

Report To: Gary Williams, Head of Housing and Planning Services
Councillor Rob Adams, Portfolio Holder for Planning Policy

By: Reiss Sadler, Planning Officer (Policy)

South Lenches Parish Neighbourhood Area Application – consideration of public consultation responses and delegated powers of approval to designate.

Ward Councillors:
Cllr Mrs A Steel,
Inkberrow;
Cllr D Wilkinson,
Inkberrow.

Background Papers: South Lenches Neighbourhood Area Application; Wychavon Neighbourhood Planning Protocol; Town and Country Planning, The Neighbourhood Plan (General) Regulations 2012 (as Amended 2015).

1. Summary

- 1.1. This report is seeking delegated powers to approve the South Lenches Neighbourhood Area application following on from the four-week public consultation which has been undertaken. The above regulations require local authorities to advertise a Neighbourhood Area Application for public consultation prior to formal designation. It is only following the successful completion of this stage that the Parish Council can formally progress with the preparation of the neighbourhood plans.
- 1.2. Regulation 6A, a 2015 amendment to the Neighbourhood Plan (General) Regulations 2012, now gives local authorities 8 weeks to determine the Neighbourhood Area application once received. Following this amendment to the Act, delegated authority from Council at its meeting on 21 April 2015 was given to the Head of Housing and Planning Services, in consultation with the relevant Portfolio holder, to approve Neighbourhood Area applications within the 8 week period, following a recommendation from the Localism and Communities Advisory Panel on 13 April 2015.
- 1.3. The report sets out the steps taken to consult on the application, and provides details of the representations received.
- 1.4. Finally, the report details the next stages in the process for the Parish Council towards final adoption of the Neighbourhood Plan.

2. Recommendations

- 2.1. That the Head of Housing and Planning Services and Portfolio Holder for Planning Policy, having examined South Lenches Neighbourhood Area Application, consider that it provides a 'sound' basis for developing the Neighbourhood Plan.
- 2.2. That the Head of Housing and Planning Services and Portfolio Holder for Planning Policy, in consultation with the Ward Councillors, approve the South Lenches Neighbourhood Area (as drawn in the maps accompanying the applications). The Neighbourhood Area is then formally designated and will be subsequently publicised on the Council's website.

3. Implications & Impact

3.1. Council Priorities and Community Plan Themes

- Neighbourhood Planning is one of the central elements of the 'Localism' process, and the preparation and adoption of Neighbourhood Plans accords with the three Council Priorities for 2012-2016. Neighbourhood Plans can play a valuable role in helping to deliver the Worcestershire Sustainable Community Plan themes, providing evidence for delivering its objectives and developing the themes for any subsequent review.

3.2. Resource Implications

- Financial implications – New Neighbourhood Planning funding was introduced by DCLG in May 2013 to support both local authorities and local communities prepare a plan. This amounts to £30,000 per Neighbourhood Plan that goes to the local authority to cover the cost of supporting the process, paying for the examination and referendum. The Council has decided to make a proportion of this funding available to local communities (£8,000), which alongside the direct grant of £8,000 and practical support the Government is making available to communities via 'Locality', represents a significant amount of funding for the process. More recently, Housing and Planning Minister Brandon Lewis announced on 26 February 2015 the start of a £22.5million programme up to 2018 of which Neighbourhood Planning groups can apply for funding. Further details on this are set out in the Wychavon Neighbourhood Planning protocol.

- Staffing implications – The Localism Act 2011 places a duty to support the preparation of Neighbourhood Plans on local authorities through officer advice and guidance, making evidence available and organising/ paying for the examination and referendum. It is considered that this process can be met within existing staffing resources and budgets.

- Risks – As a statutory process, failure to publish and consult on the Neighbourhood Area application runs the risk of the Parish Council being unable to proceed with the Neighbourhood Plan. It is possible for a local authority not to approve a Neighbourhood Area, but it must show why the proposed area does not support the aim and objectives of the eventual Neighbourhood Plan.

- Legal – It is a statutory requirement to support the preparation of

Neighbourhood Plans and for the Council to adopt, or 'make' them, if supported by the referendum. Failure to support the Parish Councils to prepare a Neighbourhood Plan would result in legal challenge with any subsequent consequences for the Council.

- Property – Dependent on the eventual content of the Neighbourhood Plan, there are potentially Council landholding interests within the proposed Neighbourhood Area that may be directly or indirectly affected by the adoption the Neighbourhood Plan.

