

Report of:	Director of Regeneration and Culture, Richard Horniman Executive Member for Regeneration, Cllr Eric Polano
Submitted to:	Full Council 26 th January 2022
Subject:	Approval of the Stainton & Thornton Neighbourhood Plan, incorporating the Recommendations of the Independent Examiner.

Summary

Proposed decision(s)
To approve the Stainton & Thornton Neighbourhood Plan, incorporating the recommendations of the Independent Examiner’s Report.

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	Yes	No	No

Contribution to delivery of the 2020-23 Strategic Plan		
People	Place	Business
<i>Neighbourhood Plans are required to be compatible with a Council’s own strategic policies in the promotion or improvement of the social, economic and environmental well-being of the area.</i>	<i>Neighbourhood Plans are required to plan positively and not promote less development than set out in a Council’s development plan or undermine its strategic policies.</i>	<i>Neighbourhood Planning ensures close working with local communities to support them in preparing their Neighbourhood Plans, in order that they are aligned with the strategic needs and priorities of the wider area.</i>

Ward(s) affected
This report affects part of the Stainton & Thornton Ward. The Ward Member has been consulted on the Neighbourhood Plan and the Independent Examiner’s Report.

What is the purpose of this report?

1. To approve the Stainton & Thornton Neighbourhood Plan, incorporating the recommendations of the Independent Examiner's Report, to enable the draft Plan to progress to the referendum stage of the Neighbourhood Planning process.

Why does this report require a Member decision?

2. When adopted, the Stainton & Thornton Neighbourhood Plan will form part of the Council's Policy Framework. Prior to its adoption, the Council needs to make a decision to approve the Plan, taking into account the recommendations of the Independent Examiner, so that a referendum can take place.
3. The decision to approve Neighbourhood Plans is a non-Executive function, and must be made the Borough Council, in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Council's constitution.

Report Background

4. Under the Planning and Compulsory Purchase Act 2004, and Neighbourhood Planning (General) Regulations 2012, parish councils and designated neighbourhood forums can prepare Neighbourhood Plans, that put in place a vision and general planning policies for the development, and use of land in their designated neighbourhood. Neighbourhood Plans form part of the Statutory Development Plan, against which future planning applications within the designated Neighbourhood Area will be determined.
5. A Neighbourhood Plan should be aligned with the strategic needs and priorities of the wider area and must be in general conformity with the National Planning Policy Framework (NPPF), and the strategic policies of a Council's Local Plan. In addition, Neighbourhood Plans are required to plan positively and not promote less development than set out in the Development Plan, or undermine its strategic policies.
6. In March 2017, the Council approved the designation of the parished area of Stainton & Thornton as a Neighbourhood Area, to enable the Parish Council to prepare a Neighbourhood Plan for the designated area. Those areas that fall outside of the parish boundary, but form part of the wider Stainton and Thornton Ward boundary, are not included in the designated Neighbourhood Area, or subject to the policies of the Neighbourhood Plan.
7. The Parish Council submitted its draft Neighbourhood Plan, to the Council for examination in June 2021. The Independent Examination into the draft Plan was undertaken in September 2021. The Examiner's Report (see Appendix 1) was issued on the 14 December 2021, and recommended that the draft Plan should proceed to referendum stage of the Neighbourhood Planning process, subject to some amendments being made.

Next Steps

8. Once the Examiner's amendments have been incorporated into the draft Plan, and approved, a decision statement will be published on the Council's website. The draft Plan can then progress to the next stage in the Neighbourhood Planning process,

which is the referendum stage. The referendum is arranged by the Council, and is conducted under current national electoral and referendum guidelines. The referendum only takes place in the area that the draft Neighbourhood Plan covers, in this case the parished area of Stainton & Thornton. If more than 50% of those voting in the referendum vote 'yes', the draft Plan must be adopted by the Council, and will become part of the statutory development plan alongside the Local Plan.

9. Once a local planning authority has issued a decision statement detailing its intention to send the draft Plan to referendum, the draft Plan can be given significant weight in decision-making process. Following the successful outcome of the referendum, the draft Plan can then proceed to the adoption stage, and become a material planning consideration in the determination of future planning applications within the designated Neighbourhood Area.

What decision(s) are being asked for?

10. To approve the Stainton & Thornton Neighbourhood Plan, incorporating the recommendations of the Independent Examiner's Report.

Why is this being recommended?

11. To enable the Stainton & Thornton Neighbourhood Plan to proceed to the referendum stage in the Neighbourhood Planning process.

