

Somerset West and Taunton Council

SWT Full Council – 3 December 2019

Creech St Michael Neighbourhood Development Plan (CSM NDP)

This matter is the responsibility of Executive Councillor Mike Rigby

Report Author: Ann Rhodes (Strategy Specialist)

1 Executive Summary / Purpose of the Report

- 1.1 Creech St Michael Neighbourhood Development Plan (CSM NDP) is a community led planning document which has been produced by Creech St Michael Parish Council. The document and its evidence base passed an Independent Examination and was put to a local referendum. 95.51% of those voting, voted in support of the Plan and the Plan is now proposed for adoption.

2 Recommendations

- 2.1 That Full Council consider the CSM NDP and that it be formally made as a Somerset West and Taunton Development Plan Document.

3 Risk Assessment (if appropriate)

- 3.1 N/A. There are no links with the Draft Corporate risk register June 2019:

4 Background and Full details of the Report

- 4.1 The Localism Act introduced Neighbourhood Development Plans to the planning system, giving communities direct power to develop a shared vision for their neighbourhood and shape a locally distinctive development plan which reflect the growth needs and priorities of their communities.
- 4.2 The Localism Act, the National Planning Policy Framework, Town and Country Planning Act 1990, Neighbourhood Planning Act 2017, Housing and Planning Act 2016 and various Neighbourhood Planning and Development Management Regulations provide the regulatory framework for neighbourhood planning.
- 4.3 A Neighbourhood Development Plan must be predominantly land-use based (i.e. use of land, type and scale of development, allocate land for development).

It cannot be contrary to National Planning Policy (i.e. National Planning Policy Framework) and be in broad conformity with Local Planning Policy (i.e. Taunton Deane Borough Council Core Strategy), nor can it conflict with European Legislation (Equalities, Environmental and Ecological). A Neighbourhood Plan cannot restrict development but it can shape development that has been allocated through local Planning Policy and allocate land for development itself.

- 4.4 Creech St Michael Parish Council began the process of developing a Neighbourhood Plan in early 2016. An application was received from them on 9 March 2016 to produce a neighbourhood plan and for the designation of the Neighbourhood Plan Area. The application was published for statutory consultation in accordance with Regulation 6 of the Neighbourhood Plans (General) Regulations. On the 26 May 2016 under Section 61G of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) TDBC designated the Creech St Michael Neighbourhood Area.
- 4.5 A parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council. In accordance with Section 61F of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) Creech St Michael Parish Council are therefore a “relevant body” for the purpose of producing a neighbourhood development plan.
- 4.6 Creech St Michael Parish Council as the Qualifying Body (QB) submitted the Creech St Michael Neighbourhood Development Plan and associated documents to TDBC on 25 April 2017. Following submission; CSM NDP and its associated documents, with details of how representations might be made was published. Representations were invited between Thursday 8 May and Friday 22 June 2018.
- 4.7 In accordance with Town and Country Planning Act 1990 (as amended) and in the Neighbourhood Plans (General) Regulations 2012 an Independent Examiner, Ann Skippers, was jointly appointed by TDBC and Creech St Michael Parish Council in July 2018 to carry out an independent examination of the Plan.
- 4.8 Examination commenced in July 2018 and was conducted by written representations. During the course of the examination the new council came into being. The Independent Examiners report was received on 8 July 2019. The report concluded that:

- Creech St Michael Parish Councils are qualifying bodies; and

That the modified CSM NDP, as published for the referendum:

- complies with the provision concerning neighbourhood development plans made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011);
- relates to the designated Neighbourhood Plan Area;
- date for the period for which it is to have effect it is clearly indicated;

- does not include excluded development;
- relates to the development and use of land;
- meets all the Basic Conditions (as set out in Schedule 4B to the Town & Country planning Act 1990):
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to achieving sustainable development;
- is in general conformity with strategic policies in the TDBC development plan;
- is compatible with EU Environmental Obligations and does not breach European Convention Rights;

and that,

- As such the plan can progress to referendum and the referendum area should not extend beyond the Neighbourhood Area to which the Plan relates.

- 4.9 Neighbourhood development plans are subject to similar legal tests as the District's planning policy documents and in terms of evidence, viability, being positive and not restricting development. The recommendations made in the Examiner's report were to make the plan compliant with planning legislation, and thereby enable it to be effectively applied to development proposals in the Parishes of Creech St Michael and reduce the risk of challenge.
- 4.10 Having considered each of the recommendations made in the Examiner's report, and the reasons for them, SWT through an Executive Decision of a Portfolio Holder, accepted the Independent Examiners report for the CSM NDP and supported a modified CSM NDP's progression to referendum. This decision and reasons for it was published on 24 July 2019.
- 4.11 The Creech St Michael Neighbourhood Development Plan, post examination, contains 10 policies
- Cycle and footpath network;
 - Parish Traffic Management Plan;
 - Housing to meet local needs;
 - Quality of design;
 - Employment (Start-up Units, and Enhancing and upgrading existing);
 - Community cohesion;
 - Public Realm Improvement;
 - Sports, leisure and recreational facilities;
 - Protection of Community Assets;
 - Local Green Wedge.
- 4.12 There is also a number of Community Actions. Whilst as policies these do not meet the Basic Conditions legal tests required for Neighbourhood Development Plans

they were seen as important to the parish and could be retained as Community Actions, aims for the Parish Council to promote and support.

