

CABINET

16th September 2015

**APPLICATIONS TO DESIGNATE TWO NEIGHBOURHOOD AREAS FOR
NEIGHBOURHOOD PLANNING PURPOSES**

Submitted by: Executive Director: Regeneration & Development

Portfolio: Planning and Housing

Ward(s) affected: Loggerheads and Whitmore Ward

Purpose of the Report

To seek Cabinet approval to designate two neighbourhood areas for neighbourhood planning purposes:

1. Loggerheads Parish
2. Chapel & Hill Chorlton, Maer & Aston and Whitmore Parishes

To obtain Cabinet's agreement to delegate future decisions on designating neighbourhood areas to the Cabinet Member with responsibility for the Planning and Housing portfolio.

Recommendation

1. Cabinet approve the designation of the following two neighbourhood areas:
 - a. Loggerheads Parish
 - b. Chapel & Hill Chorlton, Maer & Aston and Whitmore Parishes
2. That Cabinet agree to delegate future decisions on the designation of neighbourhood areas to the Cabinet Member with responsibility for the Planning and Housing portfolio.
3. That officers be authorised to submit a bid for funding support to the Department for Communities and Local Government and that a report be brought to a future meeting of Cabinet on the likely resource and staffing implications for the Council of responding to the development of Neighbourhood Plans.

Reasons

The council has received two neighbourhood area applications which, in accordance with the Neighbourhood Planning Regulations (2012, amended 2015) must be determined by the council within an eight week period ending on 22nd September 2015.

The council's constitution makes no provision for the determination of decisions relating to Neighbourhood Planning. However, national Planning Practice Guidance states; *"the Council's Executive takes the decisions on neighbourhood planning in a local planning authority (where the authority operates executive arrangements). The Executive may be able to delegate others in the authority to discharge these duties. The neighbourhood planning functions may be delegated to a committee or another authority. For further details see the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000"*

Cabinet approval is therefore required in order to delegate authority for making decisions on designating neighbourhood areas to the Cabinet Member with responsibility for the Planning and Housing portfolio.

1. Background

- 1.1 Neighbourhood Plans were introduced under the Localism Act (2011). These plans form part of the development plan system, however they are prepared by parish councils or organised neighbourhood forums and they cover a smaller area than a district-wide local plan.
- 1.2 Before a neighbourhood plan can be formally prepared, the area that is to be covered by the plan needs to be designated. As the local planning authority, the Borough Council has the responsibility to publicise and then make a decision on applications that it has received to designate neighbourhood areas within the borough.
- 1.3 The Council has received the two following applications proposing to designate neighbourhood areas within the borough:
 1. Loggerheads Parish (received on 26th June 2015)
 2. Chapel & Hill Chorlton, Maer & Aston and Whitmore Parishes (joint application, received on 14th July 2015)
- 1.4 The Neighbourhood Planning (General) Regulations 2012 (Amended 2015) require that applications received from parish councils which propose to designate the whole parish must be publicised for a four week period in order to allow public comments to be made on the proposal. The regulations also require that local planning authorities must make a decision on such applications within eight weeks of first publicising the proposal (i.e. an additional four weeks after the initial four week publicising period)¹.
- 1.5 Both of these applications have been subject to public consultation for a four week period from Monday 27th July to Monday 24th August 2015. Therefore the Borough Council must make a decision on the applications by 22nd September 2015.

2. Issues

Boundaries

- 2.1 Both applications relate to the entire area of each of the relevant parishes. Maps showing the extent of the two areas proposed to be designated are provided in Appendices 1 and 3 to this report along with the supporting statements supplied by the relevant parish councils.
- 2.2 Loggerheads Parish Council had previously submitted an application to designate a smaller area of their parish which the Borough Council publicised in May and June 2015. In light of some of the comments received during that period which suggested conflicting amendments to the proposed boundary, Loggerheads Parish Council decided to withdraw that application and submit the new application to designate the entire parish. It is this new neighbourhood area application that is a focus of this report.

