

To all Members of Stroud District Council

19 October 2016

You are hereby summoned to attend a meeting of the **STROUD DISTRICT COUNCIL** in the Council Chamber, Ebley Mill on **Thursday 27 October 2016 at 7.00 pm.**



David Hagg, Chief Executive

**Please Note:** This meeting will be filmed for live or subsequent broadcast via the Council's internet site (www.stroud.gov.uk). By entering the Council Chamber you are consenting to being filmed. The whole of the meeting will be filmed except where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

## **A G E N D A**

**1 APOLOGIES**

To receive apologies for absence

**2 DECLARATIONS OF INTEREST**

To receive declarations of interest

**3 MINUTES**

To confirm and sign as a correct record the minutes of the meeting held on 21 July 2016

**4 ANNOUNCEMENTS**

To receive announcements from the Chair of Council, the Leader and the Chief Executive

**5 PUBLIC QUESTION TIME**

The Chairs of Committees will answer questions from members of the public submitted in accordance with the Council's procedures

**DEADLINE FOR RECEIPT OF QUESTIONS**

Noon on Monday, 24 October 2016

Questions must be submitted to the Chief Executive, Democratic Services, Ebley Mill, Ebley Wharf, Stroud and sent by post or email (democratic.services@stroud.gov.uk)

## **6 RECOMMENDATIONS TO COUNCIL**

### **AUDIT AND STANDARDS COMMITTEE – 22 SEPTEMBER 2016**

#### **6a Changes to the Arrangements for Appointment of External Auditors (A&S Agenda Item 13)**

Having considered the above matter, the Committee has made the following recommendation to Council:

“The Council opts in to the Public Sector Audit Appointments Ltd as the Sector Led Body for the appointment of the Council’s External Auditors from 2018/19”.

### **STRATEGY AND RESOURCES COMMITTEE – 13 OCTOBER 2016**

#### **6b Fifth Report of the Constitution Working Group (S&R Agenda Item 6f)**

Having considered the above matter, the Committee has made the following recommendation to Council:

“Relevant amendments be made to the Council’s Constitution to ensure that as from 1 December 2016 the Housing Committee’s terms of reference comprise public and private housing issues affecting the Council’s housing authority role and housing policy”.

#### **6c Local Council Tax Support Scheme (S&R Agenda Item 7)**

Having considered the above matter, the Committee has made the following recommendation to Council:

“That it adopts the current local scheme as the scheme for Stroud District Council for the period 1 April 2017 to 31 March 2018”.

#### **6d Budget Strategy 2017/18 – 2020/21 (S&R Agenda Item 11)**

Having considered the above matter, the Committee has made the following recommendation to Council:

“That Stroud District Council remains in the Business Rates Pool from April 2017 if to do so maximises the retention of business rate income in Gloucestershire”.

## **7 APPOINTMENT OF CO-OPTED TENANT MEMBERS TO HOUSING COMMITTEE**

Further to the resolution of Council on 21 July 2016 to extend the membership of the Housing Committee to include two co-opted tenant members, the Housing Committee’s interview panel met shortlisted applicants on 18 October. The Chair of the Housing Committee will provide a verbal report on the outcome of the interviews and make a recommendation to Council regarding the appointment(s) for a specified term of office.

## **8 STROUD TOWN CENTRE NEIGHBOURHOOD DEVELOPMENT PLAN**

To consider a report on whether the Stroud Town Centre Neighbourhood Plan should be made part of the Development Plan, following the referendum.

**9 EASTINGTON NEIGHBOURHOOD DEVELOPMENT PLAN**

To consider a report on whether the Eastington Neighbourhood Plan should be made part of the Development Plan, following the referendum.

**10 WHITESHILL AND RUSCOMBE NEIGHBOURHOOD DEVELOPMENT PLAN**

To consider a report on whether the Whiteshill and Ruscombe Neighbourhood Plan should be made part of the Development Plan, following the referendum.

**11 NAILSWORTH COMMUNITY RIGHT TO BUILD ORDER**

To consider a report on whether the Nailsworth Community Right to Build Order should be made, following the referendum.

**12 MEMBERS' QUESTIONS**

See Agenda Item 5 for the submission deadlines.

**13 NOTICE OF MOTIONS**

**13a Motion proposed by Councillor Martin Baxendale and seconded by Councillor Paul Denney regarding the divestment of fossil fuels by the Gloucestershire Local Government Pension Fund.**

“In line with this Council’s commitment in its Environmental Policy to mitigating the effects of climate change, Council recognises the serious risk to climate stability caused by the continued burning of fossil fuels and accepts that a rapid large-scale shift away from fossil fuels towards energy efficiency and alternative sources of energy is needed to avert catastrophic levels of future climate change.

