

Meeting date: 15th April 2021
Report to: Cabinet Member Climate Change,
Planning and Housing
Subject/report title: Application for the designation of a Neighbourhood Area by Bickenhill & Marston Green Parish Council
Report from: Assistant Director – Growth and Development
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Wards affected:

- All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege

Public/private report: Public

Exempt by virtue of paragraph:

1. Purpose of Report

- 1.1 To consider the application made by Bickenhill & Marston Green Parish Council and agree to designate Bickenhill Village as a Neighbourhood Area.

2. Decision(s) recommended

- 2.1 To designate the Neighbourhood Area as submitted by Bickenhill & Marston Green Parish Council, attached as Appendix A to this report.

3. Background

- 3.1 Neighbourhood Planning was introduced by the Localism Act in 2011. It enables Parish / Town Councils and local communities to prepare Neighbourhood Development Plans (NDP), Neighbourhood Development Orders (NDO) and Community Right to Build Orders (CRBO) which can shape development and growth in their local area.
- 3.2 A NDP is a community led plan which sets out policies to guide the future use and development of land within a specified Neighbourhood Area. For areas that are parished, Parish Council's take responsibility for undertaking them.
- 3.3 Members will be aware that a Neighbourhood Development Plan (NDP) is a

community led plan which sets out policies to guide the future use and development of land within a specified Neighbourhood Area. The scope and content of plans will be defined by local communities; however, they must meet certain 'basic conditions'. In particular, plans must contribute to the achievement of sustainable development and be in general conformity with the strategic policies of the Development Plan for the area.

4. The Bickenhill & Marston Green Parish Council Application

Context

- 4.1 On the 16th December 2020, Bickenhill & Marston Green Parish Council submitted an application to Solihull Council to designate a portion of the parish of Bickenhill & Marston Green. This area will be referred to as 'Bickenhill Village' throughout this report. The application is the first formal stage in the process of the Parish Council preparing a NDP for Bickenhill village. Appendix A provides the full application as received.
- 4.2 Bickenhill & Marston Green Parish Council is the 'relevant body' as defined by the Act to prepare a NDP for the proposed area. The Parish Council considers the area is appropriate for designation for the following reasons:
- (a) The Bickenhill Neighbourhood Plan is being developed to help deliver the local community's ambitions and needs for the plan period 2020 to 2028.
 - (b) The designation of Bickenhill Village only will aim to mitigate the impact of specific issues faced by the settlement. These include the proximity to Birmingham Airport, the planned Junction 5A of the M42, the A45 which separates the Marston Green and Bickenhill and the surrounding industrial nature of the area.
 - (c) To protect and preserve the distinctive open character of the area, the green belt, and to improve the long-term viability of the village as a desirable place to live.
- 4.3 In accordance with The Neighbourhood Planning (General) Regulations 2012, the application was published for 6 weeks of public consultation between 28th January 2021 and 11th March 2021. A copy of the application was available to view on the 'latest news' and the 'neighbourhood planning' web pages of the Council's website. It was also publicised on the Council's facebook page and twitter feed.
- 4.4 Parish Councils adjacent the proposed Neighbourhood Area have been notified of the application. The Bickenhill & Marston Green Parish Council also made use of their local connections within the community to raise awareness of the application to designate. The application was available to view locally and posters were also displayed around the area to raise awareness.
- 4.5 1 consultation response has been received which supports designation of the Neighbourhood Area.

Assessment

4.6 In determining an application for a Neighbourhood Area, Section 61G(5) of the Town and Country Planning Act 1990 requires the local planning authority to consider whether the proposed area is appropriate for designation. Local planning authorities must have regard to:

- (a) the desirability of designating the whole area of a parish council as a Neighbourhood Area, and
- (b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas

4.7 A further consideration is whether the area concerned should be designated as a business area.

4.8 In accordance with the Neighbourhood Planning (General) Regulations 2012, the application includes: (a) a map which identifies the area to which the application relates; (b) a statement explaining why the area is considered appropriate to be designated; and (c) a statement that the organisation or body making the area application is a relevant body. The application is therefore compliant with the regulations in this regard.

