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# Stratfield Mortimer Neighbourhood Development Plan

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<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	9 May 2017
<b>Portfolio Member:</b>	Councillor Hilary Cole
<b>Date Portfolio Member agreed report:</b>	28 April 2017
<b>Report Author:</b>	Laila Bassett
<b>Forward Plan Ref:</b>	C3286

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## 1. Purpose of the Report

- 1.1 To consider the officer recommendation that the examiner's decision on the Stratfield Mortimer Neighbourhood Development Plan (NDP) (ie. that it should not proceed to referendum) is not followed and the NDP does progress to referendum. This is as a result of new landscape evidence which West Berkshire District Council (WBDC) officers consider overcomes the concerns raised by the examiner in his report.

## 2. Recommendation

- 2.1 That Council agrees to the Stratfield Mortimer NDP progressing to referendum.

## 3. Implications

- 3.1 **Financial:** The Council are currently able to claim up to £30,000 per Neighbourhood area designated (up to a maximum of 20 areas per year). Payments are broken down into stages:
- 1) £5,000 following the designation of a neighbourhood area
  - 2) £5,000 following publication of the proposed neighbourhood plan once it has been submitted to the council
  - 3) £20,000 following successful completion of the neighbourhood plan examination. This is to part pay for the examination and costs associated with the referendum.

The cost to the council is largely through officer time, and in the organisation of the referendum. It is estimated that approximately 90 to 100 hours of officer time was required to support Stratfield Mortimer develop a neighbourhood plan, at a cost of approximately £2,500. This does not include the cost of the examination.

The Stratfield Mortimer examination cost approximately

£18,185.

On average referendums cost £5,000 per ballot box to deliver, plus the officer time associated with arranging the referendum.

- 3.2 **Policy:** National Planning Policy makes provision for the development of neighbourhood planning. An adopted NDP forms part of the district's development plan.
- 3.3 **Personnel:** The Council has a duty to support the development of Neighbourhood Plans. Officer time will be required to offer this support.
- 3.4 **Legal:** The relevant legislation setting out the neighbourhood planning process is included in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended).
- Parish/Town Councils or neighbourhood forums have the responsibility for leading the process; however local planning authorities have a significant role in assisting certain stages of the process and ensuring that certain criteria are met. The procedure comprises a number of stages which include public consultation and examination. If the NDP is found to be satisfactory, a local referendum must take place where more than 50% of those voting must agree to it, before the NDP is brought into legal force and becomes part of the development plan.
- 3.5 **Risk Management:** n/a
- 3.6 **Property:** n/a
- 3.7 **Other:** n/a

#### 4. Other options considered

- 4.1 That the recommendations of the Stratfield Mortimer NDP examiner are accepted, and the NDP does not proceed to referendum. The NDP allocates a site for 110 dwellings, so by accepting the examiners recommendations would mean that WBDC have to address any shortfall in Stratfield Mortimer within the new Local Plan.
- 4.2 For the purposes of the determination of planning applications, the development plan for West Berkshire would not include the NDP.

## Executive Summary

### 5. Introduction / Background

- 5.1. Neighbourhood Development Plans (NDPs) enable local communities to decide the future shape of the places where they live. Draft NDPs must undergo consultation and independent examination. The independent examiner considers if the draft NDP meets each of a set of basic conditions, and then recommend whether or not the NDP can proceed to referendum, or if modifications should be made before the NDP proceeds to referendum.
- 5.2. The Council currently has one NDP, Stratfield Mortimer, that has been through independent examination. The examiner recommended that the Stratfield Mortimer NDP did not progress to referendum purely due to a lack of landscape evidence. Because of the lack of environment evidence, he considered that the environment had not been fully considered when selecting a site to allocate (the site allocated for housing in the NDP was land to the south of St. John's Church of England School, off The Street) and therefore the NDP failed to meet two basic conditions.
- 5.2. The examiner did, however, state that had it not been for the landscape issue, he would have recommended that the NDP, with modifications, progress to referendum. The examiner set out the modifications that he would have made in his report. The report is included in Appendix C, however the modifications are also listed within Appendix D.
- 5.3. As part of the process for making NDPs, following the issuing of the examiner's report, a local planning authority (LPA) must consider the examiner's report, decide which of the recommendations should be followed, and then publish its decision.
- 5.4. Legislation allows LPAs to make a different recommendation to that of the examiner if there is new evidence. However if LPAs do propose a different decision, they must set out the reasons for this and invite representations.
- 5.5. Stratfield Mortimer Parish Council made a request to West Berkshire District Council (WBDC) that they delay making a decision on the Examiner's report so that it and the Stratfield Mortimer NDP Steering Group could consider the report in further detail. Subsequently, the Stratfield Mortimer NDP Steering Group informed WBDC via the Parish Council that they wished to commission detailed landscape work to overcome the examiner's concerns.
- 5.6. In January 2017, WBDC on behalf of Stratfield Mortimer Parish Council commissioned independent landscape assessment work ('Landscape Capacity Assessment of Potential Housing Sites at Stratfield Mortimer'). This is included at Appendix E.
- 5.7. At a Full Council meeting of Stratfield Mortimer Parish Council in February 2017, two motions were moved and agreed:
  - (a) The Parish Council recommends that the WBDC rejects the Examiners recommendation as set out in his report dated 25 October 2016 and formally agrees that the Stratfield Mortimer Neighbourhood Development Plan proceeds to referendum following the analysis of the further evidence submitted by the Stratfield Mortimer Neighbourhood Planning Group.
  - (b) The Parish Council requests that WBDC make a decision regarding the Examiner's Report into the Stratfield Mortimer Neighbourhood Development