Council accepts that trustees of pension funds and others responsible for investment decisions have a fiduciary duty to consider the environmental and social risks relating to their investments, including climate risks, and to adopt strategies to minimize those risks. Since the bulk of remaining fossil fuels must stay in the ground if major climate change is to be avoided, the reserves of the fossil fuel industry risk becoming ‘stranded assets’ with little or no value – representing a substantial financial risk for those that invest in them.

Last year data was published showing that UK local government pension schemes in total invest more than £14 billion in the fossil fuel industry. Council therefore calls on the Pension Committee of Gloucestershire County Council to implement as a matter of urgency a policy of divestment from fossil fuels for the Gloucestershire Local Government Pension Fund, following the example of Waltham Forest Council whose Pension Fund Committee recently adopted such a policy.

Specifically, Council asks for an immediate freeze on new investments in fossil fuels and divestment from any business which is involved in the exploration or production of fossil fuels within 5 years.

Council will also actively lobby other councils whose staff pensions are within the Gloucestershire Local Government Pension Fund to pass similar motions in favour of divestment from fossil fuels within the fund.”

**13b Motion proposed by Councillor Doina Cornell and seconded by Councillor John Marjoram regarding NHS trusts hospital and maternity services within the Stroud District.**

“This Council notes that the Gloucester Care Services NHS Trust now no longer operates an overnight service at the Stroud Minor Injuries & Illness Unit. This Council further notes the £11.1m deficit by the Gloucestershire Royal Hospitals NHS Trust. This Council also recognises the financial pressures on the NHS. Lastly, this Council recognises the valuable contribution made to the whole of the Stroud District by having Stroud Hospital and the Maternity Unit operating locally to serve local people.

The Council is asked to move that it is very concerned about the long term future of both institutions, and that a delegation of its group leaders meet with senior members of the trusts and the Clinical Commissioning Group, to seek guarantees about the future of the hospital and maternity unit.”

**13c Motion proposed by Councillor Steve Lydon and seconded by Councillor Doina Cornell regarding proposals for review of parliamentary constituencies across the Stroud District.**

“The Boundary Commission for England published its proposals for boundary changes to UK parliamentary constituencies on the 13<sup>th</sup> September 2016. A consultation period of 12 weeks will close on the 5<sup>th</sup> December.

Currently, the whole of the District (with the exception of the district wards of Minchinhampton, Kingswood and Wotton-under-Edge) is within the Stroud Constituency. The three district wards that are not in this constituency are part of the Cotswold Constituency.

The Commission proposes significant changes to constituencies in Gloucestershire based on its remit that constituencies have no fewer than 71,031 electors and no more than 78,507 electors. For the Stroud District this means the Stroud Constituency will:

- Gain Quedgeley Fieldcourt and Quedgeley Severn Vale from the Gloucester Constituency;
- Lose Minchinhampton and Nailsworth to the Cotswold Constituency; and
- Lose Berkeley, Cam East, Cam West, Dursley, Kingswood, Vale and Wotton-under-Edge to the proposed Dursley, Thornbury and Yate Constituency.

As a consequence, the Stroud District will have three Members of Parliament rather than the existing two, albeit for two of them the majority of electors will be in neighbouring council areas.

In view of the above, it is proposed that it be moved that:

The Council considers the Boundary Commission for England's proposals to be unsatisfactory from a democratic representation and accountability viewpoint and that it adds unnecessary complexity to election management arrangements. Consequently, the Council agrees to make a submission to the Boundary Commission for England setting out its views and with a strong demand that the proposed parliamentary boundaries be redrawn as follows:

**\*Stroud constituency** (all the following 2015 wards are currently in Stroud Constituency) for which the total electorate is 76,009:

|                        |                                 |                   |
|------------------------|---------------------------------|-------------------|
| Amberley & Woodchester | Dursley                         | Slade             |
| Berkeley               | Eastington & Standish           | Stonehouse        |
| Cainscross             | Farmhill & Paganhill            | The Stanleys      |
| Cam East               | Hardwicke                       | Thrupp            |
| Cam West               | Nailsworth                      | Trinity           |
| Central                | Randwick, Whiteshill & Ruscombe | Uplands           |
| Chalford               | Rodborough                      | Upton St Leonards |
| Coaley & Uley          | Severn                          | Valley            |

**\*Cotswolds Constituency:**

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| Bisley (currently in the Stroud Constituency)    |
| Minchinhampton                                   |
| Painswick (currently in the Stroud Constituency) |

**\*Thornbury, Yate and Tetbury Constituency:**

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| Kingswood (currently in the Cotswolds Constituency)           |
| Vale (currently in the Stroud Constituency)                   |
| Wotton-under-Edge (currently in the Cotswolds Constituency)." |

[\*Note: The Boundary Commission is using 2015 district wards not 2016 ones, hence the names of the wards used. Any proposals must be based on the 2015 wards not those now in place].