Neighbourhood Area Applications

- 2.3 It is normally expected that neighbourhood area applications will be approved unless there are specific reasons not to do so, for example if a neighbourhood area has already been designated within the same area being applied for. The Planning and Compulsory Purchase Act 2004 (as amended) directs that parish councils are relevant bodies to lead the preparation of Neighbourhood Plans and in such cases the area to

¹ Regulation 6A of the Neighbourhood Planning (General) Regulations 2012 (Amended 2015)

be designated must be the whole or part of the parish. Both of these applications have been submitted by parish councils and both of them seek to designate the whole of their respective parishes.

- 2.4 No comments have been received during the publicising period to suggest that either of the neighbourhood areas would be inappropriate. All of the comments received are summarised in Appendices 2 and 4 to this report.

Decision Making Process

- 2.5 The Council's constitution makes no provision for the determination of decisions relating to Neighbourhood Planning. National Planning Practice Guidance states that a council's Executive body (i.e. Cabinet) takes the decisions relating to Neighbourhood Planning but that it may delegate this duty to others in the authority, for example a Cabinet sub-committee or the relevant Portfolio Holder.
- 2.6 Because of the strict time limits in determining applications to designate neighbourhood areas it is considered both necessary and appropriate to put in place a decision making process that can respond within the statutory timetable.
- 2.7 Therefore, Cabinet approval is being sought for these two initial neighbourhood area applications, along with approval to allow future applications to be decided by the Cabinet Member with responsibility for the Planning and Housing portfolio. Cabinet approval will also be required for any future decision to 'make' (i.e. adopt) a Neighbourhood Plan that has successfully passed through examination and referendum.

Future Implications for the Borough Council

- 2.8 Whilst Neighbourhood Plans are prepared by bodies external to the Borough Council, it will be the Borough Council's responsibility to 'make' (i.e. adopt) the Neighbourhood Plans and to implement their policies through subsequent decisions on planning applications submitted for consideration. Neighbourhood Plans must however be in conformity with national planning policy and the district-wide local plan. In Newcastle-under-Lyme this essentially means the adopted Core Spatial Strategy and saved policies from the Newcastle-under-Lyme Local Plan 2011. Both of these will be superseded by the forthcoming Joint Local Plan and both the Borough Council and the parish councils will need to consider the implications of this as the Neighbourhood Plans are being prepared.

3. Proposal

- 3.1 In line with the requirements set out in the Regulations, both proposed neighbourhood areas are appropriate for designation, so members are recommended to approve the applications accordingly.
- 3.2 In addition it is recommended that the responsibility for such decision-making in future should reside with the portfolio holder for Planning and Housing for the reasons cited above.
- 3.3 The other facet of this proposal relates to resourcing (see below); it is recommended that officers be authorised to submit a bid for funding support to the Department for Communities and Local Government.

4. Reasons for the Preferred Solution

- 4.1 The designation of the two neighbourhood areas will allow the parish councils to begin work on preparing their respective Neighbourhood Plans. Whitmore Parish Council will be taking the lead in coordinating the preparation of the Chapel & Hill Chorlton, Maer & Aston and Whitmore Neighbourhood Plan.

