 <b>Overview and Scrutiny Committee</b> <b>11 February 2014</b>		<b>Agenda Item No. 10</b>
<b>Title</b>	Neighbourhood Plan Designations - Call-in of Executive Decision	
<b>For further information about this report please contact</b>	Lesley Dury, Civic and Committee Services	
<b>Wards of the District directly affected</b>	Budbrooke, Kenilworth Abbey, Lapworth, Leek Wootton, Stoneleigh	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Executive 8 January 2014	
<b>Background Papers</b>	Report to Executive 8 January 2014 "Neighbourhood Plan Designations". Minutes of the meeting of the Executive 8 January 2014.	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes (Ref 543 & 544)
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	n/a

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	27/1/14	Andy Jones
Head of Service	27/1/14	Graham Leach
CMT		
Section 151 Officer		
Monitoring Officer	27/1/14	Andy Jones
Finance		Jenny Clayton
Portfolio Holder(s)		
<b>Consultation &amp; Community Engagement</b>		
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **SUMMARY**

- 1.1 On 8 January 2014, the Executive made decisions on a report: item 5 "Neighbourhood Plan Designations". In accordance with the Council's call in procedure, three or more Councillors have called-in these decisions to the Overview & Scrutiny Committee for consideration.

## 2. **RECOMMENDATION**

- 2.1 That in respect of the resolution 8 January 2014 made by the Executive on the "Neighbourhood Plan Designations", the Overview and Scrutiny Committee takes one of the following actions:

- (i) to allow the decision made by the Executive on 8 January 2014 to be implemented without further delay; or
- (ii) to refer the decision back to the Executive with further comments; or
- (iii) to refer the decision to the Council for debate.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The recommendation is in line with the procedure set out in the Council's Constitution under Council Procedure Rules for call-ins.

## 4. **POLICY FRAMEWORK**

- 4.1 A call-in is simply the referral of a decision made, but not yet implemented, to the Overview and Scrutiny Committee. It is a key way of holding the Executive to account. A called-in decision cannot be implemented until it has been considered by the Overview and Scrutiny Committee, which can examine the issue and question the decision maker on the reasons for the decision.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 Budgetary implications have been detailed in the reports that went to the Executive on 8 January 2014.

## 6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 There is no requirement for alternative options because a call-in requires that a set procedure is followed.

## 7. **BACKGROUND**

- 7.1 On 8 January 2014, the Executive met and made its decision on the report (see Appendix 1 for the report and its appendices). Appendix 2 is an extract of the minutes of the meeting which shows the decisions made by the Executive in respect of the report.

- 7.4 On 16 January 2014, Councillors Rhead, Brookes and Mrs Sawdon called-in the report for the following reasons:
- They believe that the decision to defer is prejudicing the availability of fund aid for the creation of Neighbourhood Plans at Barford and Bishop's Tachbrook.

- Undue delay to the designation of the area – Stoneleigh & Ashow submitted their application in March 2013 and they feel that Warwick District Council has sat on the decision for far too long.
- Such delays on Warwick District Council's part might mean that new submissions and statutory consultations (necessary from the recommendations) may be unlikely to be followed by swift outcomes (based on the evidence of the various timings in the report).
- Delays on Warwick District Council's part may mean that funding opportunities for Warwick District Council (and possibly the affected parish too) will be lost.
- Subsequent implications for budget and staffing resources.

**Appendix 1 – Report to Executive 8 January 2014**

	<b>EXECUTIVE</b> <b>8<sup>th</sup> January 2014</b>	<b>Agenda Item No.</b> <b>5</b>
<b>Title</b>	Neighbourhood Plan Designations	
<b>For further information about this report please contact</b>	Stephen Hay stephen.hay@warwickdc.gov.uk T: 01926 456555	
<b>Wards of the District directly affected</b>	Budbrooke, Kenilworth Abbey, Lapworth, Leek Wootton, Stoneleigh	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Not applicable	
<b>Background Papers</b>	Lapworth Parish Council Neighbourhood Plan Area Designation Application Barford Parish Council Neighbourhood Plan Area Designation Application Budbrooke Parish Council Neighbourhood Plan Area Designation Application Stoneleigh and Ashow Joint Parish Council Neighbourhood Area Designation Application. Burton Green Parish Council Neighbourhood Area Designation Application. Leek Wootton and Guy's Cliffe neighbourhood Plan Area Designation Application.	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes (Ref tbc)
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	No
These impact assessments are not required for a neighbourhood plan area designation.	

