

Report To: Planning Committee
22 May 2014

By: Andrew Ford, Senior Planning Officer

Title: Hanbury Parish Neighbourhood Plan Neighbourhood Area Application – consideration to publish for public consultation

Ward Councillor/s

Cllr A. Steel, Inkberrow ward.

Background Papers: Hanbury Neighbourhood Plan Neighbourhood Area Application; Wychavon Neighbourhood Planning Protocol; Town and Country Planning, The Neighbourhood Plan (General) Regulations 2012 (copies in the Members Room). Report to Localism Advisory Panel, 19/5/14.

1. Summary

- 1.1. This report is asking the Planning Committee to consider Hanbury Parish Council's 'Neighbourhood Area Application' to this council. The Town & County Planning, The Neighbourhood Plan (General) Regulations 2012 require the local authorities (the qualifying body) to publicise and publish a neighbourhood area application for public consultation, prior to formally designating the area. It is only following the successful completion of this stage that the parish council can progress with the preparation of its neighbourhood plan.
- 1.2. The report sets out the background to neighbourhood planning and principle stages in the preparation, summarises Hanbury Parish Council's application and sets out the short-term timetable for the public consultation and formal approval of the neighbourhood area by September 2014.

2. Recommendations

- 2.1. That Hanbury Parish Council and Steering Group be thanked for submitting the application and commended for getting the neighbourhood plan to this initial stage.
- 2.2. That the Planning Committee, having examined the Hanbury Neighbourhood Area Application, consider that it provides a 'sound' basis for public consultation and eventual approval in accordance with the regulations.

- 2.3. That any observation or comments the Planning Committee may make on the application are reported back to Hanbury Parish Council.
- 2.4. That the Planning Committee recommends to the Executive Board on 3 June 2014 that the Hanbury Neighbourhood Area Application is published for six weeks public consultation provisionally beginning on 6 June and concluding on 18 July 2014.
- 2.5. That the representations from the public consultation be reported back to the Planning Committee on 14 August 2014, and subsequently to Executive Board on 2 September 2014 for consideration of final approval of the neighbourhood area.

3. Implications & Impact

3.1. Council Priorities and Community Plan Themes

- 3.2. Neighbourhood planning is one of the central elements of the 'Localism' process and the preparation and adoption of the neighbourhood plan 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.

3.3. 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 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 communities (£8,000), which alongside the direct grant (£7,000) and practical support the government is making available to communities represents a significant amount of funding for the process. 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 its 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 any eventual neighbourhood plan.
- Legal - It is a statutory requirement to support the preparation of neighbourhood plans and for this council to adopt, or 'make' them,

if supported by the referendum. Failure to support Hanbury Parish Council 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 have direct or indirect consequences by the adoption of the neighbourhood plan.

3.4. 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. Background

- 4.1. Neighbourhood planning is one of the five main measures in the Localism Act 2011 and specifically relates to the production of Neighbourhood Plans, Neighbourhood Development Orders (NDO) and Community Right to Build Orders (CrtB). It devolves some planning powers to parish; town councils and neighbourhood forums. These are referred to as a 'relevant body'.
- 4.2. The Government has two goals for neighbourhood planning; that local people will have influence over where development can go and how it might look; the other that communities will be more welcoming of development because of renewed ownership and from financial incentives such as the Community Infrastructure Levy (CIL) and New Homes Bonus.
- 4.3. Neighbourhood plans are required to be 'pro-development'. They can not be used to stop development already allocated or permitted, or propose less development than that set out in the Local Development Plan, i.e. the emerging SWDP. However, the process provides an opportunity for local communities to work with the council in the preparation or delivery of additional sites for housing, employment or community uses, have a say on what development should look like and include other matters in their plan that are important to the community.
- 4.4. This council adopted an updated 'protocol' in July 2013 that sets out how it will support the process and make any grant money available to those preparing neighbourhood plans. Approval of the neighbourhood area will allow the parish council to access the latest round of DCLG funding. The parish council can now also apply directly to the Locality organisation for initial start-up funding of £7,000 and practical advice to begin to development the neighbourhood plan.

