 <b>Executive</b> <b>1 July 2015</b>		<b>Agenda Item No.</b> <h1>11C</h1>	
<b>Title</b>		Baginton, Bubbenhall, Stoneleigh and Ashow Neighbourhood Plan Designation	
<b>For further information about this report please contact</b>		Lorna Coldicott <a href="mailto:lorna.coldicott@warwickdc.gov.uk">lorna.coldicott@warwickdc.gov.uk</a> T. 01926456505	
<b>Wards of the District directly affected</b>		Stoneleigh and Cubbington	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>		No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		Executive 5 November 2014 Minute number 75	
<b>Background Papers</b>		Baginton, Bubbenhall, Stoneleigh and Ashow Joint Parish Council Neighbourhood Area Designation Application.	
<b>Contrary to the policy framework:</b>			No
<b>Contrary to the budgetary framework:</b>			No
<b>Key Decision?</b>			Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>			No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>			No (If No state why below)
These impact assessments are not required for a neighbourhood plan area designation.			
<b>Officer/Councillor Approval</b>			
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>	
Chief Executive/Deputy Chief Executive	05.06.15	Chris Elliott	
Head of Service	05.06.15	Tracy Darke	
CMT	05.06.15	Andrew Jones, Bill Hunt	
Section 151 Officer	05.06.15	Mike Snow	
Monitoring Officer	05.06.15	Andy Jones	
Finance	05.06.15	Mike Snow	
Portfolio Holder(s)	05.06.15	Cllr Stephen Cross	
<b>Consultation &amp; Community Engagement</b>			
<p>In compliance with the Neighbourhood Planning (General) Regulations 2012 Part 2 Sections 6(a) – (c), the neighbourhood area application has been subject to a 6 week period of public consultation. Representations were invited on the application. The consultation also involved a public notice appearing on Warwick District Council's website, a public notice in the relevant local newspaper, as well as the local community notice-boards. In addition, notification was sent via e-mail to stakeholders and interested parties via the LDF consultation system. Seven representations were received, three in support of the area designation, one objecting to a specific area included and three mixed responses. The objection will be dealt with further in this report.</p> <p>A summary of representations is at <b>Appendix 2</b> of this report, full representations are publicly</p>			

available on the LDF consultation system at: <https://warwickdc.jdi-consult.net/localplan/adminsc/>

**Final Decision?**

Yes

## 1. **SUMMARY**

- 1.1 This report sets out the process for the formal designation of a new neighbourhood plan area. This neighbourhood plan area relates to the parishes of Baginton, Bubbenhall, Stoneleigh and Ashow. This joint parish plan area would replace the previously approved neighbourhood plan area for Stoneleigh and Ashow, refused by Executive on 5 November 2014 but replaced and approved as a revised neighbourhood plan boundary at that meeting, conforming to the new parish boundaries approved by the Boundary Commission in January this year.

## 2. **RECOMMENDATION**

- 2.1 That Executive approves designation of the new neighbourhood plan area as submitted in the joint application by the parishes of Baginton, Bubbenhall, Stoneleigh and Ashow attached at **Appendix 1** having regard to the representations made and replacing the previously designated Stoneleigh and Ashow neighbourhood plan area.
- 2.2 That Executive notes the funding available from the Department for Communities and Local Government for the financial year 2015/16 as set out in the Budgetary Framework section of this report.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Nine Neighbourhood Plan Areas have been designated to date: Bishop's Tachbrook (October 2012), Whitnash (January 2013) and Old Milverton and Blackdown (January 2013), Lapworth (January 2014), Barford (August 2014), Stoneleigh and Ashow (November 2014 – subject of re-designation through this report), Burton Green (November 2014), Leek Wootton and Guy's Cliffe (November 2014) Budbrooke (November 2014). The parish councils covering the parishes detailed under paragraph 1.1 of this report have submitted a joint application for designation of a neighbourhood area, under the provisions of the Neighbourhood Planning (General) Regulations 2012, which followed the enactment of the Localism Act 2011.
- 3.2 A joint application was received from Baginton, Bubbenhall, Stoneleigh and Ashow Parish Councils dated 21 November 2014 in accordance with the Town and Country Planning England: Neighbourhood Planning (England) Regulations 2012 and under the statutory regime for neighbourhood planning, introduced by the Localism Act 2011. Baginton, Bubbenhall and Stoneleigh and Ashow Joint Parish Councils are the "relevant body" for the purposes of Section 61G of the Town and Country Planning Act 1990 for the preparation of a Neighbourhood Plan, being the only organisations which can be so designated when the area for the Neighbourhood Plan consists of the whole area of these Joint Parish Councils.
- 3.3 A public consultation held for a period of six weeks ended on 27 March 2015. Details of the application and how to respond to the consultation were given by public notice on the Council's website, in the local press and on local community notice boards in the parishes involved. Additionally, statutory consultees and those stating an interest in this topic from our consultation database, were also informed by email and invited to participate.