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		Chris Elliott
Head of Service		Tracy Darke
CMT		
Section 151 Officer		Mike Snow

Monitoring Officer		Andy Jones
Finance		
Portfolio Holder(s)		Cllr Les Caborn
<b>Consultation &amp; Community Engagement</b>		
In compliance with the Neighbourhood Planning (General) Regulations 2012 Part 2 Sections 6(a) – (c), all the neighbourhood area applications have been subject to a 6 week period of public consultation. Representations were invited on all the applications. The consultations also involved a public notice appearing on Warwick District Council’s website, a public notice in the relevant local newspaper, as well as local community notice-boards. In addition, notification was sent via e-mail to stakeholders and interested parties via the LDF consultation system.		
<b>Final Decision?</b>		Yes in part
<b>Suggested next steps (if not final decision please set out below)</b>		
It is recommended that decisions on the designation of neighbourhood plan areas for Stoneleigh and Ashow, Burton Green and Leek Wootton and Guy’s Cliffe is delayed until March / April 2014, and the final recommendations of the ongoing Community Governance Review.		

## 1. SUMMARY

- 1.1 This report summarises the key issues relating to the formal designation of six new neighbourhood plan areas. These neighbourhood plan areas relate to the parishes of Barford, Budbrooke, Burton Green, Lapworth, Leek Wootton and Guys Cliffe and Stoneleigh and Ashow. The report recommends approval of the neighbourhood plan area as submitted by Lapworth Parish Council, as the location is unaffected by Community Governance Review considerations. The report also recommends refusal to designate the submitted neighbourhood plan areas for Barford and Budbrooke on the basis of current parish boundaries. Instead it supports the establishment of new neighbourhood plan area boundaries for these areas on the basis of Community Governance Review recommendations to formulate coterminous electoral boundaries. The report also recommends awaiting the outcome of the final round of consultation on community governance reforms (due to complete in March 2014) prior to determining the final designated neighbourhood plan areas for Burton Green, Leek Wootton and Guy’s Cliffe and Stoneleigh and Ashow.

## 2. RECOMMENDATION

- 2.1 That Executive takes regard of the representations submitted and designates the Neighbourhood Plan Areas as submitted by:

- Lapworth Parish Council

This will enable the Parish Council to begin the process of formally preparing their neighbourhood plan.

- 2.2 That Executive refuses to designate the neighbourhood plan area designations as submitted in the applications by Barford Parish Council and Budbrooke Parish Council.

- 2.3 That Executive designates new neighbourhood plan area designations for Barford and Budbrooke in line with parish boundary changes as recommended by Regulatory Committee.
- 2.3 That Executive awaits the outcome of the next and final round of consultation on the Community Governance Review as directed by Regulatory Committee before agreeing any area designations for Leek Wootton and Guy's Cliffe neighbourhood plan area, the Stoneleigh / Ashow neighbourhood plan area and also the Burton Green neighbourhood plan area. Final parish boundary proposals are to be prepared in March 2014 by the Regulatory Committee Working Group.
- 2.4 That Executive notes the funding available from the Department for Communities and Local Government for the financial year 2013/14 as set out in the Budgetary Framework section of this report.
- 2.5 That Executive Committee schedule decision-making on the final areas to be designated for Leek Wootton and Guy's Cliffe neighbourhood plan area, the Stoneleigh / Ashow neighbourhood plan area and also the Burton Green neighbourhood plan area for either March or April 2014 Executive meetings.