**COUNCIL MEETING**

21 July 2016

**3**

7.00 pm – 8.40 pm

Council Chamber, Ebley Mill, Stroud

**Minutes****Membership:**

|                  |   |                  |   |                        |   |
|------------------|---|------------------|---|------------------------|---|
| Martin Baxendale | P | Nick Hurst       | P | Skeena Rathor          | P |
| Dorcas Binns     | P | Julie Job        | A | Sue Reed               | P |
| Catherine Braun  | P | Haydn Jones      | A | Mark Reeves            | P |
| Chris Brine      | P | John Jones       | P | Steve Robinson         | P |
| George Butcher   | P | Norman Kay       | P | Mattie Ross            | P |
| Miranda Clifton  | P | Stephen Lydon    | P | Tom Skinner            | P |
| Nigel Cooper     | P | John Marjoram    | P | Nigel Studdert-Kennedy | P |
| Doina Cornell    | P | Phil McAsey      | P | Haydn Sutton           | P |
| Gordon Craig     | P | Karen McKeown    | P | Brian Tipper           | A |
| Rachel Curley    | P | Jenny Miles      | P | Chas Townley           | P |
| Stephen Davies   | A | Dave Mossman     | P | Jessica Tomblin        | P |
| Paul Denney      | P | Gill Oxley       | P | Ken Tucker             | P |
| Jim Dewey        | P | Keith Pearson    | P | Martin Whiteside       | A |
| Jonathan Edmunds | A | Elizabeth Peters | A | Tim Williams           | P |
| Chas Fellows     | P | Simon Pickering  | P | Tom Williams           | P |
| Colin Fryer      | P | Gary Powell      | P | Penny Wride            | P |
| Alison Hayward   | P | Nigel Prenter    | P | Debbie Young           | P |

\*\* = Chair of Council    \* = Vice Chair of Council    P = Present    A = Absent

**Officers Present:**

Chief Executive

Legal Services Manager &amp; Monitoring Officer

Democratic Services Officer

**CL.009      APOLOGIES**

Apologies of absence were received from Councillors Stephen Davies, Jonathan Edmunds, Julie Job, Haydn Jones, Elizabeth Peters, Brian Tipper and Martin Whiteside.

**CL.010      DECLARATIONS OF INTEREST**

There were none.

**CL.011      MINUTES**

**RESOLVED** That the minutes of the Annual General Meeting held on 19 May 2016 are confirmed and signed as a correct record.

**CL.012**      **ANNOUNCEMENTS**The Chair of Council

The Chair requested Council to stand and observe a minutes silence in respect of Jo Cox MP and Barry Dare, former leader of Gloucestershire County Council.

The Chief Executive

Following the result of the EU Referendum a joint statement had been issued by the party leaders outlining the next steps the Council would be taking.

**CL.013**      **PUBLIC QUESTION TIME**

There were none.

**CL.014**      **RECOMMENDATION TO COUNCIL FROM HOUSING COMMITTEE,  
28 JUNE 2016 - FUTURE OF TENANT INVOLVEMENT**

Councillor Mattie Ross gave a comprehensive verbal update on the work that had been undertaken on tenant involvement and responded to questions from members.

Councillor Debbie Young proposed an amendment to the Motion that was seconded by Councillor Nigel Cooper. The amendment was debated but lost by 2 votes.

The original Motion, as set out in the report, which was seconded by Councillor Chas Townley was CARRIED by 26 votes in favour, 16 votes against and 0 abstentions.

- RESOLVED (a) The membership of the Housing Committee be amended to include two co-opted tenant members (with no voting rights) who may speak in Committee on Council housing matters; and**
- (b) The Stroud Council Housing Forum be immediately replaced by formal and more effective tenant consultation arrangements and events.**

**CL.015**      **DEVOLUTION UPDATE**

Members received an update from the Chief Executive.

**CL.016**      **MEMBERS' QUESTIONS**

There were none.

**CL.017**      **NOTICE OF MOTION – 1/2016**

Motion proposed by Councillor Doina Cornell and seconded by Councillor John Marjoram. Councillor Marjoram proposed an amendment to the Motion. The meeting adjourned at 8.20 pm and reconvened at 8.25 pm. Councillor Marjoram withdrew his amendment. Members debated the Motion and were very supportive.

The Motion was put to the vote and CARRIED by 40 votes in favour, 0 votes against the 3 abstentions.

The meeting concluded at 8.40 pm.