5. Financial and Resource Implications

- 5.1 The Borough Council has a statutory duty to take decisions at key stages in the neighbourhood planning process. This includes organising formal public consultation periods and making the arrangements for the examination and referendum of the Neighbourhood Plans. It is also required to provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan. The Authority must give such advice or assistance as, in all the circumstances, it considers “appropriate”. There is no statutory requirement to provide financial assistance. Assistance could include providing ongoing professional advice and technical support, sharing evidential information and data. National Planning Practice Guidance says that local planning authorities should constructively engage within the community throughout the process.
- 5.2 This could have significant resource implications for the Borough Council in terms of committing staff resources and in material costs (for example providing paper maps to the parishes, printing off and sending out letters during consultation events and printing off and sending out ballot papers for the referendum). There is however funding available from the Department for Communities and Local Government (CLG) to support local planning authorities in this role, with a basic level of funding set at £30,000. There is a window of opportunity for the Borough Council to make a claim for funding between 1st and 30th September 2015, and others. Further information about this funding is available on the CLG website. In addition the Parish Councils can bid for funding support to assist them in managing the overall process of preparing such Plans and officers would, if required, seek to assist them in this regard.
- 5.3 Once the Neighbourhood Plans have been prepared by the Parish Councils then the Borough Council will be responsible for publicising them for public consultation and for collating the comments received. Following this the Neighbourhood Plans will be submitted to the Planning Inspectorate and be subject to independent examination, which the Borough Council will be responsible for organising (although at the Inspector’s discretion this may only require written representations rather than formal hearings). If the Neighbourhood Plans successfully pass through the examination stage then the Borough Council will be responsible for organising a referendum whereby the electorate within the designated neighbourhood areas will be able to vote as to whether or not they agree that the Neighbourhood Plan should be used to decide planning applications in the area. If more than 50% of the electorate of the area vote in favour then the Borough Council will need to ‘make’ (adopt) the Neighbourhood Plan and subsequently implement its policies in determining future planning applications that are received within the relevant designated neighbourhood area.
- 5.4 Whether other Parish Councils or other qualifying bodies within the District wish to prepare Neighbourhood Plans is at present unknown, as is the speed at which they may progress once neighbourhood plan areas have been agreed. An enquiry has been received from the Newcastle Town Centre Partnership about a possible

Neighbourhood Plan for the Town Centre, although this was some time ago. Qualifying bodies such as Parish Councils can decide at any time to initiate the neighbourhood process – that they have not done so to date does not necessarily mean that they would not do so in the future. Qualifying bodies such as neighbourhood forums could be set up outside ‘parished’ areas. The opportunity to take up the procedures set out in the Localism Act is not within the control of the Council and so there is an inherent uncertainty. Nevertheless to enable Cabinet to be more fully informed and address the resource implications it is proposed to canvass intentions as to the likely take up of the neighbourhood planning option within the Borough and to submit a further report to Cabinet providing details of the potential resource implications.

6 Outcomes Linked to Corporate Priorities

- 6.1 The preparation and implementation of Neighbourhood Plans in the borough will contribute to the following corporate priorities:
- A clean, safe and sustainable borough
 - A borough of opportunity
 - A healthy and active community
 - A co-operative council delivering high quality, community driven, services
- 6.2 The designations are not expected in themselves to have a direct impact on the council’s corporate priorities.

7 Legal and Statutory Implications

- 7.1 The Localism Act (2011) introduced the concept of Neighbourhood Planning. The Localism Act also made amendments to the Town and Country Planning Act (1990) and the Planning and Compulsory Purchase Act (2004) in order to incorporate Neighbourhood Plans within the statutory development plan system.
- 7.2 The Neighbourhood Planning (General) Regulations 2012 implement this legislation through setting out the requirements for designating neighbourhood areas and preparing and the ‘making’ of neighbourhood plans. The Regulations were amended in 2015 to decrease the publicising and decision making periods from 12 weeks to 8 weeks in total for the designation of new neighbourhood areas, where the application is submitted by a parish council and the boundary relates to a parish area.

8 Major Risks

- 8.1 The designation of the two neighbourhood areas does not create any major risks to the Council. However, it is worth noting that the parish councils will face significant risks of their neighbourhood plans becoming quickly out of date if they are prepared to only be in conformity with the adopted Core Spatial Strategy, which is due to be replaced by the new Joint Local Plan. The Borough Council has a duty of support to the parish councils and both parties will need to cooperate closely as neighbourhood plans are prepared.

9 Appendices (not attached but available to view on request)

- Appendix 1:
Application to designate Loggerheads parish as a neighbourhood area (received from Loggerheads Parish Council)

- Appendix 2:
Comments received relating to the application to designate Loggerheads parish as a neighbourhood area
- Appendix 3:
Application to designate Chapel & Hill Chorlton, Maer & Aston and Whitmore parishes as a neighbourhood area (joint application received from Chapel & Hill Chorlton, Maer & Aston and Whitmore Parish Councils)
- Appendix 4:
Comments received relating to the application to designate Chapel & Hill Chorlton, Maer & Aston and Whitmore parishes as a neighbourhood area