

Report To: Planning Committee
10 October 2013

By: Andrew Ford, Senior Planning Officer

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

Ward Councillor/s

Councillor Rob Adams,
Norton and Whittington
ward.

Background Papers: Whittington Neighbourhood Area Application; Wychavon Neighbourhood Planning Protocol; Town and Country Planning, The Neighbourhood Plan (General) Regulations 2012 (copies in the Members Room). Reports to Localism Panel (20/5/13) and Planning Committee (23/5/13).

1. Summary

- 1.1. 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 Whittington 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 Whittington Parish Council can progress with the preparation of its neighbourhood plan.
- 1.2. The report sets out the steps taken to consult on the application, and provide details of the representations received.
- 1.3. Finally the report details the next stages in the process for the parish council towards final adoption of the Whittington Neighbourhood Plan.

2. Recommendations

- 2.1. That the Planning Committee, having examined the Whittington 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 15 October 2013 that the Whittington Neighbourhood Area (as drawn in map accompanying the application) is formally designated and subsequently publicised on the council's website.

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 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.

3.3. Resource Implications

- Financial implications - The council is in receipt of DCLG 'frontrunner' funding of £20,000 to support Whittington Parish Council prepare the neighbourhood plan and cover any burden imposed by the process, i.e. paying for the examination and referendum. Further details on this are set out in the Wychavon Neighbourhood Planning Protocol (July 2013). In addition upon designation of a neighbourhood area the council can apply to DCLG for additional funding of up to £30,000.
- 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 Whittington 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 Whittington 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 effected 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. Whittington Neighbourhood Area Application consultation

4.1. The application was submitted by Whittington Parish Council on 11 April 2013 and comprised of three elements:

- a map 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 20 May 2013 and Planning Committee on 23 May 2013 considered the documentation and recommended to Executive Board of 28 May 2013 that it be published for six weeks public consultation. The consultation ran between 1 July and 12 August 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 Worcester News on 27 June 2013.

5. Designation of Whittington Neighbourhood Area

5.1. A total of six representations were received – Natural England; Environment Agency; Network Rail; Robert Hitchins; Spetchley Estate; and Worcestershire County Council. In summary the representations were simply acknowledging the process, providing sources of reference, and asking to be consulted on the draft Plan in due course with no objection being raised to the designation. 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.

It is considered that there are no such 'anomalies' in respect to the neighbourhood area under consideration.

6 Conclusion

- 6.1. 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. Neither are there any other factors, as identified above, that influence the neighbourhood area boundary.
- 6.2. Therefore it is recommended that the council approves the Whittington Neighbourhood Area as shown in the map accompanying the neighbourhood area application. Following approval the designation will be published on the council's website and advertised in the relevant local newspaper.
- 6.3. The neighbourhood plan working group will begin initial survey work with the community in due course. The findings of this will begin to inform the identification of issues and content of the draft plan. Further support will be offered to Whittington Parish Council by the council to help progress areas of work towards consultation on a draft neighbourhood plan and successful examination for later in 2014.