5. Designation of a neighbourhood plan area

- 5.1. The neighbourhood planning regulations became effective on 6 April 2012, setting out the statutory procedures for neighbourhood plans. This council is responsible for receiving and determining applications for the designation of a neighbourhood area (i.e. an area to which a neighbourhood plan or neighbourhood development order relates). If the proposed neighbourhood area is that of a parish or town council then it is only that body (the 'relevant body') that can make an application and can then subsequently seek to prepare a neighbourhood plan or order. Applications must include the proposed boundary and supporting information on why the boundary is appropriate, and a statement that the body making the area application is a relevant body, i.e. the parish council. The council is then required to advertise the application for a statutory period of 6 weeks and then consider any representations received.
- 5.2. There is no further guidance on how local authorities should designate boundaries. However, for those put forward by parish or town council to date the principle that their existing boundaries are considered appropriate, or 'sound' has been acceptable and is generally reflected in the national context.

6. Hanbury Neighbourhood Area Application

- 6.1. The application was received from the parish council on 22 April 2014 (see Appendix 1) and comprises of three elements:
- a map which identifies the area to which the area application relates, in this instance the whole parish council boundary;
- alongside a covering letter providing:
- 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.
- 6.2. On receipt of a neighbourhood area application, this council is required (as soon as possible) to advertise and consult for six weeks on the application. This will include placing an advert in the local press, making the document available on the website, and notifying relevant consultees, e.g. neighbouring parish/town councils, local authorities, statutory bodies etc. on how to make representations, and the dates of the consultation period. Following the end of the consultation period, any feedback is reported to the working group and amendments incorporated if applicable. This council is then required to approve the neighbourhood area through an Executive Board resolution.
- 6.3. The procedural requirements at this initial stage have included a separate report to the Localism and Communities Advisory Panel on 19 May 2014. The parallel resolution to the Executive Board, which meets on 3 June 2014, is to approve the required six week

consultation period. The consultation will provisionally commence on 6 June and conclude on 18 July 2014.

- 6.4. Unfortunately given the meeting calendar the earliest that a report can be put before the Planning Committee, following the public consultation, is 14 August 2014. This means the Executive Board will only be able to consider a final decision to approve the neighbourhood area application at its meeting of 2 September 2014. However it is not considered that this will significantly delay preparation as the working group can still progress with the main areas of initial work, e.g. survey work and approaches to consultation etc.
- 6.5. If neighbourhood area approval is given by this council in September 2014, the council must publicise the neighbourhood area designation in an appropriate manner, e.g. via the website, press advert etc. The parish council can then formally move forward to the next stages; drafting of the plan, further consultation, examination and referendum. Should the neighbourhood plan be supported at the referendum (over 50% of the vote in support), then this council is required to adopt, or 'make' the Hanbury Neighbourhood Plan. It will then form part of the Development Plan Document, i.e. the SWDP and be a material consideration in the decision making of the council.

7. Conclusion

- 7.1. The Hanbury Neighbourhood Area application is considered appropriate against the regulations. The designation of the whole parish area is seen as logical and supportive of delivering the neighbourhood plan aim and objectives. The parish council meets the requirement of a 'relevant body' under the regulations.
- 7.2. Interest in neighbourhood planning across the district is increasing. Alongside the five designated neighbourhood areas, other parish and town councils are considering if neighbourhood planning would be beneficial to their communities. The positive approach being taken by the council, i.e. the adoption of a 'protocol', publication of a neighbourhood planning guide to coincide with a seminar last autumn for town and parish councils, and specific training for the groups now preparing neighbourhood plans in early 2014 demonstrates the importance the council attaches to neighbourhood plans as a means of empowering local communities.