**STROUD DISTRICT COUNCIL  
COUNCIL**

**AGENDA  
ITEM NO**

**27 OCTOBER 2016**

**8**

|   |   |
|---|---|
| <b>Report Title</b>                               | <b>STROUD TOWN CENTRE NEIGHBOURHOOD DEVELOPMENT PLAN</b>  |
| <b>Purpose of Report</b>                          | To decide whether the Stroud Town Centre Neighbourhood Plan should be made part of the Development Plan for Stroud District following the positive outcome of the referendum held on Thursday, 18 August 2016.  |
| <b>Decision(s)</b>                                | <p><b>Council RESOLVES:</b></p> <ol style="list-style-type: none"> <li><b>1. that the Stroud Town Centre Neighbourhood Plan is made part of the Development Plan for Stroud District.</b></li> <li><b>2. to delegate to the Strategic Head (Development Services), in agreement with the Qualifying Body, the correction of any further minor spelling, grammatical or typographical errors together with any improvements from a presentational perspective.</b></li> </ol>  |
| <b>Consultation and Feedback</b>                  | <p>A Referendum relating to the adoption of the Stroud Town Centre Neighbourhood Development Plan was held on Thursday 18 August 2016.</p> <p>The question which was asked in the Referendum was: "Do you want Stroud District Council to use the neighbourhood plan for Stroud Town Centre to help it decide planning applications in the neighbourhood area?"</p> <p>The result was as follows:</p> <ul style="list-style-type: none"> <li>• Yes = 1246 votes (91%)</li> <li>• No = 117 votes (9%)</li> <li>• Turnout = 13%</li> </ul> <p>All neighbourhood development plans are required to gain a majority of 50% plus one in favour at a local referendum in order to be 'made'/ adopted by the local planning authority. If the plan received a positive result then the local planning authority has a legal duty to bring the plan into force.</p> |
| <b>Financial Implications and Risk Assessment</b> | <p>No direct financial implications arising from this development plan. It is a legal requirement to bring the plan into force, not adopting it would lead to costs associated with legal challenge.</p> <p>Adele Rudkin, Accountant Tel: 01453 754109<br/>Email: <a href="mailto:adele.rudkin@stroud.gov.uk">adele.rudkin@stroud.gov.uk</a></p>  |

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| <b>Legal Implications</b>               | The legal position in respect of adopting the Neighbourhood Plan is correctly summarised in paragraph 7 of this report.<br>Alan Carr, Solicitor Tel: 01453 754357<br>Email: <a href="mailto:alan.carr@stroud.gov.uk">alan.carr@stroud.gov.uk</a>   |
| <b>Report Author</b>                    | Ricardo Rios, Neighbourhood Planning Officer<br>Tel: 01453 754339<br>Email: <a href="mailto:ricardo.rios@stroud.gov.uk">ricardo.rios@stroud.gov.uk</a>   |
| <b>Options</b>                          | The Council has a legal duty to bring the plan into force following a positive result at the local referendum.<br>The only circumstances in which the Council could not make the Neighbourhood Plan would be if it considers that the Neighbourhood Plan, including its preparation, breaches and would otherwise be incompatible with any EU obligation or any Convention rights (within the meaning of the Human Rights Act 1998)  |
| <b>Performance Management Follow Up</b> | The Neighbourhood Plan, when adopted, will form part of the Development Plan for the District and will be used to determine planning applications. The implementation of the Plan will be monitored by the Town Council. A key measure of success will be the extent to which planning permissions granted in the town centre reflect the policies in the Plan.<br>It is hoped that by monitoring the Plan, the Town Council will be able to ascertain where changes may need to be made when the Plan is updated. |
| <b>Background Papers/ Appendices</b>    | Appendix A – <a href="#">Stroud Town Centre Neighbourhood Development Plan – Shaping the Heart of Stroud</a>   |

## BACKGROUND

1. The Stroud Town Centre Neighbourhood Area was designated by resolution of the Council's Environment Committee on 19th June 2014.
2. The preparation of the Stroud Town Centre Neighbourhood Development Plan (STCNDP) was led by a steering group subordinate to Stroud Town Council ('the qualifying body').
3. A submission version of the STCNDP was accepted by the Council on 9th December 2015, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the regulations'). As prescribed by 'the regulations', the Council consulted on the plan for six weeks and arranged for the plan to be examined.
4. The Council appointed Mr John Parmiter FRICS FRSA MRTPI as independent examiner of the STCNDP.

5. A public hearing was held on 18<sup>th</sup> March 2016 at the Stroud Subscription Rooms. The examination concluded on 11th April 2016 with the submission of the Examiner's Report , which recommended that the STCNDP, once modified, should proceed to a referendum. The examiner also recommended that the area for the referendum should be extended to the whole of Stroud Town civic area.
6. The Council's Environment Committee decided on 16th June 2016:
  1. to accept all recommended modifications of the Examiner's Report
  2. that 'the plan', as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and
  3. to take all appropriate actions to progress the plan to referendum on the 18 of August 2016;

The Council agreed with the examiner that the referendum area should be extended to the whole of Stroud Town civic area.

