

**STROUD DISTRICT COUNCIL
EXTRAORDINARY COUNCIL**

**AGENDA
ITEM NO**

19 NOVEMBER 2015

5

Report Title	NEIGHBOURHOOD PLANNING DECISION MAKING
Purpose of Report	To delegate authority to review and determine whether Neighbourhood Development Plans (NDPs), Neighbourhood Development Orders (NDOs) and Community Right to Build Order (CRBOs) should proceed to a Neighbourhood Planning Referendum.
Decision(s)	Council RESOLVES to authorise the Environment Committee to refer any draft Neighbourhood Development Plan, Neighbourhood Development Order or Community Right to Build Order (with or without modifications) which it is satisfied meets the necessary statutory requirements to a referendum.
Consultation and Feedback	<p>On 19th August 2015 the Council sent to all Town / Parish Councils and Gloucestershire Rural Community Council a proposed timetable to guide the formal Neighbourhood Planning statutory requirements leading to a Neighbourhood Planning Referendum.</p> <p>The Council received representations from Kingswood Parish Council, Stonehouse Town Council, Stroud Town Council and Gloucestershire Rural Community Council raising concerns over the rigidity of the Council's Timetable (Appendix A) and the length of the lead time between the submission of NDPs, NDOs and/or CRBOs and the proposed referendum dates.</p> <p>Should Council resolve to grant the sought delegated authority to Environment Committee, a revised timetable (Appendix B) will be sent to all Town/Parish Councils and published on the neighbourhood planning section of the Council's website.</p>
Financial Implications and Risk Assessment	<p>There are no direct Financial Implications arising from this Report.</p> <p>However by giving Environment Committee the authority to determine whether to proceed to a referendum instead of full Council, this then transfers responsibility to incur costs that are outside</p>

	<p>of the Environment Committees budgetary control.</p> <p>Adele Rudkin Accountant Tel: 01453 754109 Email: adele.rudkin@stroud.gov.uk</p>
Legal Implications	<p>This report has been considered in consultation with Legal Services and the key legal implications regarding the scheme of delegations are addressed in the report. Whilst the decision to make a NDP, NPO, CRBO will remain with full Council, interim decisions required as part of the statutory procedures leading up to such final decision are proposed to be delegated to the Environment Committee to avoid the need for reference to full Council in all cases. This will help reduce the time limit marginally. The only way to significantly reduce the relevant time would be to delegate relevant interim decisions to a senior officer. However, this would arguably reduce transparency and democratic accountability. Consequently, the report writer's recommendation is considered the most appropriate.</p> <p>Karen Trickey, Legal Services Manager Tel: 01453 754369 Email: karen.trickey@stroud.gov.uk</p>
Report Author	<p>Ricardo Rios, Neighbourhood Planning Officer Tel: 01453 754339 Email: ricardo.rios@stroud.gov.uk</p>
Options	<p>Option 1 - Keeping current arrangements In the absence of specific reference to neighbourhood planning decisions, current decision making arrangements require the determination of such key stages in the neighbourhood planning process to be referred to the consideration of both Environment Committee and full Council. This approach is consistent with our approach to consider matters and make decisions relating to the Local Plan (which is also part of the development plan). This approach can potentially prolong the decision making process unnecessarily.</p> <p>Option 2 – Delegating all neighbourhood planning decisions to Environment Committee To achieve the objective of streamlining the decision making process there is the option to delegate all decisions to Environment Committee, thereby not involving full Council. This approach would not be consistent with our approach to the Local Plan for</p>

	<p>which all decisions are made by full Council. This approach could also result in ward members being excluded from the decision making process if they are not members of Environment Committee.</p> <p>Option 3 - Delegating some decisions to Environment Committee</p> <p>This is the option promoted by this report. It consists of delegating authority to the Environment Committee to make modifications and determine that NDPs, NDOs and CRBOs, should proceed to a referendum in situations where relevant statutory requirements are met.</p> <p>This approach is considered to be the best balance between avoiding unnecessary delay in the decision making process and democratic accountability.</p>
Performance Management Follow Up	<p>If a referendum is held and there is a vote in favour (50% plus 1), NDPs, NDOs and CRBOs will be referred to Council to be “made” (i.e. brought into force). Once made, NDPs will form part of the development plan for the District and will be used to determine planning applications within the relevant neighbourhood areas.</p> <p>As for NDOs and CRBOs once made, will in effect grant planning permission for a particular form of development to take place.</p>
Background Papers/ Appendices	<p>Appendix A – Neighbourhood Planning Timetable</p> <p>Appendix B – Revised Neighbourhood Planning Timetable</p>

1. BACKGROUND

1.1 There are fourteen designated neighbourhood planning areas within the Stroud District, all of which have their respective Town/Parish Councils acting as the relevant body for the designated area. Thirteen of the fourteen neighbourhood areas sought to be designated to pursue the preparation of Neighbourhood Development Plans (NDPs). These are:

- Chalford Parish Council
- Cam Parish Council
- Dursley Town Council
- Eastington Parish Council
- Hardwicke Parish Council
- Horsley Parish Council
- Kingswood Parish Council
- Minchinhampton Parish Council
- Stonehouse Town Council
- Standish Parish Council

