

STROUD DISTRICT COUNCIL
ENVIRONMENT COMMITTEE

**AGENDA
ITEM NO**

19 June 2014

9

Report Title	DESIGNATION OF NEIGHBOURHOOD PLANNING AREAS
Purpose of Report	To consider the nomination of three Neighbourhood Planning Areas affecting the parishes of Stroud Town Kingswood and Chalford parishes
Decision(s)	The Committee resolves to <ol style="list-style-type: none"> 1. accepts the nomination of the two Neighbourhood Planning Areas for the parishes of Kingswood and Chalford. 2. delegates to the Head of Planning the authority to accept the nomination of Stroud Town as a Neighbourhood Planning Area, subject to there being no substantive objections to the designation.
Consultation and Feedback	The nominations will have been subjected, at different times, to 6 week consultation with the community. This has been via a press advert with all documents being reproduced on the council website. http://www.stroud.gov.uk/docs/planning/planning_strategy.asp#s=sectioncontent5&p=np There has been no feedback from the community to the consultation though Stroud Town's consultation is yet to conclude..
Financial Implications and Risk Assessment	The report sets out the resource implications for the Council concerning the designation of Neighbourhood Planning Areas. The Government has made available £1.5 million to support the nomination stage, the report indicates that this would not be sufficient to cover the designation of all civil parishes and urban areas. Whilst the Council will apply for the initial £5,000, the outcome is uncertain and that could result in the Authority having to meet these costs itself. David Stanley, Accountancy Manager Tel: 01453 754100 Email: david.stanley@stroud.gov.uk
Legal Implications	Neighbourhood planning was introduced through the Localism Act 2011. The first formal step in neighbourhood planning is the submission of the proposed neighbourhood area to the local planning authority for designation.

	<p>The Neighbourhood Planning (General) Regulations 2012 set out the requirements for consultation and publicity.</p> <p>This report details three applications for designation that have been received.</p> <p>The consultation period in respect of the application from Stroud Town has not yet expired, and therefore the recommendation is that authority to accept the nomination for designation be delegated to the Head of Planning, provided no substantive objections are received.</p> <p>The Head of Planning will therefore need to ensure that the requirements of the regulations have been complied with before exercising the delegated power.</p> <p>There are no other substantive legal issues arising from this report.</p> <p>The report summarises the further steps involved in preparing a Neighbourhood Development Plan.</p> <p>Alexandra Reece: Solicitor Tel: 01453 754364 Email: alexandra.reece@stroud.gov.uk</p>
Report Author	<p>Philip Skill: Head of Planning Tel: 01453 754345 Email: phil.skill@stroud.gov.uk</p>
Options	<p>The Committee may:</p> <ol style="list-style-type: none"> 1. Designate any or all of the nominations without variation, 2. Vary the extent of any or all of the nominations, 3. Decline to designate any or all of the nominations
Performance Management Follow Up	<p>None</p>
Background Papers/ Appendices	<p>Nominations and maps on the website at http://www.stroud.gov.uk/docs/planning/planning_strategy.asp#s=sectioncontent5&p=np</p>

Introduction

Applying for designation as a neighbourhood area is the first step local communities are required to take before acquiring their new neighbourhood planning powers. The areas indicated on the maps in published at http://www.stroud.gov.uk/docs/planning/planning_strategy.asp#s=sectioncontent5&p=np and represent the full geographical extents for each of the parishes.

Following the submission of a nomination, the Council must put the details out to public consultation for a minimum of 6 weeks. This consultation, on the neighbourhood planning area, gives an opportunity for members of the public, businesses and other interested bodies to make representations relating to the appropriateness of the area to be designated. The District Council, as Local Planning Authority is required to consider the nomination and either designate the area, vary the extent of the nomination or refuse to designate the area. If the decision is to refuse or vary the designation, then reasons must be given.

Background

Neighbourhood planning gives communities the ability to prepare a statutory plan known as a “Neighbourhood Development Plan” (NDP) for their area, setting out the type of development that will happen, where it should be located and how it should look. It is also possible to grant planning permission for certain types of development, by drawing up a neighbourhood development order (NDO) for a specific site.

It should be remembered at all times that the purpose of a Neighbourhood Development Plan is to be **pro-growth** rather than to stifle development. As such it should identify additional opportunities for development or seek to influence the implementation of allocations within the District Council’s local plan. It should also be noted that despite the fact that this legislation was introduced under the Localism Act, the planning system remains a top-down process, with NPDs being subservient to the National Planning Policy Framework (NPPF) and the local plan (together with any additional strategic planning documents such as those prepared by the County Council)

The first statutory stage in bringing forward a neighbourhood planning proposal, either a plan or order, is to define the neighbourhood area. The proposed area must be agreed by the Local Planning Authority, following a period of consultation. All of the communities which have applied to the District Council for their neighbourhood area to be designated indicate that they wish to prepare a NDP, which would contain a suite of planning policies that complement the strategic planning framework.

The Localism Act and its regulations set out what a community must do when making an application for neighbourhood area designation. Part 2, Regulation 5 states that “where a relevant body submits an area application to the Local Planning Authority it must include:

- a) a map which identifies the area to which the area application relates;
- b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
- c) a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.”

The Act and regulations also describes how the Local Planning Authority should publicise nomination. In each case the nomination was advertised in

Stroud Life. The nomination for Stroud Town was not received until the 27 May 2014. As such this consultation period does not close until after this meeting and therefore, rather than delay the designation, it is suggested that the Head of Planning be delegated to accept the nomination subject to there being no substantive objections being received prior to the close of consultation. Should there be any, the matter will be brought before the committee at a future meeting.