## **CONSIDERATION**

7. Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Under section 38A (4) of the Planning and Compensation Act 2004 (as amended), local planning authorities have a legal duty to make a neighbourhood development plan following a positive referendum result. This is subject to the limit exception, in sub section (6), whereby the council need not adopt the plan if it considers that it would be incompatible with any European Union obligations or Human Rights conventions. In this regard, Environment Committee on 16th June 2016 determined that such requirements had been considered and satisfied. Therefore to not make/adopt the Stroud Town Centre Neighbourhood Development Plan would be in breach of these statutory provisions.

## **NEXT STEPS**

8. The Council must publish a statement setting out its decision and the reason for making it.
9. Once made, the Plan forms part of the statutory Development Plan for the District. The NPPF (paragraph 198) states: "Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted."
10. As soon as possible the Council should publish the plan, details of when and where it can be inspected and notify any person who has asked to be notified that it has been made and where and when it may be inspected.

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| <b>Report Title</b>                               | <b>EASTINGTON NEIGHBOURHOOD DEVELOPMENT PLAN</b>   |
| <b>Purpose of Report</b>                          | To decide whether the Eastington Neighbourhood Plan should be made part of the Development Plan for the Stroud District following the positive outcome of the referendum held on Thursday, 18 August 2016.   |
| <b>Decision(s)</b>                                | <p><b>Council RESOLVES:</b></p> <ol style="list-style-type: none"> <li><b>1. that the Eastington Neighbourhood Plan is made part of the Development Plan for Stroud District; and</b></li> <li><b>2. to delegate to the Strategic Head (Development Services), in agreement with the Qualifying Body, the correction of any further minor spelling, grammatical or typographical errors together with any improvements from a presentational perspective.</b></li> </ol>   |
| <b>Consultation and Feedback</b>                  | <p>A Referendum relating to the adoption of the Eastington Neighbourhood Development Plan was held on Thursday 18 August 2016. The question which was asked in the Referendum was: "Do you want Stroud District Council to use the neighbourhood plan for Eastington to help it decide planning applications in the neighbourhood area?"</p> <p>The result was as follows:</p> <ul style="list-style-type: none"> <li>• Yes = 337 votes (91%)</li> <li>• No = 35 votes (9%)</li> <li>• Turnout = 29%</li> </ul> <p>All neighbourhood development plans are required to gain a majority of 50% plus one in favour at a local referendum in order to be 'made'/ adopted by the local planning authority. If the plan received a positive result then the local planning authority has a legal duty to bring the plan into force.</p> |
| <b>Financial Implications and Risk Assessment</b> | <p>No direct financial implications arising from this development plan. It is a legal requirement to bring the plan into force, not adopting it would lead to costs associated with legal challenge.</p> <p>Adele Rudkin, Accountant Tel: 01453 754109<br/>Email: <a href="mailto:adele.rudkin@stroud.gov.uk">adele.rudkin@stroud.gov.uk</a></p>   |

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| <b>Legal Implications</b>               | The legal position in respect of adopting the Neighbourhood Plan is correctly summarised in paragraph 6 of this report.<br>Alan Carr, Solicitor Tel: 01453 754357<br>Email: <a href="mailto:alan.carr@stroud.gov.uk">alan.carr@stroud.gov.uk</a>  |
| <b>Report Author</b>                    | Ricardo Rios, Neighbourhood Planning Officer<br>Tel: 01453 754339<br>Email: <a href="mailto:ricardo.rios@stroud.gov.uk">ricardo.rios@stroud.gov.uk</a>  |
| <b>Options</b>                          | The Council has a legal duty to bring the plan into force following a positive result at the local referendum.<br>The only circumstances in which the Council could not make the Neighbourhood Plan would be if it considers that the Neighbourhood Plan, including its preparation, breaches and would otherwise be incompatible with any EU obligation or any Convention rights (within the meaning of the Human Rights Act 1998) |
| <b>Performance Management Follow Up</b> | The Neighbourhood Plan, when adopted, will form part of the Development Plan for the District and will be used to determine planning applications. The implementation of the Plan will be monitored by Eastington Parish Council. It is hoped that by monitoring the Plan, the Parish Council will be able to ascertain where changes may need to be made when the Plan is updated.   |
| <b>Background Papers/ Appendices</b>    | Appendix A – <a href="#">Eastington Neighbourhood Development Plan</a>  |

