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Dear Members

Cabinet

A meeting of the Cabinet will be held in the **Craddock Room, Civic Centre, Riverside, Stafford on Thursday 30 August 2018 at 6.30pm** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded

Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A.R. Well

Head of Law and Administration

CABINET - 30 AUGUST 2018

Chairman Councillor P M M Farrington

AGENDA

- 1 Minutes of 2 August 2018 as published in Digest No 245 on 3 August 2018
- 2 Apologies
- 3 Councillors' Question Time (if any)
- 4 Proposals of the Cabinet Members (as follows):-

Page Nos

(a) **ECONOMIC DEVELOPMENT AND PLANNING PORTFOLIO**

- (i) Barlaston Submission Neighbourhood Plan - Response 3 - 10

(b) **COMMUNITY PORTFOLIO**

- (i) Glover Street Refurbishment - **CONFIDENTIAL** 11 - 18

This Report is confidential due to the inclusion of information relating to the financial or business affairs of the authority. In particular, the publication of the Council's budget and costings for the scheme could harm the procurement process, which has not yet commenced.

Membership

Chairman Councillor P M M Farrington

- P M M Farrington - Leader
R M Smith - Deputy Leader and Leisure Portfolio
J M Pert - Community Portfolio
F A Finlay - Environment and Health Portfolio
F Beatty - Economic Development and Planning Portfolio
K S Williamson - Resources Portfolio

ITEM NO 4(a)(i)

ITEM NO 4(a)(i)

Contact Officer:	Alex Yendole
Telephone No:	01785 619536
Ward Interest:	Barlaston
Report Track:	Cabinet 30/8/18 (Only)
Key Decision:	No

**SUBMISSION BY COUNCILLOR F BEATTY
ECONOMIC DEVELOPMENT AND PLANNING PORTFOLIO**

**CABINET
30 AUGUST 2018
Barlaston Submission Neighbourhood Plan - Response**

1 Purpose of Report

- 1.1 To set out the current position regarding the Barlaston Neighbourhood Plan, and agree the Borough Council's representation to the Submission document concerning a lack of evidence to support policies.

2 Proposal of Cabinet Member

- 2.1 To agree the response set out in the **APPENDIX**; and
- 2.2 To agree that the Head of Development will submit the response on behalf of the Council as part of the consultation process concerning the Barlaston Submission Neighbourhood Plan before Friday 7 September 2018.

3 Key Issues and Reasons for Recommendation

- 3.1 Barlaston Parish Council is progressing with a Neighbourhood Plan, in line with the process set out in the Neighbourhood Plan Regulations 2012, submitting the Plan to the Borough Council on 22 June 2018 for the Examination and Referendum. Once a Neighbourhood Plan has been 'made' (adopted) it forms part of the statutory development plan for Stafford Borough to be used for deciding planning applications within the Parish. The Barlaston Neighbourhood Plan must be in general conformity with the adopted Plan for Stafford Borough (June 2014), the Part 2 Plan (adopted January 2017) and the National Planning Policy Framework.

- 3.2 At this key stage in the process it is important that the Borough Council again raise concerns about the lack of housing and flooding evidence to support the policies contained in the Barlaston Neighbourhood Plan, together with policies not being in general conformity with the adopted Plan for Stafford Borough. Submitting a representation at this stage will ensure these issues are considered by the independent Examiner before the Neighbourhood Plan progresses to the Referendum and adoption stages.

4 Relationship to Corporate Priorities

- 4.1 The Barlaston Neighbourhood Plan should help to deliver the Council's Corporate Business Plan 2018-2021 key objectives set out below:

“To deliver sustainable economic and housing growth to provide income and jobs.”

“To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and well-being.”

5 Report Detail

- 5.1 The Parish Council submitted their Neighbourhood Plan to Stafford Borough Council on 22 June 2018, together with the Basic Conditions Statement, Consultation Statement and Environmental Screening Assessment. The following stages have so far been completed as part of the process to producing the Barlaston Neighbourhood Plan:

Barlaston Neighbourhood Plan Area designation	July 2013
Consultation on Key Issues	June to September 2014
Environmental Screening Assessment	July and August 2017
Consultation on Draft Neighbourhood Plan	November 2017 to January 2018

- 5.2 With responsibility for implementing the process transferring to the Borough Council from the Parish Council at Submission, the Borough Council launched the Submission consultation stage on 18 July 2018 through to 12 noon on Friday 7 September 2018. Appendix 1 sets out the Borough Council's proposed representation to the Submission Neighbourhood Plan.