Plan by 10 May 2017 (in accordance with Reg 17A (4) and (5)(a) and 24A (4) and (5)(a) of the Neighbourhood Planning Regulations (General) 2012 (as amended)) to allow time for full consideration of the recommendations and issues raised in the report.

- 5.8. For the Full Council meeting of Stratfield Mortimer Parish Council, the Stratfield Mortimer NDP Steering Group produced a document (see Appendix F) that set out the possible ways forward following the landscape assessment work. On studying the new evidence in the landscape study and assessing it together with all the other sustainability evidence collected during the whole NDP process, they have found that when all of the sustainability criteria are taken together, as recommended good practice, the provision of up to 110 homes on the allocated site is still considered the most suitable option. The recommendation within the document was therefore to proceed with recommending the NDP to WBDC with the examiner's recommendations on changing '110 dwellings' to 'up to 110 dwellings' and other minor modifications. This document was submitted to WBDC following the agreement of the two motions.
- 5.9. In March 2017, WBDC officers proposed to recommend that the Stratfield Mortimer NDP progress to referendum because it was felt that the NDP as now proposed to be modified met all of the basic conditions. This was on the basis that the landscape assessment provided the environmental evidence that the examiner considered was missing. The completion of the study now means that the three elements of sustainable development (economic, environment and social) have been considered.
- 5.10. Furthermore, whilst the landscape assessment recommends that only part of the allocated site is suitable for development, national planning policy is clear that the three roles of sustainable development should not be taken in isolation because they are mutually dependent. It was the preference of the local community that only one site was allocated, and that the preferred site was the site south of St. John's Church of England School, off The Street. The allocated site will also include land for a new GP surgery and school.
- 5.12. In line with legislation, WBDC officers sought representations on their proposed recommendation. On consideration of these, officers felt that the issues raised would not result in a different final recommendation, ie. re-examination of the plan. Appendix G sets out the comments received and provides a Council response to each comment.

## **6. Proposal**

- 6.1. WBDC officers recommend that the Stratfield Mortimer NDP progresses to referendum in light of the additional landscape evidence that has been undertaken. Representations on this proposed decision were sought between 3 March and 18 April 2017. None of the representations raise issues that would result in the Council recommending an alternative recommendation.

## **7. Conclusion**

- 7.1. Following the consultation on the WBDC officer proposed recommendation, it is the final recommendation of officers that the NDP progresses to referendum. Council are asked to formally agree to this recommendation.

- 7.3. If formal agreement is obtained, then a referendum will be arranged to take place in the summer of 2017. A potential date for the referendum is 22 June 2017, with notice of the referendum served on 17 May 2017. Only those living within Stratfield Mortimer Parish and who are registered to vote will be eligible to vote in the referendum. The referendum will be run like a local election, with poll cards and absent voting.
- 7.4. On a successful 'yes' vote at referendum, the Stratfield Mortimer Neighbourhood Plan will be immediately adopted as part of the Development Plan, and used to determine planning applications within the Stratfield Mortimer Neighbourhood Area.

## **8. Appendices**

- 8.1 Appendix A – Supporting Information
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Stratfield Mortimer Neighbourhood Development Plan – Examiner's Report (25 October 2016)
- 8.4 Appendix D – Stratfield Mortimer NDP Examiner's modifications to the NDP that he would have made had he recommended the NDP progress to referendum
- 8.5 Appendix E – Landscape Capacity Assessment of Potential Housing Sites at Stratfield Mortimer (January 2017)
- 8.6 Appendix F – NDP – possible ways forward following the landscape study (Stratfield Mortimer Neighbourhood Development Plan Steering Group, February 2017)
- 8.7 Appendix G – West Berkshire Council response to the consultation on the proposed officer recommendation that the Stratfield Mortimer NDP should progress to referendum