## BACKGROUND

1. The Eastington Neighbourhood Area was designated by resolution of the Council's Environment Committee on 12<sup>th</sup> September 2013.
2. The preparation of the Eastington Neighbourhood Development Plan (ENDP) was led by a steering group subordinate to Eastington Parish Council ('**the qualifying body**').
3. A submission version of the ENDP was accepted by the Council on 14th January 2016, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the regulations'). As prescribed by 'the regulations', the Council consulted on the plan for six weeks and arranged for the plan to be examined.
4. The Council appointed Ms Rosemary Kidd Dip TP, MRTPI as independent examiner of the ENDP. The examination concluded on 28th April 2016 with the submission of the Examiner's Report, which recommended that the ENDP, once modified, should proceed to a referendum. The examiner also

recommended that the area for the referendum should not extend beyond the Neighbourhood Area to which the plan relates.

5. The Council's Environment Committee decided on 16th June 2016:
  1. to accept all recommended modifications of the Examiner's Report
  2. that 'the plan', as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and
  3. to take all appropriate actions to progress the plan to referendum on the 18 of August 2016;

The Council agreed with the examiner that there was no reason to extend the referendum area beyond the boundaries of the Neighbourhood Area to which the plan related.

### **CONSIDERATION**

6. Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Under section 38A (4) of the Planning and Compensation Act 2004 (as amended), local planning authorities have a legal duty to make a neighbourhood development plan following a positive referendum result. This is subject to the limit exception, in sub section (6), whereby the council need not adopt the plan if it considers that it would be incompatible with any European Union obligations or Human Rights conventions. In this regard, Environment Committee on 16th June 2016 determined that such requirements had been considered and satisfied. Therefore to not make/adopt the ENDP would be in breach of these statutory provisions.

### **NEXT STEPS**

7. The Council must publish a statement setting out its decision and the reason for making it.
8. Once made, the Plan forms part of the statutory Development Plan for the District. The NPPF (paragraph 198) states: "Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted."
9. As soon as possible the Council should publish the plan, details of when and where it can be inspected and notify any person who has asked to be notified that it has been made and where and when it may be inspected.

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| <b>Report Title</b>                               | <b>WHITESHILL &amp; RUSCOMBE NEIGHBOURHOOD DEVELOPMENT PLAN</b>  |
| <b>Purpose of Report</b>                          | To decide whether the Whiteshill & Ruscombe Neighbourhood Plan should be made part of the Development Plan for the Stroud District following the positive outcome of the referendum held on Thursday, 18 August 2016.  |
| <b>Decision(s)</b>                                | <p><b>Council RESOLVES:</b></p> <ol style="list-style-type: none"> <li>1. that the Whiteshill &amp; Ruscombe Neighbourhood Plan is made part of the Development Plan for Stroud District; and</li> <li>2. to delegate to the Strategic Head (Development Services), in agreement with the Qualifying Body, the correction of any further minor spelling, grammatical or typographical errors together with any improvements from a presentational perspective.</li> </ol>  |
| <b>Consultation and Feedback</b>                  | <p>A Referendum relating to the adoption of the Whiteshill &amp; Ruscombe Neighbourhood Development Plan was held on Thursday 18 August 2016.</p> <p>The question which was asked in the Referendum was: "Do you want Stroud District Council to use the neighbourhood plan for Whiteshill &amp; Ruscombe to help it decide planning applications in the neighbourhood area?"</p> <p>The result was as follows:</p> <ul style="list-style-type: none"> <li>• Yes = 183 votes (88%)</li> <li>• No = 25 votes (12%)</li> <li>• Turnout = 21%</li> </ul> <p>All neighbourhood development plans are required to gain a majority of 50% plus one in favour at a local referendum in order to be 'made'/ adopted by the local planning authority. If the plan received a positive result then the local planning authority has a legal duty to bring the plan into force.</p> |
| <b>Financial Implications and Risk Assessment</b> | <p>No direct financial implications arising from this development plan. It is a legal requirement to bring the plan into force, not adopting it would lead to costs associated with legal challenge.</p> <p>Adele Rudkin, Accountant Tel: 01453 754109<br/>Email: <a href="mailto:adele.rudkin@stroud.gov.uk">adele.rudkin@stroud.gov.uk</a></p>   |

