

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	26 April 2017
Subject:	Designation of a Neighbourhood Plan Area for Bishop's Cleeve
Report of:	Paul Hardiman, Planning Policy Officer
Head of Service:	Annette Roberts, Head of Development Services
Lead Member:	Councillor D M M Davies
Number of Appendices:	Two

Executive Summary

Local Planning Authorities have a statutory duty to advise or assist communities in the preparation of Neighbourhood Development Plans, often referred to as 'Neighbourhood Plans'. The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended) set out the Local Planning Authority's responsibilities including designating "Neighbourhood Areas" for the purpose of preparing a Neighbourhood Development Plan.

An application to designate a new Neighbourhood Area has been received from Bishop's Cleeve parish.

The application has been assessed against the requirements set out in the legislation and is considered to meet the requirements to enable the designation of the Neighbourhood Area.

Recommendation

To APPROVE the designation of a Neighbourhood Area covering the parish of Bishop's Cleeve.

Reasons for Recommendation

To enable the above parish to prepare a Neighbourhood Development Plan for the area covered by the designation.

Resource Implications

Financial support is provided by the Department of Communities and Local Government to assist Local Planning Authorities in meeting their Neighbourhood Planning obligations. However, from April 2017, the financial contributions are being reduced overall and can now only be claimed once a date for referendum has been set. As a result of these changes, the Local Planning Authority will be required to provide support and meet the costs of consultation and examination in advance of receiving any funding.

Human resources continue to be required to: "Advise and assist communities in the preparation of a Neighbourhood Development Plan"; "check that a submitted plan meets the basic

conditions and other legal requirements”; “arrange for statutory consultation and the independent examination of the plan”; “arrange a referendum”; and, subject to the results of the referendum, “bring the plan into force”. The resource implications are corporate including Development Services, Community Development, Financial Services, Democratic Services and One Legal.

Legal Implications

The Council has a duty to undertake this work under the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 as amended.

Risk Management Implications

The designation of Neighbourhood Areas is a statutory requirement on Local Planning Authorities.

Performance Management Follow-up

There are further statutory stages in neighbourhood planning; however these are dependent on the timescales of the relevant parish, in its role as the “Qualifying Body” for the preparation of a Neighbourhood Development Plan.

Environmental Implications

The implications for biodiversity, habitats, energy usage, waste and recycling or protected species will be considered by the Local Planning Authority on behalf of the Qualifying Body as required by the Environmental Assessment of Plans and Programmes Regulations 2004 and the Conservation of Habitats and Species Regulations 2010.

1.0 INTRODUCTION/BACKGROUND

1.1 The planning system helps decide what gets built, where and when. It is essential for supporting economic growth, improving people’s quality of life, and protecting the natural environment. The government’s intention is to give local communities a greater say in planning decisions that affect them by providing the opportunity to prepare a Neighbourhood Development Plan (NDP) if they wish. Neighbourhood planning was introduced in the Localism Act 2011 with specific legislation, the Neighbourhood Planning (General) Regulations (2012), coming into effect in April 2012.

1.2 An NDP is a statutory community-led framework for guiding the future development and growth of an area. NDPs relate to the use and development of land and associated social, economic and environmental issues. An NDP can establish general planning policies for the development and use of land in a designated “Neighbourhood Area”, for example where new homes and businesses should be built and what they should look like. The plan can be detailed or general, depending on what local people want, however, NDPs still need to meet the needs of the wider area, which for Tewkesbury Borough will in future be set out in the Joint Core Strategy (JCS) and district level Tewkesbury Borough Plan (TBP), once adopted.

1.3 NDPs must be subject to full public engagement, examination and public referendum. Once adopted an NDP will form part of the statutory development plan (eventually along with the JCS and TBP), which is used to help decide planning applications in the Neighbourhood Area. In Tewkesbury Borough, Town or Parish Councils are the qualifying bodies who must lead the preparation of an NDP.

1.4 There are 5 key stages to neighbourhood planning:

Stage 1: Defining the Neighbourhood Area.

The first formal stage in the NDP preparation process is for local people to decide how they want to work together and then for the body that wishes to prepare the plan to apply to the Local Planning Authority (LPA) for their area to be designated. The Local Authority then checks that the suggested boundaries for different Neighbourhood Areas make sense and fit together. The LPA could say no if, for example, two proposed Neighbourhood Areas overlap.

Stage 2: Preparing the Plan.

Local people will need to prioritise their early ideas, and draw up their plans following some ground rules:

- they must be generally in line with local and national planning policies;
- they must be in line with other laws;
- if the LPA says that an area needs to grow, then communities cannot use neighbourhood planning to block the building of new homes and businesses; they can, however, use neighbourhood planning to influence the type, design, location and mix of new development;
- neighbourhood plans must contribute to achieving sustainable development; and
- the NDP must be subject to public consultation.

Stage 3: Independent Examination.

Once an NDP has been prepared, an independent examiner will check that it meets the required basic standards. If the plan does not meet these standards the examiner will recommend changes. The LPA will then need to consider the examiner's views, consult with the Town or Parish Council, and decide whether to make those changes. If the examiner recommends significant changes, then the Town or Parish Council may decide to consult the local community again before proceeding.

Stage 4: Community Referendum.