- Establish and manage a 20 mph speed limit through Creech St Michael Village;
- Traffic calming scheme through Creech St Michael Village;
- Introduce measures to reduce noise from M5 motorway;
- Secure Asset of Community Value;
- Canal enhancement scheme;
- Creech St Michael Village centre enhancement scheme;
- Promote opportunities for public transport improvements;
- Provision of access from Hyde Lane to West Monkton Relief Road;
- Improve the range of clubs, activities and events for all community;
- Provision of age specific recreation areas;
- Establish a Youth Council;
- Establish a community café;
- Promote opportunities for volunteering;
- Provision of additional allotments;
- A strategy to help new member of the community to integrate and feel part of CSM;
- Provision of an open access youth club.

- 4.13 In accordance with the Localism Act 2011, Neighbourhood Planning (Referendum) Regulations and Neighbourhood Planning (Prescribed Dates) Regulations the CSM NDP was subject to a referendum, on 10 October 2019, which poses the question *Do you want Somerset West and Taunton Council to use the neighbourhood plan for Creech St Michael to help it decide planning applications in the neighbourhood area?*
- 4.14 Persons within the neighbourhood area were entitled to vote if they were on electoral register and were eligible to vote in a local election. There are 2,222 electorates in the Creech St Michael Neighbourhood Plan Area. 731 persons voted and 95.51% of those eligible to vote voted in support of the neighbourhood plan, 4.49% voted against and 0 ballot papers were rejected.
- 4.15 The Planning Guidance states that following a referendum SWT, as the local planning authority, must decide whether the Neighbourhood Plan should be made (brought into legal force). There are a narrow circumstances where the local planning authority is not required to make the neighbourhood plan. These are where it considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any EU or human rights obligations.
- 4.16 The Portfolio Holder recommends to members of the Full Council that the CSM NDP be made. The Independent Examiner's report said that the CSM NDP was compliant and compatible, subject to changes, which the Portfolio Holder accepted and those recommendations were applied. The correct processes and procedures have been complied with in the preparation, submission, examination and referendum for the plan.

5 Links to Corporate Strategy

5.1 The 2020-24 Corporate Strategy:

Strategic Theme 1 – Our Environment and Economy: A low carbon, clean, green and prosperous district that attracts high quality employment opportunities and encourages healthy lifestyles.

- Objective 2 – shape and protect out built and natural environment
- Objective 5 - Provide and maintain green open spaces and parks, enhanced public spaces, as well as additional opportunities to safely walk or cycle in order to encourage active and healthy lifestyles

Strategic Theme 3 – Homes and Communities: A district which offers a choice of good quality homes for our residents, whatever their age and income, in communities where support is available for those who need it.

- Objective 1 – increase the number of affordable and social homes...

6 Finance / Resource Implications

6.1 There are no known resource implications if the CSM NDP is made (brought into legal force) by SWT.

6.2 SWT receives a DCLG grant to assist it in discharging its NDP duties. £20,000 will be received which will cover the cost incurred to date for the Examination and Referendum.

6.3 If the CSM NDP is not made SWT would be open to Judicial Review, with its associated financial and recourse costs, because the Plan is deemed compliant and compatible with The Localism Act, the National Planning Policy Framework, Town and Country Planning Act 1990 and the various Neighbourhood Planning Regulations.

7 Legal Implications (if any)

7.1 There are no legal reasons not to formally have the CSM NDP made, therefore to not do so fails to implement Legislation and risks Judicial Review.

7.2 If there are no reasons not to formally have the CSM NDP made, to not do so risks the credibility of TDBC with the Qualifying Body undertaking the Neighbourhood Plan, and the community supporting it.

7.3 The CSM NDP would become a statutory SWT Development Plan Document and therefore given material weight in the Development Management process. Applications for planning permission in the Neighbourhood Plan Area would be determined in accordance with it, unless (as any other development plan document) material considerations indicate otherwise.

8 Climate and Sustainability Implications (if any)

8.1 N/A. There are no policies directly related to climate change, but there are policies supporting a sustainable community. Policies supporting a balance of housing and employment; protecting community assets; community cohesion; cycle and footpath networks.

9 Safeguarding and/or Community Safety Implications (if any)

9.1 N/A.

10 Equality and Diversity Implications (if any)

10.1 The CSM NDP contains a number of policies which have a positive impact on protected characteristics of Age and Disability. There are a policies which provide positive impact for other situations which SWT wishes to see addressed such as low income, rurality and isolation.

11 Social Value Implications (if any)

11.1 N/A. The proposal does not involve a procurement of a service.

12 Partnership Implications (if any)

12.1 N/A

13 Health and Wellbeing Implications (if any)

13.1 The CSM NDP supports the Somerset Health & Wellbeing Strategy 2013-2018

- Priority 1: People, families and communities take responsibility for their own health:

Action: Community Action;

Action: Healthy planning and policy.

- Priority 2: Families and communities are thriving and resilient:

Action: Well-connected, vibrant communities;

- Priority 3: Somerset people are able to live independently:

Action: Housing for independence.

14 Asset Management Implications (if any)

- N/A

15 Data Protection Implications (if any)

15.1 N/A

16 Consultation Implications (if any)

16.1 N/A. There is no consultation post referenda on Neighbourhood Plans. The CSM NDP has been through a number of rounds of consultation during its production and progression to this stage of the process

17 Scrutiny Comments / Recommendation(s) (if any)

17.1 N/A. Due to timescales set out in legislation Neighbourhood Plans progress straight to Full Council to be made after they have been through the local referendum.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – Yes**

Reporting Frequency: Once only

List of Appendices (delete if not applicable)

Appendix A	Creech St Michael Neighbourhood Development Plan – https://www.somersetwestandtaunton.gov.uk/media/2017/re01-creech-st-michael-ndp.pdf
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