- 3.4 As a result of the public consultation a total of 7 comments were received. Of these 3 were in favour and 1 against with 3 being mixed responses. The objections received were against the inclusion of Stoneleigh Park in the Neighbourhood Plan Area; considering instead that it should be designated a 'business area'. It was also suggested that Coventry Airport also be removed as a 'business area'. The response to this is that the statement submitted by the parish councils is sufficient to justify a neighbourhood plan area for the entirety of its collective administrative areas. It is deemed unnecessary to specify why individual areas should specifically be included. Whilst commercial uses at Stoneleigh Park and around Coventry Airport are significant, the parishes of Baginton, Bubbenhall and Stoneleigh and Ashow are not wholly or predominantly business areas in nature. There is an obligation to consider whether the whole area should be a business area under s61H, however the overall area is mixed, with residential, commercial and other land uses and is broadly within a rural and rural fringe setting.
- 3.5 Other comments include that account should be taken of the proposed route of Phase One of HS2 which passes through the Neighbourhood Plan area. The Coal Authority has pointed out that the area has a deep coal resource of a defined coalfield to the east and has confirmed that the proposed area falls within the 'development low risk' category and does not therefore form a case for specific comment. Additionally, Network Rail expresses concern that some development not requiring planning permission could take place affecting its operational land without it having the opportunity to assess the safety and operational implications. These comments have been duly noted but cannot be taken into consideration as development not requiring planning permission is unlikely to come to our notice and is not under our control.

#### 4. **POLICY FRAMEWORK**

- 4.1 The Basic Conditions for neighbourhood plans are specified by law. These are they:
- Must be appropriate having regard to national planning policy;
  - Must contribute to the achievement of sustainable development;
  - Must be in general conformity with the strategic policies in the local plan / core strategy for the local area;
  - Must be compatible with human rights requirements, and
  - Must be compatible with EU directions.
- 4.2 The Local Planning Authority (LPA) will need to work closely with the various neighbourhood plan working parties to ensure that emerging neighbourhood plans are in general conformity with the strategic policies in the emerging new Local Plan.
- 4.3 At a strategic level, neighbourhood planning is reflective of the changing policy and legal environment in which the local authority works and the need to be responsive to customer demands. This is in line with the Council's 'Fit for the Future' Strategy', as is the end result of neighbourhood planning, which is about contributing towards the vision for the district as a great place to live, work and visit. Neighbourhood plans have the potential to bring forward local proposals to improve prosperity, housing, health and wellbeing, community protection and sustainability.
- 4.4 **Impact Assessments:** there are no significant policy changes arising from this report that have an impact on equalities

## **5. BUDGETARY FRAMEWORK**

- 5.1 Within Warwick District Council's Development Services, staff resources are being used to provide some support for neighbourhood plans in line with the requirements of the regulations. Funding for this resource is covered within existing budgets
- 5.2 The LPA can make a financial claim with the Department for Communities and Local Government for up to 20 designations. The first payment of £5,000 will be made following designation of a neighbourhood plan, recognising the officer time spent supporting and advising the community in taking forward a neighbourhood plan. The current funding round is from the 1 April 2015 to 31st March 2016.
- 5.3 A second payment of £5,000 is available per neighbourhood plan, when the LPA publicises the plan prior to examination and a third payment of £20,000 on successful completion of the neighbourhood plan examination.

## **6. RISKS**

- 6.1 The most effective way of enabling progress on neighbourhood plans to be made is to allow boundaries to follow those existing for either parish or town councils. Not to allow this change would deny this group of parish councils to work together to develop a plan which would support the Local Plan and allow local people to have a say in the more detailed aspects of bringing forward development suitable to their joint area.