The Borough Council must organise a referendum on any Plan or Order that meets the basic standards. This ensures that the community has the final say on whether a Neighbourhood Plan, or Order (which are included in the same legislation) comes into force. People living in the Neighbourhood Area who are registered to vote in local elections will be entitled to vote in the referendum. If more than 50% of people voting in the referendum support the Plan or Order, then the LPA must bring it into force. The question to be asked at Referendum is set and is "Do you want Tewkesbury Borough Council to use the neighbourhood plan for [whichever area] to help it decide planning applications in the neighbourhood area?"

Stage 5: Legal Force.

Once an NDP is in force, following a successful referendum, it carries real legal weight. Decision makers are obliged to consider proposals for development in the Neighbourhood Area against the Neighbourhood Plan.

1.5 LPAs have a statutory duty to advise and assist communities in the preparation of NDPs and to take plans through a process of independent examination and public referendum. The Localism Act 2011 sets out the LPA's responsibilities:

- designating the area of the NDP;
- advising or assisting communities in the preparation of a Neighbourhood Plan [including determining if a plan requires a Strategic Environmental Assessment and Habitats Regulation Assessment through a statutory screening process];
- checking a submitted plan meets the legal requirements;
- arranging for the independent examination of the plan;
- determining whether the neighbourhood plan meets the basic conditions and other legal requirements;
- arranging a referendum to ensure that the local community has the final say on whether an NDP comes into force in their area; and
- subject to the results of the referendum, bringing the plan into force.

2.0 PROCESS FOR DESIGNATION OF A NEIGHBOURHOOD AREA

2.1 On receiving an application for designation of a Neighbourhood Area, the LPA must determine the application having regard to the following matters:

- is the organisation making the application a relevant body (as prescribed by the Localism Act 2011 this must be a 'Parish' Council in Tewkesbury Borough);
- is the area identified for designation as a Neighbourhood Area considered appropriate (where the applicant is a Parish Council, the area identified could include the whole or any part of the parish);
- would the area more appropriately be designated as a business area i.e. the area is wholly or predominantly in business use;
- does the area overlap with another designated area (of relevance to areas without Parishes where a Neighbourhood Forum is established and the Neighbourhood Area is defined specifically for this purpose); and
- is a public consultation required.

2.2 On applying for designation of a Neighbourhood Area the regulations (2012), Part 2 (5)(1), specify that the following must be submitted by the relevant body (in the case of Tewkesbury Borough this could be either an individual Parish Council or a group of Parish Councils):

- a map identifying the proposed Neighbourhood Area;
- a statement explaining why the area is appropriate to be designated as a Neighbourhood Area; and
- a statement explaining that the body making the area application is capable of being a Qualifying Body (in the case of Tewkesbury Borough this must be a Parish, or Town, Council).

- 2.3** On accepting that an application for designation meets the requirements as set out in 2.1 and 2.2 above and the Borough Council is required to either arrange to formally designate the Neighbourhood Area, if the application is for the whole parish, or publish the application for a period of not less than 6 weeks to invite representations on a proposal to designate a different area. If consultation is required the application must be publicised on the Borough Council's website and "in any other such manner as is considered likely to bring the application to the attention of people who live, work or carry out business in the area to which the application relates". The Council resolved to adopt the statutory six week minimum period at a Council meeting on 29 January 2013 and also resolved that authority be delegated to the Executive Committee to agree designated Neighbourhood Area proposals.

3.0 THE BISHOP'S CLEEVE APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA

- 3.1** An application to designate Bishop's Cleeve parish as a Neighbourhood Area was validated on 1 March 2017. On the basis that the application was made on behalf of the Parish Council, as the relevant body, and was for the whole parish it satisfied the provisions of Regulation 5A of the Neighbourhood Planning (General) Regulations 2012, as amended, and the six week consultation period was not required.
- 3.2** The application has been considered and assessed against the matters set out in 2.1 above and as a result it is confirmed that:
- 1) the parish of Bishop's Cleeve qualifies as a relevant body eligible to make an application;
 - 2) the area proposed to be designated consists of the whole parish;
 - 3) the area proposed for designation cannot be described as being wholly or predominantly in business use and, therefore, it would be inappropriate to designate the area as a business area; and
 - 4) there are no other designated areas that overlap with the proposed area.

4.0 OTHER OPTIONS CONSIDERED

- 4.1** No other options have been considered as an application to designate a Neighbourhood Area is governed by a statutory process.

5.0 CONSULTATION

- 5.1** On the basis that the application was made on behalf of the Parish Council, as the relevant body, and was for the whole parish it satisfies the provisions of Regulation 5A of the Neighbourhood Planning (General) Regulations 2012, as amended, and the six week consultation period is not required.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 *Tewkesbury Borough Council Plan 2012 – 16*

Priority: Provide customer focused community support

Objective 3 – Work with Town and Parish Councils to deliver the localism agenda

Action b) Provide appropriate support for Neighbourhood Planning

7.0 RELEVANT GOVERNMENT POLICIES

7.1 The National Planning Policy Framework (2012) supported by the National Planning Practice Guidance (2014).

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 See above.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to set planning policies to ensure that communities get the right types of development for their area within the overarching framework set by the local plan.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 The Neighbourhood Plan process requires evidence, in a Consultation Statement that must be submitted to the LPA along with the draft Neighbourhood Plan, as a proposal, of involvement by the community including hard to reach groups. This is a matter for the relevant, qualifying body preparing the plan to address.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 At Council on 29 January 2013 it was resolved to delegate power to designate Neighbourhood Plan areas to Executive Committee.

Background Papers: None.

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Appendices: 1. Application Form.
2. Map of Parish Boundary.