Other potential decisions and why these have not been recommended

12. Under the Regulations, a local authority can pursue a different course of action, by making its own modifications to the Neighbourhood Plan. If it does, the local authority must give clear reasons for doing so, and for departing from the Independent Examiner's recommendations. A further six-week public consultation event would then need to take place. There are also exceptional circumstances where the Secretary of State may be asked to intervene, e.g. where a local authority fails to submit the draft Neighbourhood Plan for referendum or departs from an Independent Examiner's recommendations.
13. Given that the Independent Examiner's Report and recommendations are well balanced and provide the necessary flexibility, it is not proposed to depart from the recommendations.

Impact(s) of recommended decision(s)

Legal

14. The legal framework for preparing Neighbourhood Plans is set out in the Planning & Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012. The Stainton & Thornton Neighbourhood Plan has been prepared in accordance with the legislation.
15. The Regulations require that the local authority make a decision on the Examiner's recommendations within five weeks from the day following receipt of their Report, unless the local authority and the relevant body agree an alternative date. As it will not be possible to meet this five week deadline (due to internal procedural processes), it has been agreed with Stainton & Thornton Parish Council that the

decision statement on the Examiner's report and recommendations will be issued as soon as possible after the Plan is approved by the Council.

16. A referendum will be arranged on the Neighbourhood Plan as soon as is practicable following the decision to approve the draft Plan. Once the Council issues a decision statement detailing its intention to send the Neighbourhood Plan to referendum, the Plan can be given significant weight in the decision-making of future planning applications within the designated Neighbourhood Area until the referendum can take place.
17. The Stainton & Thornton Neighbourhood Plan will become part of the statutory development if more than 50% of those voting in the referendum are in support of the Plan. The outcome of the referendum, and the adoption of the Plan, will be subject to a future report to Council.

Financial

18. The approval of the Plan will result in a referendum taking place, as required under the legislation. It is estimated that the total cost of doing this will be in the region of £15,000 - £20,000.
19. The costs associated with the preparation of the Stainton & Thornton Neighbourhood Plan, including the Independent Examiner's fees and the referendum, are currently being met from established service budgets. The Government does, however, provide grant funding to local planning authorities to assist with these costs. The Council will be eligible for grant funding of £20,000 once there has been a successful referendum outcome and the Neighbourhood Plan has been adopted.

Policy Framework

20. The decision to approve the Stainton & Thornton Neighbourhood Plan does not, in itself, alter the Council's Policy Framework. However, it will result in a referendum, and if more than 50% of eligible voters support the Plan, it will ultimately result in its adoption. Upon adoption, the policy framework will change as the Plan becomes part of the statutory Development Plan.

Equality and Diversity

21. The draft Stainton & Thornton Neighbourhood Plan and the Independent Examiner's Report and Recommendations, have been subject to an initial Impact Assessment (IA), which accompanies this report (see Appendix 3). This identifies that a full IA is not necessary.

Risk

22. Under the Regulations, where a local authority fails to submit the draft Neighbourhood Plan for referendum or departs from an Independent Examiner's recommendations without providing clear reasons for doing so, the Secretary of State may be asked to intervene.
23. The relevant risks this decision would influence are cited below, with an explanation as to why they are relevant and how it would affect each risk

Risk No	Risk Description	Impact on the risk
O8-055	If the Council doesn't respond effectively and efficiently to legislative changes it could be in breach of statutory duties in relation to service delivery and fail to make the most of opportunities.	By undertaking this work the Council is ensuring compliance with the regulations and this will have a positive impact on this risk.

Actions to be taken to implement the decision(s)

24. Once the Stainton & Thornton Neighbourhood Plan is approved, the recommendations of the Independent Examiner will be incorporated into the Plan. In accordance with the regulations, a decision statement will be issued and placed on the Council's website to publicise the approval of the Plan. A referendum will be arranged for the designated Neighbourhood Area.
25. The adoption of the Stainton & Thornton Neighbourhood Plan will depend on the outcome of the referendum, and be subject to a future report to the Borough Council.

Appendices

- Appendix 1 – The Independent Examiner's Report and Recommendations.
- Appendix 2 – The submitted Stainton & Thornton Draft Neighbourhood Plan, showing the Examiner's Recommendations.
- Appendix 3 – Initial Impact Assessment (IA).

Background papers

None.

Contact: Charlton Gibben, Senior Planning Policy Officer
Email: charlton_gibben@middlesbrough.gov.uk