5. What options have been considered and what is the evidence telling us about them?

5.1 In circumstances where the whole Parish area is not being designated, the Council can refuse an application if it considers the area not appropriate. This option could include the requirement for the Parish Council to apply for a neighbourhood area that covers the whole parish.

5.2 In circumstances such as those identified by the Parish Council, it may be appropriate to designate a proportion of the Parish, if sufficient reasoning is supplied to support an alternative designation.

6. Reasons for recommending preferred option

6.1 Government guidance states that the Local Planning Authority should aim to designate the area applied for unless there are clear planning reasons for designating an alternative area. The Local Planning Authority can modify the boundary only where there are clear planning reasons to do so.

6.2 In this case, the physical separation and distance between Marston Green village and Bickenhill village is noteworthy. This physical separation is also exacerbated by the presence of the A45 between both villages. As a result of those physical attributes, the villages are distinctly different from one another and face different issues. Therefore, the Neighbourhood Area application is valid, none of the area applied for has been previously designated as a Neighbourhood Area and it would not affect the other designated Neighbourhood Areas in the Borough. The area is not wholly or predominantly business in nature such that it should be designated as business area.

7. Next Steps

- 7.1 The next stage in the process would be for the Bickenhill & Marston Green Parish Council to prepare and consult on its pre-submission draft neighbourhood plan, before formally submitting it to Solihull Council for independent examination.

8. Implications and Considerations

- 8.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>Economy:</p> <ol style="list-style-type: none">1. Revitalising our towns and local centres.2. UK Central (UKC) and maximising the opportunities of HS2.3. Increase the supply of housing, especially affordable and social housing.	<p>Neighbourhood Planning can aid in defining and developing the Council's approach to development of and access to affordable and sustainable housing.</p>
<p>Environment:</p> <ol style="list-style-type: none">4. Enhance Solihull's natural environment.5. Improve Solihull's air quality.6. Reduce Solihull's net carbon emissions.	<p>Encourages working in partnership for an enhanced, well connected natural environment.</p>
<p>People and Communities:</p> <ol style="list-style-type: none">7. Take action to improve life chances in our most disadvantaged communities.8. Enable communities to thrive.9. Sustainable, quality, affordable provision for adults & children with complex needs.	<p>The process of neighbourhood planning can develop stronger, more connected, resourceful communities finding solutions to local problems.</p>

- 8.2 Consultation and Scrutiny:

- 8.2.1 To date, there have been no scrutiny issues with regard to the designation of a Neighbourhood Area for Bickenhill Village.

- 8.3 Financial implications:

- 8.3.1 To support the role of local authorities in the Neighbourhood Planning process, Government funding is available through the Neighbourhood Planning Grant. Further details of the funding scheme are available [here](#).

- 8.3.2 In February 2017 the Government provided an update on financial support for local planning authorities (LPAs) to fulfil their duty to support Neighbourhood Planning in 2017/2018. From April 2017 LPAs can claim £5000 for the first 5 designated Neighbourhood Areas only. As 8 Neighbourhood Areas have been designated in

Solihull, the Council would not be eligible to claim financial support for any subsequent designations.

8.3.3 The staff time associated with providing support to areas undertaking neighbourhood planning will therefore be funded through the existing Policy and Engagement budget. The Council is however required to organise and pay for the independent examination of a Neighbourhood Plan and any subsequent referendum. However, £20,000 can be claimed once a date has been set for a referendum following a successful examination.

8.4 Legal implications:

8.4.1 The Council has a legal obligation to assist Parish / Town Councils and Neighbourhood Forums with the process of preparing NDPs, if requests come forward. Although the regulations do not require local planning authorities to give financial assistance to such groups, the Council is required to undertake consultations at the relevant stage in the Neighbourhood Planning process, as well as organise and pay for the independent examination of a plan, and the referendum.

8.5 Risk implications:

8.5.1 No risk implications are identified.

8.6 Equality implications:

8.6.1 Legislation requires that a neighbourhood forum must be sufficiently representative of the neighbourhood area for which it is authorised to act.

9. List of appendices referred to

9.1 Appendix A – Bickenhill Village Neighbourhood Area application

10. Background papers used to compile this report

10.1 None

11. List of other relevant documents

11.1 None