### 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Executive Committee has designated three neighbourhood Plan Areas to date: Bishop's Tachbrook (October 2012), Whitnash (January 2013) and Old Milverton and Blackdown (January 2013). The parish councils covering the parishes detailed under paragraph 1.1 of this report have submitted area designation applications, under the provisions of the Neighbourhood Planning (General) Regulations 2012, which followed the enactment of the Localism Act 2011.
- 3.2 Following a formal 6 week period of consultation on each of the proposed area designations, this part of the report summarises the key consultation findings relevant to the applications. The report also details the key recommended parish boundary changes as detailed in the current Community Governance Review.
- 3.3 The issues of neighbourhood plan area designation and potential parish boundary changes are closely interlinked. In areas where there is no change, or broad agreement of boundary changes and there are no significant representation factors or issues relating to the scope and scale of the proposed neighbourhood plan, then it is recommended that new and revised neighbourhood plan areas are designated. However, where there is still debate and further consultation to be concluded on potential parish boundary changes, it is recommended that a swift decision is made on the areas to be designated following the outcome of the final round of consultation on community governance (March 2014).
- 3.4 Legal advice on changing a designated neighbourhood plan area has previously indicated that a new application would need to be submitted by the qualifying body to the LPA, going through the same process as if submitting an application for the first time, with a formal 6 week consultation period. It therefore makes sense to sort out boundaries and area designation considerations at an early stage in the progress rather than mid-strategy development, although this may not always be possible. Members should note that it is the responsibility of the qualifying body to make any new application.

## **Lapworth Neighbourhood Plan Area Designation**

- 3.3 The Parish Council submitted the area designation application on 30th September 2013 with consultation on the application closing on the 8<sup>th</sup> November 2013. The application is for an area covered by Lapworth Parish only. During the designated consultation period, the following representations were received:
- A representation from Natural England which detailed information sources on the natural environment and requirements for future consultation.
  - A representation from The Coal Authority which mentioned that the parish area is outside of the defined coalfield and therefore authority had no specific comments to make on the definition of the Neighbourhood Plan area.
  - No comments on the neighbourhood plan area from the adjoining local authority of Stratford Upon Avon District Council.
  - A representation from Centro which has no specific comments regarding the neighbourhood plan boundary but would seek opportunities to work with the local community and other stakeholders on schemes planned which may impact on the local area, including the new semi-fast Birmingham – Solihull – Stratford services and Snow Hill Station enhancements which may increase the operation of services along the Birmingham Moor Street – Leamington Spa line.
  - A representation from Stansgate Planning on behalf of a landowner in the adjoining parish of Rowington, which does not object to the boundary designation but strongly emphasises the need for joint working between Lapworth and Rowington Parish Councils on housing development and parcels of land.
  - A representation from Network Rail which raises a number of issues due to operational railway land falling within the proposed neighbourhood plan area boundary.
- A representation was also received from English Heritage which fell outside the formal consultation period, but which raised no objection to the area proposal.
- 3.4 In summary, the Network Rail representation raises the following issues:
- a) There are five authorised network access points (four pedestrian and one vehicular) within the neighbourhood plan area which must not be impacted by any plan proposals.
  - b) Any proposal within the neighbourhood area does not impact upon the railway infrastructure or Network Rail land.
  - c) It is strongly recommended that the planning authority / neighbourhood plan group is made aware that any proposal within 10m of the operational railway boundary will also require review and approval and should be accompanied by a risk and method assessment.
- 3.5 Although the issues raised by Network Rail are valid concerns for the detailed proposals or site allocations in a neighbourhood plan – particularly in a location in which the railway infrastructure and facilities are major features of the landscape - they are not specifically concerned with the more strategic issue of designating the neighbourhood plan area.
- 3.6 There are no implications of the Community Governance Review for Lapworth Parish.

- 3.7 Under the Town and Country Planning Act 1990, the Local Planning Authority should be sure that parish council applications cover part, or all, of the parish. In determining the application, the Council must consider:
1. How desirable it is to designate the whole of the parish area as a neighbourhood area, and
  2. How desirable it is to maintain the existing boundaries of areas already designated as neighbourhood areas (as areas designated as neighbourhood areas must not overlap), as well as,
  3. Whether they should designate the area as a business area.
- 3.8 As detailed in the area application submission, the indicated neighbourhood plan area is the current boundary and administrative area of Lapworth Parish Council. Councillors currently represent and serve this area and the Parish Council regards it as essential to consider the needs of the area. There are no overlap neighbourhood plan area overlap considerations with this application and due to the mixed character and uses within the parish, it is would be unsuitable for a business neighbourhood plan area.
- 3.9 In light of the preceding paragraphs, it is therefore **recommended that the Neighbourhood Plan Area submitted by Lapworth Parish Council on 30<sup>th</sup> September is designated** by Executive Committee.