## **7. ALTERNATIVE OPTION(S) CONSIDERED**

- 7.1 Executive could decide not to designate this new neighbourhood area, but this would leave a designated area inconsistent with new parish boundaries and would not allow these four parishes to work together as they wish, which would be contrary to the spirit of the Localism Act 2011. The Council more importantly has a duty to designate in accordance with 61G(5) and 61G(4) of that Act thus:

"In determining an application the authority must have regard to—

- (a) the desirability of designating the whole of the area of a parish council as a neighbourhood area, and
- (b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.

(5) If—

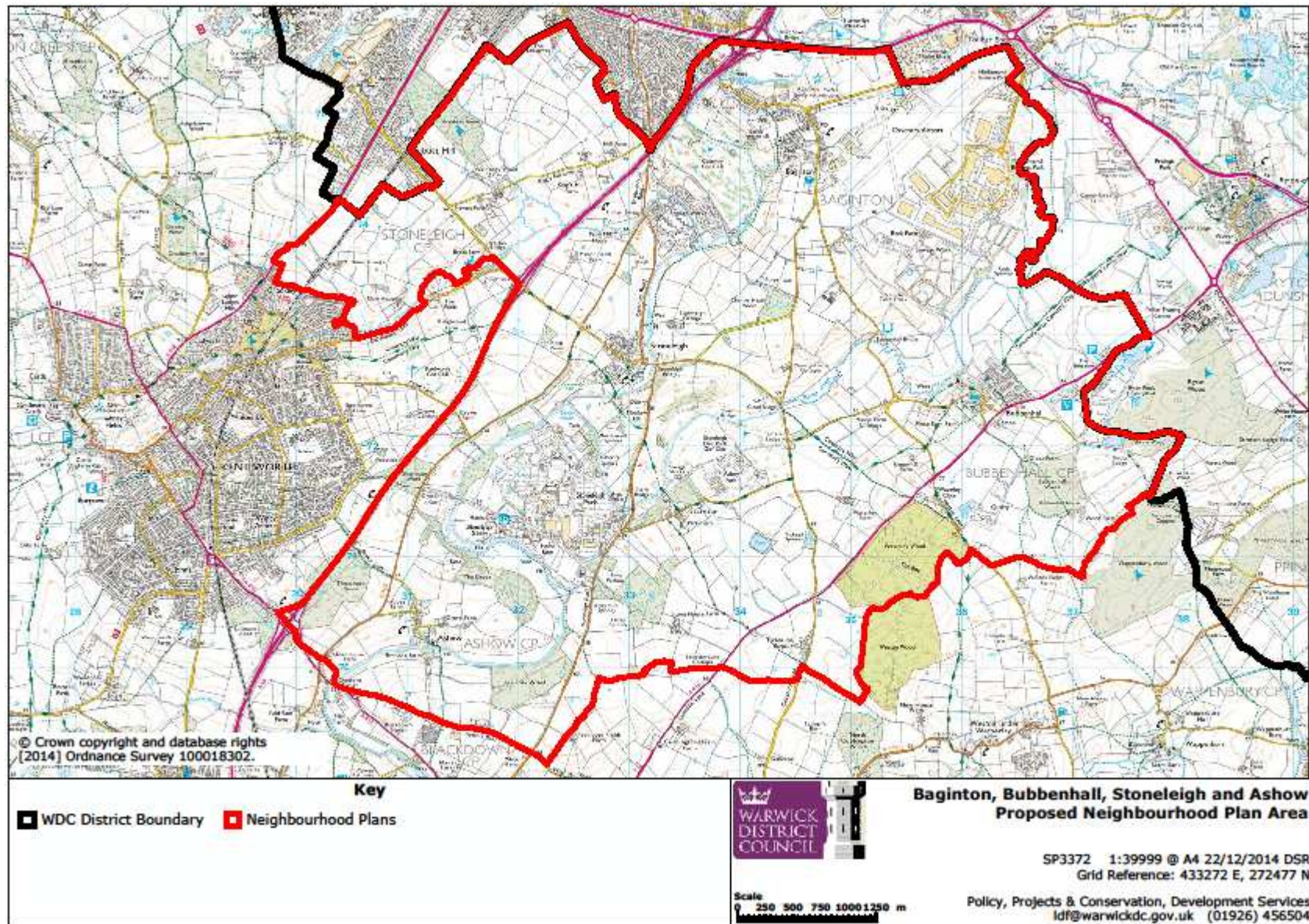
- (a) a valid application is made to the authority,
  - (b) some or all of the specified area has not been designated as a neighbourhood area, and
  - (c) the authority refuse the application because they consider that the specified area is not an appropriate area to be designated as a neighbourhood area,
- the authority must exercise their power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas."

