

Report of:	Executive Member for Regeneration Director for Regeneration and Culture
Submitted to:	Council
Date:	25 May 2022
Title:	Adoption of the Stainton & Thornton Neighbourhood Plan 2021-2036
Report for:	Decision
Status:	Public
Strategic priority:	Physical environment
Key decision:	Yes
Why:	Decision to be made in accordance with Article 12.5(a) of the Council's Constitution – Changes to the Council's policy framework.
Urgent:	No
Why:	-

Executive summary

This report seeks the adoption of the Stainton & Thornton Neighbourhood Plan 2021-2036, in accordance with the Neighbourhood Planning Regulations 2012, and relevant Council procedures. Once adopted, the Neighbourhood Plan will form part of the Council's Policy Framework, and be part of the Statutory Development Plan for the Neighbourhood Area (alongside the Middlesbrough Local Plan). It will be used in the determination of future planning applications within the designated Stainton and Thornton Neighbourhood Area.

The Stainton & Thornton Neighbourhood Plan 2021-2036 has been subject to a referendum, with the majority voting in favour of its adoption. The Council must now adopt the plan, otherwise the Secretary of State may be asked to intervene.

The decision to adopt Neighbourhood Plans is a non-Executive function, and must be made by the Borough Council, in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Council's constitution.

The implications of the recommendation have been considered by the appropriate officers of the Council and are set out below in the main body of this report.

Purpose

1. To adopt the Stainton & Thornton Neighbourhood Plan 2021-2036.

Background and relevant information

2. 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.
3. 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.
4. 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.
5. 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 was issued on the 14th December 2021, and recommended that the draft Plan should proceed to referendum stage of the Neighbourhood Planning process, subject to some amendments being made.
6. On the 26th January 2022, the Council approved the Stainton & Thornton Neighbourhood Plan, incorporating the recommendations of the Independent Examiner's Report, (see Appendix 1) to enable the draft Plan to progress to the referendum stage of the Neighbourhood Planning process. The referendum was held on Thursday 3rd March 2022, and conducted in accordance with procedures similar to those used at local government elections.
7. The referendum question put before the Stainton & Thornton electorate (those eligible to vote) was:

Do you want us to use the Neighbourhood Plan for Stainton & Thornton to help it decide planning applications in the Stainton & Thornton neighbourhood area?

The result of the referendum was as follows:	
Yes votes in favour = 423 (96.4%)	No votes against =16 (3.6%)
The electorate is 2408, giving a turnout for the referendum of 18.03%.	

8. Under the Neighbourhood Planning (Referendums) Regulations 2012 , if more than 50% of those voting in the referendum vote 'yes', then the local planning authority must bring the Plan into force as soon as reasonably practicable.
9. Following the successful outcome of the referendum, (with 96.4% in favour) the next step in the process, involves the Council formally adopting the finalised Stainton & Thornton Neighbourhood Plan 2021-2036, in the determination of planning applications within the designated Stainton & Thornton Neighbourhood Area.
10. Once the Plan has been adopted, the Council is required to issue an adoption notice to be placed on the Council's website. Any person who feels aggrieved by the Plan may apply to the High Court to seek a judicial review of the decision to adopt the Plan. This application to the High Court must be made within six weeks of the day after the Plan was adopted.

What decision(s) are being recommended?

That the Council:

- Adopts the Stainton & Thornton Neighbourhood Plan 2021-2036.

Rationale for the recommended decision(s)

11. To enable the Plan to form part of the Council's Policy Framework, to be used in the determination of future planning applications within the designated Stainton & Thornton Neighbourhood Area.

Other potential decision(s) and why these have not been recommended

12. Under the Regulations, following a successful referendum result a local planning authority must adopt the Neighbourhood Plan. If the local planning authority fails to adopt the Neighbourhood Plan, the Secretary of State may be asked to intervene.

Impact(s) of the recommended decision(s)

Legal

13. 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.

14. As outlined above in paragraph 8, under the Regulations, following a successful referendum result a local planning authority must adopt the Neighbourhood Plan. If the local planning authority fails to adopt the Neighbourhood Plan, the Secretary of State may be asked to intervene.
15. Upon adoption, the Stainton & Thornton Neighbourhood Plan 2021-2036 will become part of the Statutory Development Plan in the Neighbourhood Area, alongside the Middlesbrough Local Plan. Under the Planning & Compulsory Purchase Act 2004, planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
16. The Stainton & Thornton Neighbourhood Plan 2021-2036 will also become part of the Council's Policy Framework.

Strategic priorities and risks

17. Under the Regulations, where a local authority fails to adopt a Neighbourhood Plan following a successful referendum, the Secretary of State may be asked to intervene. 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 does not 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.

Human Rights, Equality and Data Protection

18. The Stainton & Thornton Neighbourhood Plan has been subject to an initial Impact Assessment (IA), which accompanies this report (see Appendix 2). This identifies that a full IA is not necessary. The decision does not involve the collation and use of personal data, and as such will not require a Data Protection Impact Assessment to be undertaken.

Financial

19. The financial implications as a result of this report, mainly involve administrative and publication costs that the Council is required to undertake, as part of the above Regulations.
20. Following the adoption of the Plan, the Council is eligible to apply to the Government under its Neighbourhood Planning New Burdens grant funding, which assists local planning authorities with additional neighbourhood planning costs, such as, administrative processes and undertaking the referendum.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
An adoption notice will be issued and placed on the Council's website to publicise the adoption of the Plan.	Head of Planning	As soon as practical after the adoption of the Plan.

Appendices

1	Stainton & Thornton Neighbourhood Plan 2021-2036
2	Initial Impact Assessment (IA)
3	

Background papers

Body	Report title	Date
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