- Stroud Town Council
 - Whiteshill and Ruscombe Parish Council
 - Wotton-Under-Edge Town Council
- 1.2 Nailsworth Town Council, being the exception, is currently pursuing the preparation of a Community Right to Build Order (CRBO) in association with the Nailsworth Community Land Trust and Aster Homes, a registered social housing provider.
 - 1.3 A number of the communities above have made significant progress in the preparation of their NDP and CRBO. The Council has a statutory duty to assist communities in the preparation of NDPs and NDOs and to take these through a process of examination in public and referendum.
 - 1.4 As part of its duty to assist, the Council is required take decisions at three key stages in the neighbourhood planning process. These are:
 - 1.4.1 The decision to designate a neighbourhood area.
 - 1.4.2 The decision to take a plan/order forward to referendum.
 - 1.4.3 The decision to have the plan “made” (legally brought into force).
 - 1.5 The decision to designate a neighbourhood area occurs very early in the process.
 - 1.6 The decision to take the plan forward follows an independent examination of the neighbourhood plan or order. At this stage, the Council must consider each of the examiner’s recommendations and the reasons for them and decide what action to take in response to each.
 - 1.7 The Council must also come to a formal view about whether the draft plan/order complies with all necessary requirements. If the Council is satisfied that the draft plan/order complies with all necessary requirements, or can do so as modified, a referendum must be held.
 - 1.8 The final decision is to have the plan “made”. This decision follows a public referendum and serves to bring the plan into legal force. Once made, the NDP will form part of the development plan for the District and will be used, alongside the Local Plan, to determine planning applications within the relevant neighbourhood area.

2. CONSIDERATION

- 2.1 In accordance with the Council’s Constitution which does not refer specifically to neighbourhood plans or orders, the key decisions mentioned in subparagraphs 1.4.2 and 1.4.3 are referred to the Environment Committee for initial consideration, and then subject to its recommendation to full Council.
- 2.2 The Council’s Neighbourhood Planning Officer asked Gloucestershire Rural Community Council (GRCC) to carry out an independent research into the time taken by Local Authorities to process neighbourhood plans from submission to a referendum. GRCC’s research looked at 63 neighbourhood plans where the relevant dates were accessible:

Table 1 - NDP research by GRCC - August 2015

Number of months between LPA submission and referendum	Number of NDPs
4.0-5.9	31
6.0-7.9 (SDC revised timeline)	16
8.0-9.9 (SDC Timeline for August Referendum)	9
10.0-11.9 (SDC Timeline for February Referendum)	4
12.0-13.9	2
14.0-15.9	1
Total NDPs	63

- 2.3 Table 1 illustrates how the Council's process currently compares in relation to the 63 Local Authorities investigated and how a revision to our timeline, facilitated by delegation of authority to Environment Committee, would make it possible for both practicable referendum dates proposed by the Council to be achieved within the same timescale, thus improving the Council's overall performance in relation to other Local Authorities.
- 2.4 Locality (national charity funded by Central Government to support communities developing neighbourhood plans) and the Department of Communities and Local Government are scrutinising Local Authorities' processes for dealing with neighbourhood planning matters. One of the 'blockages' they cite is Local Authorities refusing to consider issues outside a rigid committee cycle.
- 2.5 It is worth noting that through the Housing and Planning Bill 2015-16, the Government is seeking to introduce prescribed times by which Councils must undertake key neighbourhood planning functions. This is in addition to allowing the Secretary of State to intervene in a Local Authority's decisions on whether to hold a referendum on neighbourhood plans/orders.
- 2.6 Without any modifications, there is a risk that our processes could fall foul of emerging legislation and come under criticism due to the lengthy timescales involved. In fact, the following communities have formally expressed concerns over our neighbourhood planning timetable:
- 2.6.1 Kingswood Parish Council:
- Only one referendum date proposed for 2016.
 - There is a very long period between the submission dates and the referendum dates.
- 2.6.2 Stonehouse Town Council:
- Difficult to maintain public interest in the neighbourhood plan and obtain a reasonable turn out for a referendum when there could be nearly a year between submission of the plan (March 2016) and the proposed referendum date in February 2017.
- 2.6.3 Stroud Town Council:
- Lead time between submission dates and referendum dates (13 to 14 months) is considered unacceptable.

- 2.7 It is not within the scope of this report to seek any changes or alterations to the practicable referendum dates proposed with the agreement of the Returning Officer and the Council's Elections Team.
- 2.8 What is being sought is the delegation of authority to the Environment Committee to make modifications and determine that a NDP, NDO and/or CRBO should proceed to a Neighbourhood Planning Referendum.
- 2.9 It is important to stress that all neighbourhood plans/ orders will come to full Council to be "made". The proposed delegation only means that if the Environment Committee is satisfied that the plan/order meets the relevant statutory requirements the plan /order will be able to proceed directly to a referendum without having to be referred to Council for ratification.
- 2.10 If the Environment Committee is not satisfied that NDP, NDO and / or CRBO meet the necessary requirements, they will be referred to full Council for determination.
- 2.11 The proposed delegation will result in a more flexible dual process, capable of meeting more 'straightforward' plans and orders with speed, while at the same time, meeting more complex ones with the necessary scrutiny and democratic accountability.
- 2.12 If acceptable to members, the proposed delegation would cut down the Council's timetable for the proposed August and February referendums by 6 weeks and 3 months respectively.

3. CONCLUSIONS

- 3.1 To delegate to Environment Committee the authority to make modifications and determine that a NDP, NDO and/or CRBO meet the necessary requirements and therefore should proceed to a Neighbourhood Planning Referendum.
- 3.2 NDPs, NDOs and/or CRBOs that are not considered to meet the necessary requirements to proceed to a Neighbourhood Planning Referendum must be referred back to full Council for determination.