

Report To: Planning Committee
30 January 2013

By: Sarah Matthews, Planning Officer

Title: Broadway Parish Neighbourhood Area Application – consideration of public consultation responses and approval to designate

Ward Councillor/s:
Cllr Parmenter
Cllr Eyre

Background Papers:

- Broadway Neighbourhood Area Application (August 2013);
- Wychavon Neighbourhood Planning Protocol (July 2013);
- Wychavon Neighbourhood Planning Guide (October 2013);
- Town and Country Planning, The Neighbourhood Plan (General) Regulations 2012 (copies in the Members Room);
- Reports to Localism and Communities Advisory Panel on 16/09/13 & 20/01/2014 and Planning Committee on 10/10/13.

1. Summary

1.1. Members may recall that on 10 October 2013 a report was presented to them to explain the neighbourhood planning process and public consultation with respect to Broadway.

1.2. This report is asking the Planning Committee to consider the responses to the six-week public consultation undertaken as part of the requirement to designate Broadway Parish Council's Neighbourhood Area. The above regulations require local authorities to publicise and publish a neighbourhood area application for public consultation, prior to formal designation. It is only following the successful completion of this stage that Broadway Parish Council can progress with the preparation of its neighbourhood plan.

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 Broadway Neighbourhood Plan.

2. Recommendations

2.1. That the Planning Committee, having examined the Broadway

Neighbourhood Area Application and the nature of the representations received, consider that it provides a 'sound' basis for developing the neighbourhood plan.

2.2. That the Planning Committee recommends to the Executive Board on 4 February 2014 that the Broadway Neighbourhood Area (as drawn in the map accompanying the application – see Appendix 2) is formally designated and 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 - In 2013/14, on successful designation of a neighbourhood area, the council can apply to DCLG for additional funding of up to £30,000. Of this funding, Broadway Parish Council can apply for up to £8,000 which will be paid in three stages, dependant on neighbourhood plan progress. Further details on this are set out in the Wychavon Neighbourhood Planning Protocol (July 2013).

- 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 Broadway 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 the council to adopt, or 'make' them, if supported by the referendum. Failure to support Broadway 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 be directly or indirectly affected by the adoption of 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. **Broadway Neighbourhood Area Application consultation**

- 4.1. The application was submitted by Broadway Parish Council on 21 August 2013 and comprised of three elements:
 - a map (see Appendix 2) which identifies the area to which the area application relates, in this instance the whole parish council 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, the Localism Panel on 16 September 2013 and Planning Committee on 10 October 2013 considered the documentation and recommended to Executive Board of 15 October 2013 that it be published for six weeks public consultation. The consultation ran between Monday 28 October 2013 until 5.00pm on Monday 9 December 2013.
- 4.3. The week prior to the consultation period relevant statutory consultees, neighbouring local authorities and parish/town councils, along with other interested parties received written notification via e-mail or letter of the six 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 and hard copies of the same documentation placed in the customer contact centres across the district. A press advert was placed in the Evesham Journal on 24 October 2013.

5. **Designation of Broadway Neighbourhood Area**

- 5.1. A total of six representations were received – Natural England; Environment Agency; Network Rail; Cotswolds Conservation Board; Network Rail and Worcestershire County Council, **with no objections raised to the boundary proposed**. In summary the representations received included:
 - Acknowledgement of the process;
 - A number of respondents wished to be kept informed at future stages of the neighbourhood plan;
 - Advice was provided to the Parish Council on how to progress the plan to ensure sustainability of proposals;
 - Concern was raised as to the potential impact of any proposals in a neighbourhood plan on rail infrastructure, crossings points and infrastructure maintenance;

- The neighbourhood plan should reflect national policy for sport as set out in the NPPF and identifies relevance guidance and policies from Sport England to assist in the preparation of the plan.

A more detailed 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 councils 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;
- environmental designations.

The Cotswolds Area of Outstanding Natural Beauty lies within the Broadway Neighbourhood Area and will need careful consideration in any proposal put forward as part of the Neighbourhood Plan. As detailed in Appendix 1, the Cotswolds Conservation Board has responded to the consultation and would like to be informed at future stages of the neighbourhood plan process.

Network Rail have also commented on the neighbourhood area designation and the Parish Council has been made aware that the area includes a section of railway and adjoining land owned by Network Rail.

5.3. An informal approach has been made to Broadway Parish Council by Childswickham Parish Council as to whether a joint neighbourhood plan could be undertaken. This is possible under the regulations and there are examples of communities across the country having prepared a joint neighbourhood plans, e.g. Eden Valley in Cumbria. However there has not been any formal representation within the consultation period and it is a proposal that can be given further consideration by the various parties once work on the Broadway neighbourhood plan is underway.

6. Next Steps on the Neighbourhood Area Applications

6.1. If approval is given by this council in February 2014 the parish council, then referred to as a ‘qualifying body’ can move towards 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 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 consultation generated a limited response, and those that did comment were statutory consultees. No issues were raised with respect to the designation or the delineation of the proposed neighbourhood area. Other factors, including the Cotswold AONB and comments from Network Rail have as identified above, and may influence proposals within the neighbourhood area boundary.
- 7.2. Therefore it is recommended that the council approves the Broadway Neighbourhood Area as shown in the map (Appendix 2) accompanying the neighbourhood area application. Following approval the designation will be published on the council's website and advertised in the relevant local newspaper.

Appendix 1

Responses to Broadway Parish Council Neighbourhood Area designation consultation – 22 October to 2 December 2013

Organisation	Nature of Representation	Officer response
Environment Agency	Welcomed the opportunity to comment. No comments at this stage but wish to be consulted further at the neighbourhood plan pre-submission stage.	Noted.
Worcestershire County Council	Worcestershire County Council officers have no objection to the proposed neighbourhood area. Detailed comments are provided in the response to a number of specific areas intended to help the parish council develop the neighbourhood plan and ensure the sustainability of the proposals.	Noted. The advice and further guidance provided by the county council has been passed to the neighbourhood plan group.
Cotswolds Conservation Board	Support given for the neighbourhood area and preparation of a neighbourhood plan for the parish. Request that the Board is consulted at future stages of the plan preparation as part of the plan area lies in the Cotswolds AONB.	Noted.
Network Rail	Network Rail welcomed the opportunity to comment on the Broadway neighbourhood area designation as it includes a section of railway and adjoining land. Concern was raised as to the potential impact of any proposals in a neighbourhood plan on rail infrastructure, crossings points and infrastructure maintenance etc. Requested that, as a statutory consultee, Network Rail be consulted on future stages of the neighbourhood plan and any development that may come from it should it have an	Noted. The full representation by Network Rail has been passed to the parish council to note and further act on if required.

	impact on the railway. Detailed list of what may require consultation provided.	
Sport England	Ask that the neighbourhood plan reflects national policy for sport as set out in the NPPF and identifies relevance guidance and policies from Sport England to assist in the preparation of the plan.	Noted.
Highways Agency	Did not wish to make any comment on the consultation.	Noted.

Parish of Broadway -
Consultation on Neighbourhood Area
Designation Application, October 2013

Scale : Not to Scale Date : October 2013



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