### **Barford Neighbourhood Plan Area Designation**

- 3.10 Barford Parish Council submitted the area designation application on 9th September 2013 with consultation on the application closing on the 28<sup>th</sup> October 2013. The application is for an area covered by Barford Parish only. During the designated consultation period, the following representations were received:
- Network Rail – no comments to make on the application.
  - No comments on the neighbourhood plan area from the adjoining local authority of Stratford Upon Avon District Council.
  - A representation from Natural England which detailed information sources on the natural environment and requirements for future consultation.
  - A representation from English Heritage which raised no objections to the area designation and signposted further information and support.
- 3.11 Regulatory Committee which is leading on the Community Governance Review work programme is recommending the realignment of the northern parish boundary of Barford along the M40 motorway corridor, which removes the Barford Wood land north of the motorway from Barford Parish (See Map 1). One of the principles of the Community Governance Review is to ensure co-terminosity as far as practical of the electoral boundaries at parish / town council and district levels and their wards of local government. It is understood that Barford Parish Council has no major objections to the change in the parish boundary.
- 3.12 Paragraph 3.7 detailed above sets out the key statutory considerations that a Council should consider when deciding whether a proposed Neighbourhood Area is appropriate.
- 3.13 In the application for the designation of the Neighbourhood Plan area, the Parish Council recognised that Barford is a distinct neighbourhood with a character separate from the parishes of Wasperton and Sherbourne, which



combine together to make-up the Joint Parish area. The suggested parish boundary change to the northern edge of the parish is unlikely to impact on the distinct neighbourhood or character of Barford, which is mainly structured around the village.

- 3.14 The change in the parish boundary will not result in an overlap of designated areas, although there may need to be a change made to the boundaries of the Bishop's Tachbrook Neighbourhood Plan area to accommodate current recommendations of the Regulatory Committee. Barford Parish consists of the village of Barford and its surrounding countryside. As a mixed use area, it is not considered suitable as business area.
- 3.15 In consideration of the issues detailed above it is recommended to **refuse** the area designation as submitted by Barford Parish Council on 9<sup>th</sup> September 2013 and instead **designate a new neighbourhood plan area** in line with the red line detailed on Map 1. This reflects the current recommendation from Regulatory Committee, which will eventually move forward to a resolution to make a legal order from April 2014, defining a new Barford Parish boundary.

### **Budbrooke Neighbourhood Plan Designation**

- 3.16 Budbrooke Parish Council submitted the area designation application on 27<sup>th</sup> September 2013 with consultation on the application closing on the 15<sup>th</sup> November 2013. The application is for an area covered by Budbrooke Parish. During the designated consultation period, the following representations were received:
- A representation from The Coal Authority which mentioned that the parish area is outside of the defined coalfield and therefore authority had no specific comments to make on the definition of the Neighbourhood Plan area.
  - A representation from Centro which is supportive of the proposal in principle, but has no specific comments regarding the neighbourhood plan boundary. The organisation is keen to highlight the importance of supporting sustainable transport and looking to work with stakeholders on schemes which are planned close to the neighbourhood plan boundary. These include: Snow Hill Enhancements may increase the operation of services along the Warwick - Birmingham line in CP5, and Stratford - Warwick - a more regular service between Leamington Spa and Stratford including Warwick Parkway.
  - A representation from a local resident who is supportive of the proposal.
  - A representation from English Heritage which raised no objections to the area designation and signposted further information and support.
  - A representation from Natural England which detailed information sources on the natural environment and requirements for future consultation.
  - A representation from Network Rail which raises a number of issues due to operational railway land falling within the proposed neighbourhood plan area boundary.
- 3.17 In summary, the Network Rail representation raises the following issues:
- a) There are two pedestrian authorised network access points within the neighbourhood plan area which must not be impacted by any plan proposals.