5.3 In terms of next steps in the process, following the Submission consultation stage it is anticipated that the Barlaston Neighbourhood Plan will proceed as set out below:

Independent Examination of Neighbourhood Plan	September / October 2018
Examiner's Report received by Borough Council	December 2018
Cabinet to consider Examiner's Report and Referendum	February 2019
Referendum	May 2019
Borough Council to adopt Neighbourhood Plan	July 2019

5.4 It will be important that the Barlaston Neighbourhood Plan satisfies the basic conditions from the Neighbourhood Plan Regulations 2012 set out below, which will be considered by the independent Examiner in due course.

- (a) The plan must have regard to national policies and advice contained in guidance issued by the Secretary of State;
- (b) Contribute to the achievement of sustainable development;
- (c) Be in general conformity with strategic policies of the development plan for the area;
- (d) Be compatible with European Rights (EU) and European Convention on Human Rights (EUCR) obligations.

6 Implications

6.1 Financial	To support Parish Councils with Neighbourhood Plans and arrange an independent Examination and Referendum funding is provided by the Ministry of Housing, Communities and Local Government (DCLG) to the Borough Council: £5k at Designation of Neighbourhood Area and £20k after successful Examination. Therefore no costs will be required by the Council.
Legal	Following consultation, the Barlaston Neighbourhood Plan will be tested through Independent Examination concerning the legal requirements and Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990.

<p>Human Resources</p>	<p>The Council supports Parish Councils through the Forward Planning section in the Neighbourhood Planning process and administers the legislative requirements. The Law & Administration Department will provide support throughout the referendum. Therefore work associated with the Barlaston Neighbourhood Plan will be delivered by existing staff. At this stage it is not anticipated that external support will be required to complete this work</p>
<p>Human Rights Act</p>	<p>Preparation of the Barlaston Neighbourhood Plan will need to meet the Human Rights Act 1998 as well as the Planning & Compulsory Purchase Act 2004, the Neighbourhood Planning Act 2017 and relevant Regulations. Localism Act 2011 and the Human Rights Act 1998</p>
<p>Data Protection</p>	<p>Representations received to the Barlaston Neighbourhood Plan will be subject to the General Data Protection Regulations requirements</p>
<p>Risk Management</p>	<p>The risk issues contained in this report are not strategic and therefore should not be included in the Strategic Risk Register</p> <p>Failing to progress with the Barlaston Neighbourhood Plan process would mean that the Council is not meeting its legislative requirements under the Neighbourhood Planning Act 2017, the Localism Act 2011 in the context of the Planning & Compulsory Purchase Act 2004 and relevant Regulations.</p>

<p>6.2 Community Impact Assessment Recommendations</p>	<p>The Barlaston Neighbourhood Plan process has been designed to provide the local community of the Parish with an opportunity to be involved in the preparation of this planning policy document and subsequently the process of determining planning applications. It seeks to ensure no groups and individuals, including hard to reach groups, are excluded.</p>
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Previous Consideration - Nil

Background Papers - File available in the Development Department

CABINET

30 AUGUST 2018

Barlaston Submission Neighbourhood Plan - Response

Barlaston Submission Neighbourhood Plan - Stafford Borough Council representation (August 2018)

List of Key Recommendations

Section	Representation
Policies	
Policy H1: Housing Type (p35)	<p>POLICY H1: Housing Type</p> <p>Page 35, Policy H1 must be in general conformity with the adopted Plan for Stafford Borough Policy C1, C2 and C3.</p> <p>As referenced in the Parish Council's response to the Borough Council's comments provided in December 2017 the Housing Needs Assessment prepared by Stafford and Rural Homes should be included within the Barlaston Neighbourhood Plan, together with other evidence to set out the local needs identified in Policy H1.</p> <p>The second sentence of the Policy H1 states that developments '<i>should provide a mix of housing types and tenures that suit local housing needs</i>'. This policy needs to be in line with the adopted Plan for Stafford Borough's Policy C2 relating to Barlaston. Therefore the following wording should be applied "<i>should provide a mix of housing types and tenures <u>on sites of 12 dwellings or more</u> that suit local housing need ...</i>"</p>