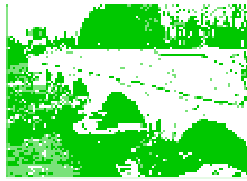
- 7.2 The request to remove Stoneleigh Park and Coventry Airport from the designation area as they are business areas could be considered and these

parts of the parishes could be excluded. However National Guidance states that when designating a neighbourhood area a local planning authority should not make assumptions about the neighbourhood plan or order that will emerge from developing, testing and consulting upon the draft plan. The statement submitted by the parish councils involved justifies the neighbourhood plan area for the entirety of its collective administrative areas. It is deemed unnecessary to specify why individual areas should specifically be included.



## Appendix 1





## Stoneleigh & Ashow Joint Parish Council

Clerk: Mrs P. A. Maddison.

**Warwick District Council**  
**Riverside House**  
**Milverton hill**  
**Leamington Spa**  
**Warwickshire**  
**CV32 5HZ**

**21<sup>st</sup> November 2014**

### **APPLICATION FOR THE DESIGNATION OF A NEIGHBOURHOOD PLAN**

In accordance with the Statutory Instrument, Town and County Planning England: Neighbourhood Planning (England) Regulations 2012, Baginton, Bubbenhall and Stoneleigh and Ashow Parish Councils jointly makes formal application to Warwick District Council for the designation of the land which will constitute the area in the Neighbourhood Plan being prepared by these Parish Councils under the statutory regime for neighbourhood planning, made under the Localism Act 2011.

In accordance with Part 2 of The Neighbourhood Planning (General) Regulations 2012, paragraph 5(1), this application submits:

- (a) a map identifying the area to which the area application relates, being the parish boundaries of the Parishes of Baginton, Bubbenhall and Stoneleigh and Ashow.
- (b) that, in considering the development of a Neighbourhood Plan for the plan period of 15 years, recognising both the rural nature of the parish and the needs of the villages and commercial parts of the parishes, it is essential to balance demand of all parts so that the most appropriate development plan is produced for the whole of the parishes.
- (c) that, Baginton, Bubbenhall and Stoneleigh and Ashow Joint Parish Councils are the relevant body for the purposes of the Town and Country Planning Act 1990, section 61G of the Act for the preparation of a Neighbourhood Plan, being the only organisations which can be so designated when the area for the Neighbourhood Plan consists of the whole area of these Joint Parish Councils. Also recognising our duty to cooperate with neighbouring parishes and wards.



**The Parish Councils request that you commence processing this application as set out in paragraph 6 of part 2 of the said Regulations to designate the Neighbourhood Plan Area.**

**Would you please acknowledge receipt of this application and advise on the likely timescales for designation.**

**Yours sincerely**

**Baginton, Bubbenhall and Stoneleigh and Ashow Parish Councils**

## Appendix 2

### Consultation Responses

#### Consultation Documents (**Mixed**)

**Response:**

Duly noted.

**Summary:**

As an employment site of strategic importance Stoneleigh Park should be excluded from the Neighbourhood Plan Area.

It will introduce an unnecessary and undesirable layer of planning policy.

The position of Stoneleigh Park is already set out in the existing and proposed Warwick District Local Plan as well as the Outline permission granted in November 2012 for approximately 28% expansion of floorspace.

Considered not 'desirable' (Section 61G of Localism Act) to include Stoneleigh Park as it is predominantly a business area.

It is not considered that the Parish Councils' justification for its area is a proper explanation of why Stoneleigh Park should be included within the plan.

There is the potential for unnecessary duplication of policy.

Given that NPs must also have regard to existing policy it is also suggested that it would have limited influence.

Suggest that other business areas are excluded such as Coventry Airport given the different character and function to residential areas.

Alternatively, suggest that if included within the plan area it constitutes a business area. Consequently, non domestic rate payers should also have the opportunity to vote in any referendum on the Neighbourhood Plan's adoption.