- b) Any proposal within the neighbourhood area does not impact upon the railway infrastructure or Network Rail land.
- c) It is strongly recommended that the planning authority / neighbourhood plan group is made aware that any proposal within 10m of the operational railway boundary will also require review and approval and should be accompanied by a risk and method assessment.

3.18 In line with the Lapworth area designation, although the issues raised by Network Rail are valid concerns for the detailed proposals or site allocations in a neighbourhood plan – particularly in a location in which the railway infrastructure and facilities are major features of the landscape - they are not specifically concerned with the more strategic issue of designating the neighbourhood plan area.

3.19 Regulatory Committee is recommending:

1. To realign the Budbrooke Parish northern boundary to the A4177 road corridor and to remove primarily agricultural land north of the A4177, including Wedgnock Park Farm, Blackbrake Plantation, Wedgnock Old Park and part of Deer Park.
2. To realign a small element of the Budbrooke Parish south eastern boundary to the A46 road corridor.

These suggested changes to the Parish Boundary are illustrated in Map 2. As noted above, one of the principles of the Community Governance Review is to ensure co-terminosity as far as practical of the electoral boundaries and this redefinition of the parish boundary is supportive of this approach. It is understood that there is no major objection to the potential changes from Budbrooke Parish Council.

3.20 Paragraph 3.7 detailed above sets out the key statutory considerations that a Council should consider when deciding whether a proposed Neighbourhood Area is appropriate.

3.21 The area proposed by the Parish Council is the current boundary and administrative area of the council. With the Regulatory Committee current recommendations of boundary changes there are minimal changes to electorate figures and no impact on the core parish built up areas, which include Hampton Magna, Hampton on the Hill and Budbrooke Village.

3.22 The changes in the parish boundary will not result in an overlap of designated areas. Budbrooke Parish consists of three main built up areas and their surrounding countryside. As a mixed area, it is not considered suitable as business area.

3.23 In consideration of the issues detailed above it is recommended to **refuse** the area designation as submitted by Budbrooke Parish Council on 27<sup>th</sup> September 2013 and instead **designate a new neighbourhood plan area** in line with the red line detailed on Map 2. This reflects the current recommendation from Regulatory Committee, which will eventually move forward to a resolution to make a legal order from April 2014, defining a new Budbrooke Parish boundary.

### **Leek Wootton and Guy's Cliffe Neighbourhood Plan Area Designation**

3.24 Leek Wootton and Guys Cliffe Joint Parish Council submitted the area designation application on 7<sup>th</sup> June 2013 with consultation on the application

closing on the 9th August 2013. The application is for an area covered by the Joint Parish. During the designated consultation period, the following representations were received:

- A representation from English Heritage which raised no objections to the area designation and sign-posted further information and support.
- A representation from The Coal Authority which mentioned that the parish area is outside of the defined coalfield and therefore authority had no specific comments to make on the definition of the Neighbourhood Plan area.
- A representation from Natural England which detailed information sources on the natural environment and requirements for future consultation.
- A representation from Centro which has no specific comments regarding the neighbourhood plan boundary but would seek opportunities to work with the local community and other stakeholders on schemes planned which may impact on the local area, including supporting Network Rails proposals for redoubling and electrifying the Leamington – Kenilworth rail line; developing a local passenger rail service which would connect Coventry – Kenilworth – Leamington and provide additional capacity and improved rail services for local residents; supporting Warwickshire County Council, in their proposal for a new rail station at Kenilworth, and increasing the operation of services from Canley/Berkswell/Hampton – Birmingham/Coventry line from two to four trains an hour.
- A representation from Network Rail which raises a number of issues due to operational railway land falling within the proposed neighbourhood plan area boundary.