3.3. Diversity Impact Assessment

- Diversity Impact Assessments are a way of examining whether different communities or groups are adversely affected by a current or proposed service, policy or project. It helps identify ways of reducing or eradicating any adverse impacts and with developing an action plan for minimising the impact of the service, policy or project. A Diversity Impact Assessment screening has been undertaken which shows that the subject matter of this report will not require an assessment.

4. Consultation on the Neighbourhood Area Applications

4.1. The South Lenches Neighbourhood Area Application comprised of three elements:

- a map which identifies the area to which the area application relates, in this instance the whole parish boundary;

- a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and

- a statement that the organisation or body making the area application is a relevant body for the purposes of the related legislation.

4.2. On receipt of the Neighbourhood Area Application on 16 July 2015, it was put out to consultation from 22 July to 19 August 2015.

4.3. In the days prior to the consultation period; statutory consultees, neighbouring local authorities and parish/ town councils, along with other interested parties received written notification via e-mail or letter of the four week consultation. Copies of the documentation and details of how and by when to make representations were put on the Neighbourhood Planning pages of the Wychavon website.

5. Designation of the Neighbourhood Areas

5.1. A total of five representations were received with regard to the South Lenches Neighbourhood Area Application consultation – Environment Agency, Natural England, Historic England, Worcestershire County Council and Equality and Human Right Commission. In summary, the representations were simply acknowledging the start of the South Lenches Neighbourhood Plan process, providing points of reference and sources of information, and asking to be consulted on the draft Plan in due course. A summary of the representations is provided at Appendix 1.

5.2. The Act requires local authorities when determining applications “to have regard to the desirability of designating the whole area of a Parish Council as a Neighbourhood Area” (S61 (G)(4)). The presumption is that local authorities will designate Neighbourhood Areas on existing Parish and Town Council boundaries unless there is a valid planning reason not to do so. In this respect, it is for the Council to ensure that Neighbourhood Areas are coherent, consistent and appropriate. As well as taking on board any comments received during consultation, other factors for the Council to consider include:

- any natural or man-made features (e.g. rivers, roads, railways etc.);
- catchment areas for current or planned infrastructure;
- development proposals and allocations; and
- environmental designations.

It is considered that there are no such ‘anomalies’ in respect of the South Lenches Neighbourhood Area.

6. Conclusion

- 6.1. The consultation generated a limited response, and those who did comment were generally statutory consultees. No issues were raised with respect to the designation or delineation of the proposed Neighbourhood Area. Neither are there any other factors, as identified above, that influence the Neighbourhood Area boundary.
- 6.2. It is recommended that the Council approves the South Lenches Neighbourhood Area as shown in the maps accompanying the application. Following approval, the designation will be published on the Council’s website.
- 6.3. As Regulation 6A of The Neighbourhood Planning (General) Act 2012 (amended 2015) gives 8 weeks for the determination of such applications, a formal decision needs to be made by 10 September 2015.

Appendix 1

Responses to South Lenches Neighbourhood Area designation consultation – 22 July to 19 August 2015.

Organisation	Nature of Representation	Officer response
Environment Agency	No comments to make at this stage but welcome further consultation at the pre-submission stage.	Comments noted.
Natural England	No specific comments to make on the Neighbourhood Area designation but offer general advice on matters such as environmental designations and protected species for the Parish Council to consider during the preparation of the Neighbourhood Plan.	Comments noted and passed on to the Parish Council.
Equality and Human Rights Commission	No specific comments on the Neighbourhood Area designation but wish to remind the Parish Council of the importance of considering the effects of their policies in line with the Equality Act 2012. Also provide technical guidance for the Parish Council	Comments noted and passed on to the Parish Council.
Historic England	No objection to the designation of the Neighbourhood Area but give advice on the range of designated and undesignated heritage assets in the area, advise on how the historic environment can be incorporated into the Neighbourhood Plan and give some points of reference and positive examples of Neighbourhood Plans which have integrated the historic environment.	Comments noted and passed on to the Parish Council.
Worcestershire County Council	No objection to the designation of the Neighbourhood Area but provide information on different County Council departments and topics that can assist the Parish Council during the course of the Neighbourhood Plan, including Green Infrastructure, Flood Risk Management, Archaeology, and Waste and Minerals.	Comments noted and passed on to the Parish Council.