If any comments are made on any of the nominations prior to this meeting, they will be reported verbally.

In addition, the three nominations were published on the Council's website on page http://www.stroud.gov.uk/docs/planning/planning_strategy.asp#s=sectioncontent5&p=np

Evidence and feedback

The maps which designate the areas to be covered are reproduced on the website, however, in each case, the maps show the entire extent of each of the parish boundaries. This is in accordance with the Act and Regulations which state that in a parished area, the boundary can be the whole, or a part of the parish.

It should be noted that the area of designation for the Stroud Town nomination is only a small part of the town, as shown on the submitted map (see http://www.stroud.gov.uk/docs/planning/planning_strategy.asp#s=sectioncontent5&p=np) As such there will be discussions, if the nomination is confirmed and a plan be placed before an examination in public, as to the referendum area.

The Localism Act (Section 61G) indicates that a Parish Council is a "relevant body", see (c) above, which is capable of applying to a Local Planning Authority for the designation as a neighbourhood area. It is clear from reading section 61F that in a parished area, the Parish Council is the **only** organisation or body which is authorised to act in relation to a neighbourhood area. All four applications have been received from a Parish or Town Council, and it is therefore accepted that the nominations have been made by relevant bodies.

At the time of writing, there have been no objections or comments made on any of the nominations or their extents.

Resource Implications to the District Council.

The cost of this initial stage is minimal and other than the advertisements, has been kept within existing budgets. The Government has made available £1.5 million to support LPAs in the nomination stage. This could cover 300 designations at £5,000 each. Unfortunately there are approximately 10,000 civil parishes in England plus however many urban neighbourhoods which are designated.

Whilst the District Council can apply for the initial £5,000 funding there is no guarantee that the funding will still be available (should the allocation be exhausted) or that the fund will be topped up in future years. As such the Committee will need to consider the implications for the 2014/15 financial year of designating and supporting nominations.

These initial costs will relate to supporting the Parish and Town Council's in the preparation of a NDP. It is envisaged that parishes will receive some assistance from the Gloucestershire Rural Community Council (GRCC) and be able to obtain grants from Government to develop their own plan. The District Council's role is to provide advice on policy matters and to ensure the plan is in conformity with the Local Plan and NPPF. It is not the role of the District Council to project manage or write the NDP for a community. There is no budget to provide dedicated assistance, and in any event this would tend to disenfranchise the parishes whose plan it will become.

Once a neighbourhood has produced its NDP it will be subject to external scrutiny, in the same way that a Local Plan is exposed to an Examination in Public. Being a smaller document it is unlikely to be subjected to the same level of inquiry, however, it will be for the District Council to pay for the examination by an independent inspector, of our choosing, that is to say, not the planning inspectorate.

Whilst there is nothing to stop a NDP from being examined ahead of the adoption of the District Council Local Plan, it is difficult to see how an inspector would find it sound prior to the local plan examination. As such it is unlikely that NDP examinations will take place before summer 2014, though they may be processed in tandem.

If the NDP is found to be 'fit for purpose', and in conformity with the Local Plan and NPPF, the District Council will arrange for a referendum to be held, at the district's expense. The acceptance of the NDP will be based on a simple majority of those parishioners voting. Should this be achieved, the LPA must adopt the NDP, adding it to the NPPF and Local Plan as material considerations in planning applications.

The NDP may also indicate additional development opportunities in the parish, such as affordable housing, cross-subsidy housing, sporting / recreational facilities etc. Hooks have been left in the District Council's emerging Local Plan, so as to ensure an NDP which proposes such growth can be shown to be compliant.

Should the community reject the NDP, it will fail and have no relevance in planning policy. It should be noted that "no" campaigns have considerable success in referenda, with the status quo tending to prevail.

Government have provided a fund to assist District Council's with their costs. Following the completion of the examination of an NDP, the Council may apply for up to £25,000 to pay for the inquiry and the referendum. This funding is for District Council use and it is not anticipated there will be any surplus to assist Parish and Town Council's. Pathfinder projects have indicated that the

funding available does not always cover the cost of managing the process. It should also be noted that the Government funding is capped and is not guaranteed in future years.

Again, the Committee will need to consider budget provisions for the 2014/15 financial year and the medium term plan, to ensure these and other NDP can be accommodated.

Further Consideration

Members should be mindful that the Localism Act places duties on District Council's to assist in the preparation of NDPs and NDOs. The duty is not, however, specific about the level at which a district council should offer assistance. Whilst the Government have a policy on regulatory matters (one in, one out) these are new duties on the Council and do not replace a duty which has been withdrawn.

The planning service has managed to accommodate the current expenditure within budget, however it is not able to provide more than basic assistance to parishes, as outlined above, particularly as the Council prepares for the examination in public (public inquiry) on the Local Plan in 2014.

Stroud, together with other parished District Councils, is in the fortunate position that only town and parish council's may come forward with neighbourhood designations. There is a widely held view that the legislation was designed primarily for un-parished cities and urban areas where neighbourhoods would not have the ability to raise funds through taxation or levies; and hence the duty to assist was necessary.

Parish and Town Council's on the other hand have the ability to raise income to cover their expenditure through a precept. It could be argued that the cost of the developing a NDP should, under the concept of localism, be funded by those who will benefit from the plan, rather than the general populous. This will be a matter for consideration at another time.

Conclusion

The Committee agrees to designate the entire parishes of Kingswood and Chalford as Neighbourhood Planning Areas and the Committee delegates to the Head of Planning the authority to accept the nomination of Stroud Town, subject to there being no substantive objections to the designation.