statutory representation period; and
- 4) delegated authority is given to the Head of Planning, Regeneration and Leisure Services to arrange a referendum on the CNMNP, subject to the recommendations set out in the examiner's report

2. BACKGROUND

- 2.1 The Catshill and North Marlbrook Neighbourhood Plan (CNMNP), attached at Appendix 1, was submitted to the District Council on the

8th January 2021. The purpose of this report is to seek approval of the District Council's response (attached at Appendix 2) to Catshill and North Marlbrook Parish Council ('the qualifying body'), on their submission under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

- 2.2 This report also seeks Cabinet approval for the District Council to publish the CNMNP for a statutory six-week representation period in line with Regulation 16 of the above neighbourhood planning regulations.
- 2.3 Finally, the report seeks delegated authority to the Head of Service to appoint an independent examiner to carry out an examination of the CNMNP, including consideration of representations received by the District Council during the representation period, and to proceed to a referendum should the examiner's report recommend this course of action.

3. 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 CNMNP neighbourhood plan referendum. Two opportunities to secure funding exist per financial year, which are usually open for applications in November and March. 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 CNMNP.
- 3.2 BDC officers have worked to assist Catshill and North Marlbrook Parish Council in preparing the CNMNP since designation of the Catshill and North Marlbrook neighbourhood area in October 2016. This officer time has been subsumed in to previous and existing departmental budgets and workloads for the Strategic Planning and Conservation team. Securing the MHCLG neighbourhood planning grant will allow the Council to recoup departmental costs as well as contribute to examination and referendum costs.
- 3.3 Officer time from the Council's Elections Service will also be required to organise the referendum.

4. LEGAL IMPLICATIONS

- 4.1 Following submission of the CNMNP to the District Council in January 2021, officers have reviewed all CNMNP submission documents and are satisfied that the CNMNP is able to proceed to the Regulation 16

statutory representation period and subsequent independent examination.

- 4.2 It is the view of officers that the CNMNP has been produced in accordance with the relevant neighbourhood planning regulations arising from the Town and Country Planning Act 1990, the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 4.3 Subject to Cabinet approval, the Council will be responsible for publicising the Regulation 16 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 CNMNP for a minimum six-week period and invite representations, which will then be forwarded on to an independent examiner for their consideration.
- 4.4 The requirement that the CNMNP 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 approval from Cabinet that authority be delegated to the Head of Planning and Regeneration to appoint an independent examiner to undertake this task.
- 4.5 Should delegated authority be given, and once an independent examination has been carried out on the CNMNP, the Council will receive an examiner's report making one of three recommendations:
- The CNMNP meets the basic conditions and can proceed to referendum
 - The CNMNP can meet the basic conditions subject to suggested modifications to the plan, and subject to these modifications being made can proceed to referendum
 - The CNMNP does not meet the basic conditions and should not proceed to referendum.
- 4.6 Should the examiner's report recommend the CNMNP can proceed to referendum, and should the Council be satisfied with the examiner's recommendations¹, delegated authority is sought for the Head of Planning and Regeneration to organise a referendum² on the CNMNP.

¹ The Council has 5 weeks from the date of the examiner's report to publish its decision on whether the CNMNP will proceed to referendum.

² The relevant documents advertising that a referendum will take place must be published not less than 28 working days before the referendum date.

- 4.7 The referendum would pose the question of whether those eligible to vote (those eligible to vote in the designated neighbourhood area of Catshill and North Marlbrook Parish) would want Bromsgrove District Council to use the CNMNP to help it decide planning applications in the neighbourhood area.
- 4.8 Should a referendum result in a 'Yes' vote that the neighbourhood plan be 'made', the CNMNP is proposed to be reported back to meetings of both Bromsgrove District Cabinet and Full Council to approve the adoption of the neighbourhood plan.

5. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

- 5.1 The CNMNP, being a plan for the development and use of land, supports the following District Council strategic purposes:
- *Run and Grow a Successful Business* – the neighbourhood plan includes planning policies within the topic area of 'commerce and community'. Objectives of these policies include supporting local businesses and retail outlets by improving shopfront appearances (Policies COM2 and COM3) and supporting local employment opportunities through business start-ups and home working (Policies COM4 and COM5).
 - *Affordable and Sustainable Homes* – the neighbourhood plan includes planning policies within the topic area of 'housing and infrastructure'. Objectives of these policies include providing housing which meets the needs of local residents and ensuring priority is given to affordable homes, the elderly and homes for first time buyers (Policy H2).
 - *Communities which are Safe, Well Maintained and Green* - the neighbourhood plan includes planning policies within the topic area of 'environment', and specifically the protection and enhancement of the local green infrastructure network. Objectives of these policies include developing a green infrastructure plan for the parish (Policies ENV1, ENV2 and ENV3) and protecting existing formal open spaces and newly designated local green spaces from encroachment (Policies ENV4 and ENV5).

Climate Change Implications

- 5.2 A green thread runs through the Bromsgrove District Council Plan. The CNMNP supports this green thread with the neighbourhood plan's environment topic area objective to "promote and support measures to

assist in combatting climate change”. It seeks to do this specifically through policies on sustainable design and construction (H3 and ENV8), sustainable drainage systems for major developments (ENV9) and the need for permeable surfacing where parking proposals are made at the front of properties (ENV10) to reduce the risk of flooding from surface water runoff.

6. OTHER IMPLICATIONS

Equalities and Diversity Implications

- 6.1 The CNMNP has been subject to numerous Parish Council led events and public meetings to publicise the preparation of the plan and inform its development. One of the stated aims of the Parish Council’s consultation process was, “To engage with as wide a range of people as possible, using a variety of approaches, communication and consultation methodologies”.
- 6.2 A pre-submission (Regulation 14) 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 CNMNP Consultation Statement listed within the background papers section at the end of this report.

Operational Implications

- 6.3 Despite responsibility for the production of the CNMNP belonging to the qualifying body (Catshill and North Marlbrook Parish Council), the District Council has worked closely with the neighbourhood plan steering group in the preparation of the plan, since designation of the neighbourhood area in October 2016.
- 6.4 During this time, considerable officer resource has been spent advising and supporting members of the neighbourhood plan steering group. Officers have advised on matters concerning planning legislation and regulations, alignment with the District Council’s statutory planning framework, and provided information to help comply with other legal requirements such as strategic environmental assessment (SEA) and habitat regulation assessment (HRA).
- 6.5 The CNMNP includes an overall vision for the plan, as well as planning policies set out within the following topic areas:
- Housing and Infrastructure Policies

- Commerce and Community Policies
- Environment Policies
- Community Actions (not formal policies, but projects which fall outside the remit of policies concerning the use of land)

6.6 A series of supporting documents are also submitted alongside the CNMNP. 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 CNMNP meets the basic conditions it will be examined upon before it can proceed to referendum.

7. RISK MANAGEMENT

7.1 The CNMNP is not a plan produced directly by the District Council, however if 'made' it will become part of the statutory development plan for decisions made by the local planning authority within Catshill and North Marlbrook Parish (the designated neighbourhood area).

7.2 The District Council has a duty to support the progression of the CNMNP, including publicising the statutory representation period and arranging independent examination and referendum, where the plan is deemed to meet the basic conditions.

7.3 The recommendations in this report are made in the context of the CNMNP being deemed to be likely to meet the basic conditions at examination and being able to proceed to referendum.

8. APPENDICES and BACKGROUND PAPERS

Appendices

Appendix 1 - CNMNP submission version, January 2021

Appendix 2 - BDC response to Catshill & North Marlbrook Parish Council

Background Papers

CNMNP Basic Conditions Statement, December 2020

CNMNP Consultation Statement, December 2020


CNMNP – Strategic Environmental Assessment and Habitat Regulation Assessment - Screening Assessment, July 2020

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9. **REPORT SIGN OFF**

Department	Name and Job Title	Date
Portfolio Holder		
Lead Director / Head of Service		
Financial Services		
Legal Services		
Policy Team (if equalities implications apply)	<i>Consulted</i>	13/01/21
Climate Change Officer (if climate change implications apply)		19/01/21