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|---|---|
| <b>Legal Implications</b>               | The legal position in respect of adopting the Neighbourhood Plan is correctly summarised in paragraph 6 of this report.<br>Alan Carr, Solicitor Tel: 01453 754357<br>Email: <a href="mailto:alan.carr@stroud.gov.uk">alan.carr@stroud.gov.uk</a>  |
| <b>Report Author</b>                    | Ricardo Rios, Neighbourhood Planning Officer<br>Tel: 01453 754339<br>Email: <a href="mailto:ricardo.rios@stroud.gov.uk">ricardo.rios@stroud.gov.uk</a>  |
| <b>Options</b>                          | The Council has a legal duty to bring the plan into force following a positive result at the local referendum.<br>The only circumstances in which the Council could not make the Neighbourhood Plan would be if it considers that the Neighbourhood Plan, including its preparation, breaches and would otherwise be incompatible with any EU obligation or any Convention rights (within the meaning of the Human Rights Act 1998) |
| <b>Performance Management Follow Up</b> | The Neighbourhood Plan, when adopted, will form part of the Development Plan for the District and will be used to determine planning applications. The implementation of the Plan will be monitored by Whiteshill & Ruscombe Parish Council. It is hoped that by monitoring the Plan, the Parish Council will be able to ascertain where changes may need to be made when the Plan is updated.                                      |
| <b>Background Papers/ Appendices</b>    | Appendix A – <a href="#">Whiteshill &amp; Ruscombe Neighbourhood Development Plan</a>   |

## BACKGROUND

1. The Whiteshill & Ruscombe Neighbourhood Area was designated by resolution of the Council's Environment Committee on 12<sup>th</sup> September 2013.
2. The preparation of the Whiteshill & Ruscombe Neighbourhood Development Plan (W&RNDP) was led by a steering group subordinate to Whiteshill & Ruscombe Parish Council (**the qualifying body**).
3. A submission version of the W&RNDP was accepted by the Council on 8<sup>th</sup> January 2016, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the regulations'). As prescribed by 'the regulations', the Council consulted on the plan for six weeks and arranged for the plan to be examined.
4. The Council appointed Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI as independent examiner of the W&RNDP. The examination concluded on 18<sup>th</sup> April 2016 with the submission of the Examiner's Report, which recommended that the W&RNDP, once modified, should proceed to a referendum. The examiner also recommended that the area for the referendum should not extend beyond the Neighbourhood Area to which the plan relates.

5. The Council's Environment Committee decided on 16th June 2016:
  1. to accept all recommended modifications of the Examiner's Report
  2. that 'the plan', as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and
  3. to take all appropriate actions to progress the plan to referendum on the 18 of August 2016;

The Council agreed with the examiner that there was no reason to extend the referendum area beyond the boundaries of the Neighbourhood Area to which the plan related.

### **CONSIDERATION**

6. Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Under section 38A (4) of the Planning and Compensation Act 2004 (as amended), local planning authorities have a legal duty to make a neighbourhood development plan following a positive referendum result. This is subject to the limit exception, in sub section (6), whereby the council need not adopt the plan if it considers that it would be incompatible with any European Union obligations or Human Rights conventions. In this regard, Environment Committee on 16th June 2016 determined that such requirements had been considered and satisfied. Therefore to not make/adopt the W&RNDP would be in breach of these statutory provisions.

### **NEXT STEPS**

7. The Council must publish a statement setting out its decision and the reason for making it.
8. Once made, the Plan forms part of the statutory Development Plan for the District. The NPPF (paragraph 198) states: "Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted."
9. As soon as possible the Council should publish the plan, details of when and where it can be inspected and notify any person who has asked to be notified that it has been made and where and when it may be inspected.

**STROUD DISTRICT COUNCIL**  
**COUNCIL**

**AGENDA  
ITEM NO**

**27 OCTOBER 2016**

**11**

|                                  |   |
|----------------------------------|---|
| <b>Report Title</b>              | <b>NAILSWORTH COMMUNITY RIGHT TO BUILD ORDER</b>  |
| <b>Purpose of Report</b>         | To decide whether the Nailsworth Community Right to Build Order should be made, i.e. brought into force, following the positive outcome of the referendum held on Thursday, 18 August 2016. By being 'made' the Community Right to Build Order in effect grants planning permission for the proposal.   |
| <b>Decision(s)</b>               | <p><b>Council RESOLVES:</b></p> <ol style="list-style-type: none"> <li><b>1. that the Nailsworth Community Right to Build Order is made, in effect granting planning permission for the proposal described in the Order; and</b></li> <li><b>2. to delegate to the Strategic Head (Development Services), in agreement with the Qualifying Body, the correction of any further minor spelling, grammatical or typographical errors together with any improvements from a presentational perspective.</b></li> </ol>   |
| <b>Consultation and Feedback</b> | <p>A Referendum relating to the adoption of the Nailsworth Community Right to Build Order was held on Thursday 18 August 2016. The question which was asked in the Referendum was: "Do you want the development in the Community Right to Build Order for Nailsworth (Land East of 16, Lawnside, Forest Green, Nailsworth) to have planning permission?"</p> <p>The result was as follows:</p> <ul style="list-style-type: none"> <li>• Yes = 965 votes (84%)</li> <li>• No = 190 votes (16%)</li> <li>• Turnout = 25%</li> </ul> <p>All Community Right to Build Orders are required to gain a majority of 50% plus one in favour at a local referendum in order to be 'made'/ granted planning permission by the local planning authority. If the proposal received a positive result then the local planning authority has a legal duty to make the proposal, thereby granting it planning permission.</p> |

