

Report To: Planning Committee
23 May 2013

By: Andrew Ford, Senior Planning Officer

Title: Cleeve Prior Parish Neighbourhood Area Application; North Claines Parish Neighbourhood Area Application – consideration of public consultation responses and approval to designate

Ward Councillor/s

Cllr Lasota, The Littletons; Cllr Miller, Lovett & North Claines; Cllr Fischer, Lovett & North Claines

Background Papers: Cleeve Prior Neighbourhood Area Application; North Claines Neighbourhood Area Application, Wychavon Neighbourhood Planning Protocol; Town and Country Planning, The Neighbourhood Plan (General) Regulations 2012. Reports to Localism Panel (11/2/13) and Planning Committee (28/2/13).

1. Summary

- 1.1. This report is asking the Planning Committee to consider the responses to the six-week public consultation undertaken as part the designation of Cleeve Prior Neighbourhood Area and North Claines 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 the parish councils can progress with the preparation of the neighbourhood plans.
- 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 neighbourhood plans.

2. Recommendations

- 2.1. That the Planning Committee, having examined the Cleeve Prior Neighbourhood Area Application and North Claines Neighbourhood Area Application and the nature of the representations received, consider that it provides a 'sound' basis for developing the neighbourhood plans.

2.2. That the Planning Committee recommends to the Executive Board on 28 May 2013 that the Cleeve Prior Neighbourhood Area and North Claines Neighbourhood Area (as drawn in the map accompanying the applications) are 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 Cleeve Prior 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. North Claines Parish Council has been provided with an initial payment from the residual 'front runner' grant. In addition upon each designation of the neighbourhood areas this council can apply to DCLG for additional funding of up to £30,000 from April 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 the parish councils being unable to proceed with the neighbourhood plans. It is possible for a local authority not to approve the 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 the parish councils 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.

3.4. 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. Consultation on the Neighbourhood Area Applications

4.1. The applications 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. The applications also included further information in the form of an appendix that set out the aim and objectives of the neighbourhood plan, the profile of the working group, and work to date, governance arrangements, a consultation strategy and timetable.

4.3. On receipt of the neighbourhood area application, the Localism Panel on 11 February 2013 and Planning Committee on 28 February 2013 considered the documentation and recommended to Executive Board of 12 March 2013 that it be published for six weeks public consultation commencing from 18 March 2013.

4.4. 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 and Worcester News on 14 March 2013.

5. Designation of the Neighbourhood Areas

5.1. A total of four representations were received – The Cotswolds AONB Conservation Board; Network Rail; Natural England and Salford Priors Parish 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. A 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 local authorities 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 this 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 areas. 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 Cleeve Prior Neighbourhood Area and North Claines Neighbourhood Area as shown in the maps accompanying the neighbourhood area applications. Following approval the designation will be published on the council’s website.

6.3. Subsequent to the designation process North Claines Parish Council are holding a community planning event on Saturday 18 May 2013 in order to develop the themes of the neighbourhood plan. The findings of this will begin to inform the identification of issues and content of the draft plan. Further support will be offered to both parish councils by this council to help progress areas of work towards consultation on a draft neighbourhood plan and successful examination over the forthcoming months.