#### Consultation Documents (**Object**)

**Response:**

Legislation, national planning policy and guidance is clear in its support for local communities to have the opportunity to prepare neighbourhood plans. National policy also states that a neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development. National guidance goes on to say that when designating a neighbourhood area a local planning authority should not make assumptions about the neighbourhood plan or order that will emerge from developing, testing and consulting on the draft plan. (NPPG ID: 41-035-20140306).

It is considered that the statement submitted by the parish councils is sufficient to justify a neighbourhood plan area for the entirety of its collective administrative areas. It is deemed unnecessary to specify why individual areas should specifically be included.

Whilst commercial uses at Stoneleigh Park and around Coventry airport are significant, the parishes of Baginton, Bubbenhall and Stoneleigh and Ashover are not wholly or predominantly business areas in nature. The overall area is mixed, with residential, commercial and other land uses and is broadly within a rural and rural fringe setting.

**Summary:**

As an employment site of strategic importance Stoneleigh Park should be excluded from the Neighbourhood Plan Area.

It will introduce an unnecessary and undesirable layer of planning policy.

The position of Stoneleigh Park is already set out in the existing and proposed Warwick District Local Plan as well as the Outline permission granted in November 2012 for approximately 28% expansion of floorspace.

Considered not 'desirable' (Section 61G of Localism Act) to include Stoneleigh Park as it is predominantly a business area.

It is not considered that the Parish Councils' justification for its area is a proper explanation of why Stoneleigh Park should be included within the plan.

There is the potential for unnecessary duplication of policy.

Given that NPs must also have regard to existing policy it is also suggested that it would have limited influence.

Suggest that other business areas are excluded such as Coventry Airport given the different character and function to residential areas.

Alternatively, suggest that if included within the plan area it constitutes a business area. Consequently, non domestic rate payers should also have the opportunity to vote in any referendum on the Neighbourhood Plan's adoption.

**Changes to Plan:**

Remove Stoneleigh Park from Neighbourhood Area.

Also suggest LPA consider either removing Coventry Airport from area or designate both commercial areas as 'business areas'.

## Consultation Documents (Mixed)

**Response:**

Duly noted.

**Summary:**

There are no specific comments to make on the proposed designation. Furthermore it should take account of the proposed Phase One line of route of HS2 which passes through this Neighbourhood. Further advice is provided in paragraphs 22-27 of the guidance for Local Planning Authorities.

## Consultation Documents (Mixed)

**Response:**

Duly noted.

**Summary:**

The proposed neighbourhood plan area is located within the deep coal resource area of the defined coalfield. However no surface coal resource is present and there is no 'high risk' mining legacy features present in the plan area. The eastern side of the proposed area falls in the 'development low risk'. Consequently The Coal Authority has no specific comments to make on the Neighbourhood Plan.

## Consultation Documents (Support)

**Response:**

Duly noted

**Summary:**

no objection to the neighbourhood plan boundary  
Natural England provide a wide range of advice and support in preparing a neighbourhood plan [Further information in the full submission]

## Consultation Documents (Support)

1. **Response:**

Duly noted.

2. **Summary:**

English Heritage has no objection to this proposal.  
The proposed neighbourhood plan area contains a varied range of designated and undesignated heritage assets including five grade I listed buildings and five listed at II\*. There is one very extensive grade II\* Registered Park and Garden and the Parish also hosts five scheduled monuments. Due account should be taken of the conservation of all of these assets and their settings in formulating the neighbourhood plan proposals. Consideration should also be given to the protection of undesignated heritage assets and archaeological remains (both known and potential) within the Parish. Many of these will be recorded in the Warwickshire County Council Historic Environment Record (HER).  
English Heritage offers advice on preparing neighbourhood plans

## Consultation Documents (Support)

**Response:**

Duly noted

**Summary:**

no objections to neighbourhood plan boundary

Drawing up a neighbourhood plan is an opportunity to think about improving a local environment. General opportunities for neighbourhood planning include:

- New green spaces
  - manage the risk of flooding
  - promote the use of wood and recycled materials in construction and encourage energy efficiency measures
- To assist in the preparation of any document and sustainable development we have identified information to help you maximise environmental gain from future development and to reduce its environmental impact.