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| <b>Financial Implications and Risk Assessment</b> | No direct financial implications arising from this development proposal. It is a legal requirement to bring the CRTBO into force, not granting planning permission to the proposal specified in the Order would lead to costs associated with legal challenge.<br>Adele Rudkin, Accountant Tel: 01453 754109<br>Email: <a href="mailto:adele.rudkin@stroud.gov.uk">adele.rudkin@stroud.gov.uk</a>                                  |
| <b>Legal Implications</b>                         | The statutory position is correctly summarised in paragraph 6 of this report. The terms of transfer of the land by the Council is still in the course of being settled and will include safeguards in respect of meeting affordability and local need criteria.<br>Alan Carr, Solicitor Tel: 01453 754357<br>Email: <a href="mailto:alan.carr@stroud.gov.uk">alan.carr@stroud.gov.uk</a>   |
| <b>Report Author</b>                              | Ricardo Rios, Neighbourhood Planning Officer<br>Tel: 01453 754339<br>Email: <a href="mailto:ricardo.rios@stroud.gov.uk">ricardo.rios@stroud.gov.uk</a>   |
| <b>Options</b>                                    | The Council has a legal duty to bring the proposal into force following a positive result at the local referendum.<br>The only circumstances in which the Council could not make Community Right to Build Order would be if it considers that the Order, including its preparation, breaches and would otherwise be incompatible with any EU obligation or any Convention rights (within the meaning of the Human Rights Act 1998) |
| <b>Performance Management Follow Up</b>           | The Community Right to Build Order, when made, grants planning permission for 10 new affordable homes on land at Land East of 16, Lawnside, Forest Green, Nailsworth.<br>The proposed affordable housing will be provided by Aster Homes, a Registered Provider, in partnership with Nailsworth Community Land Trust.  |
| <b>Background Papers/ Appendices</b>              | Appendix A – <a href="#">Nailsworth Community Right to Build Order</a>   |

## BACKGROUND

1. The Nailsworth Neighbourhood Area was designated under delegated authority on 16<sup>th</sup> June 2016.
2. The Nailsworth Community Land Trust (NCLT) is the '**qualifying body**' leading the Nailsworth Community Right to Build Order (NCRTBO). The NCLT was initiated by Nailsworth Town Council to develop and manage affordable homes as well as other assets important to the community.
3. A submission version of the NCRTBO was accepted by the Council on 18<sup>th</sup> January 2016, under regulation 12 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the regulations'). As prescribed by 'the

regulations', the Council consulted on the proposal for six weeks and arranged for the proposal to be examined.

4. The Council appointed Ms Clare B. Wright MA PG Dip (BRS) MRTPI MILM as independent examiner of the NCRTBO. The examination concluded on 1<sup>st</sup> June 2016 with the submission of the Examiner's Report, which recommended that the NCRTBO, once modified, should proceed to a referendum. The examiner also recommended that the area for the referendum should not extend beyond the Neighbourhood Area to which the proposal relates.
5. The Council's Environment Committee decided on 16th June 2016:
  1. to accept all recommended modifications of the Examiner's Report
  2. to take all appropriate actions to progress the proposal to referendum on the 18 of August 2016;

The Council agreed with the examiner that the NCRTBO, as modified, complied with the legal requirements and basic conditions set out in the Localism Act 2011, and therefore should proceed to referendum. The council also agreed that there was no reason to extend the referendum area beyond the boundaries of the Neighbourhood Area to which the proposal related.

## **CONSIDERATION**

6. Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Under section 61E (4) of the Town & Country Planning Act (as amended), local planning authorities have a legal duty to make a Community Right to Build Order following a positive referendum result. This is subject to the limit exception, in sub section (8), whereby the council need not make the proposal if it considers that it would be incompatible with any European Union obligations or Human Rights conventions. In this regard, Environment Committee on 16th June 2016 determined that such requirements had been considered and satisfied. Therefore to not make the NCRTBO would be in breach of these statutory provisions.

## **NEXT STEPS**

7. The Council must publish a statement setting out its decision and the reason for making it.
8. Once made, the CRTBO grants planning permission for 10 new affordable homes on land at Land East of 16, Lawnside, Forest Green, Nailsworth.
9. As soon as possible the Council should publish the proposal, details of when and where it can be inspected and notify any person who has asked to be notified that it has been made and where and when it may be inspected.