Section	Representation
Policies	
	<p>At this stage the Borough Council has not had an opportunity to consider the Barlaston Housing Needs Assessment and therefore has not been able to establish the context for the second paragraph of Policy H1. Further consideration is required, subject to national planning policy and the adopted Plan for Stafford Borough, for Policy H1 to be a material consideration relating to all residential planning applications.</p>
<p>Policy D1: Design of New Development (p38)</p>	<p>POLICY D1: Design of New Development</p> <p>Page 38, Policy D1 must be in general conformity with the adopted Plan for Stafford Borough Policy N1.</p> <p>The first criteria of Policy D1 is overly prescriptive, with the following words to be deleted ‘, including degree of set-back’.</p> <p>It is noted that a number of criteria contained in Policy D1 duplicates the adopted Plan for Stafford Borough’s Policy D1 on design principles and should therefore be altered or removed , as set out below:</p> <p>3. <i>Provide convenient access to surrounding community facilities;</i> Covered by Policy N1, criteria m.</p> <p style="padding-left: 40px;"><i>m. Development should be well-connected to public transport and community facilities and services, and be well laid out so that all the space is used efficiently, is safe, accessible and user-friendly;</i></p> <p>6. <i>Provide buildings, landscaping and planting to create well defined streets and attractive green spaces;</i> Covered by Policy N1 criteria f:</p> <p style="padding-left: 40px;"><i>f. Retention of significant biodiversity, landscaping features, and creation of new biodiversity areas that take into account relevant local information and evidence;</i></p>

Section	Representation
Policies	
Policy BE1: High Speed Connectivity (p41)	The first sentence of Policy BE1 is overly prescriptive, to be amended with the following wording ‘ <i>New development, including housing and commercial use, should:</i> ’
Policy LNE1: Flooding in Barlaston Village (p46)	<p>Page 46, Policy LNE1 must be in general conformity with the adopted Plan for Stafford Borough Policy N1, N4 and the National Planning Policy Framework paragraphs 155 to 165.</p> <p>The Borough Council considers that the current policy is not required as its approach is largely covered by the National Planning Policy Framework, and Policies N1 and N4 in the adopted Plan for Stafford Borough. In particular not all development sites will be effected by flooding and therefore it is overly prescriptive to require all proposals to mitigate against flooding problems. A map showing the flooding areas from the Environment Agency is also included in the Neighbourhood Plan. Further evidence going beyond the NPPF to be provided.</p>
Other	
Developer Contributions (p33)	<p>Whilst the adopted Plan for Stafford Borough includes Policy I1 concerning Infrastructure Delivery, at this stage there is no Community Infrastructure Levy in place. Therefore in the context of potential funding opportunities and directing funding towards the aspirations of the local community, this needs to be achieved through other contributions. It should be noted that S106 contributions need to specifically relate to the development and cannot be directed to other requirements. Funding for projects cannot be sourced through planning conditions. Therefore the following wording is suggested for the Developer Contributions paragraphs on page 33:</p> <p style="text-align: center;"><i>“As part of development contributions the adopted Plan for Stafford Borough includes Policy I1 which sets out the requirement for infrastructure provision and contributions from new development. Parish Councils which have a Neighbourhood Plan in place are entitled to 25% of Community Infrastructure Levy contributions when this particular mechanism exists. Currently the Borough Council is progressing with establishing a CIL. Any planning application subject to a Section 106 agreement will need to meet the relevant tests, in line with national policy.”</i></p>

List of Minor Changes

Section	Representation
Front Cover	Amend to read 'Submission' rather than 'Draft'.
SWOT Analysis – Housing and Planning, Environment (p14 and p16)	Capitalise <u>Green Belt</u> within the 'Threats' section on page 14 and the 'Strengths' and 'Threats' section on page 16
Planning for Housing Growth in Barlaston (p50)	Amend second and third paragraph to refer to 'The Plan for Stafford Borough Part 2, adopted January 2017' and delete reference to the Proposals Consultation stage 2015.
Non-Planning Issues (p57)	In this section it states a number of non-planning issues which the Parish Council wish to pursue. However some of these issues are all linked to planning, in particular Policy BE1 of the Barlaston Neighbourhood Plan. If the Parish Council is referring to aspects of these issues which fall outside of a planning remit, for example projects to improve community facilities themselves, these aspirations should be explained.