3.25 Network Rail raises the following detailed points regarding the proposed Neighbourhood Plan area:

- a) That proposals being undertaken near to or next to the operational railway / network Rail land may impact upon its safety, performance and operation.
- b) Any proposals should ensure that access points are not impacted, and any development proposal does not impact upon railway infrastructure / Network Rail land.
- c) It is strongly recommended that the planning authority / neighbourhood plan group is made aware that any proposal within 10m of the operational railway boundary will also require review and approval and should be accompanied by a risk and method assessment.

3.26 In line with other area designation comments, although the issues raised by Network Rail are valid concerns for the detailed proposals or site allocations in a neighbourhood plan – particularly in a location in which the railway infrastructure and facilities are major features of the landscape - they are not specifically concerned with the more strategic issue of designating the neighbourhood plan area.

3.27 Regulatory Committee is considering and consulting on three changes to the Leek Wootton and Guy's Cliffe Parish (see Map 3), namely:

- To extend the south western boundary of the Joint Parish to include Woodloes Farm, Deer park, Wedgnock Old Park, Blackbrake Plantation and Wedgnock Park Farm – this is primarily an agricultural / rural landscape.
- To move a small cluster of properties in the parish area of Guy's Cliffe from Leek Wootton and Guy's Cliffe Parish Council into the Emscote Ward of Warwick Town Council.

- To realign the northern edge of the Joint Parish along Cattle Brook to the A46 and remove the land along the Kenilworth southern fringe.

It is understood that the Joint Parish Council is particularly strongly opposed to changes around Guy's Cliffe and the northern edge of the Joint Parish.

- 3.28 Within this context, **it is recommended that a decision on the area to be designated is delayed until March / April 2014, when the final drafted proposals on parish boundary changes are prepared.**

### **Stoneleigh and Ashow Neighbourhood Plan Area Designation**

- 3.29 The Joint Parish Council submitted the area designation application on 22<sup>nd</sup> April 2013 with consultation on the application closing on 14<sup>th</sup> June 2013. The application is for an area covered by both Stoneleigh and Ashow parishes. During the designated consultation period, the following representations were received:

- A representation from Natural England which provides information on the nearest Statutory Nature Conservation Sites which lie outside the parish boundaries and the wide range of Local Wildlife Sites which are located within the Stoneleigh and Ashow parishes. Further advice and general signposting to useful resources is also supplied.
- A representation from English Heritage which raised no objection to the proposal and highlights a range of guidance to support the neighbourhood planning process.
- A representation from the Coal Authority which mentioned that the two parishes of Stoneleigh and Ashow are located outside the currently defined coalfield and accordingly the Authority had no specific comments to make on the definition of the neighbourhood plan area.
- A representation from the Home Builders Federation, which commended the Joint Parish Council on taking this initial step and highlighted the need for the neighbourhood plan to be in general conformity with the emerging new Local Plan and requirements of the National Planning Policy Framework.
- A representation from Network Rail which raises a number of concerns due to the operational railway land in the potentially designated area.
- A representation from Turley Associates on behalf of the University of Warwick which requests that the University Campus is excluded from the potential neighbourhood plan area.

From these representations, the consultation feedback from Network Rail and Turley Associates are detailed below.

- 3.30 In summary the Network Rail representation raises the following issues:

- a) The Neighbourhood Area Plan includes a section of the Leamington Spa to Coventry railway line which includes the Millburn Grange Level Crossing. It is highlighted that there is a statutory duty under Schedule 5 (f) (ii) of the Town and Country Planning (Development Management Procedure) Order 2010 to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over the railway. It is mentioned that the level crossing can be impacted in a wide variety of ways.

- b) Proposals affecting level crossings will require full consultation (including at the pre-application stage on planning applications) with Network Rail and the approval of plans, together for enhancements / mitigation measures. Proposals should be accompanied by the Transport assessment or Traffic Impact Assessment.
- c) The relevant body should contact Network Rail for any proposals in the area to ensure that access points are not impacted; any proposal does not impact upon the railway infrastructure / Network Rail land, and that any proposal within 10 metre of the operational railway boundary will also require review and approval by the Network Rail Asset Protection Team, with an accompanying risk assessment and method statement.

3.31 Although the issues raised by Network Rail are valid concerns for the detailed proposals or site allocations in a neighbourhood plan, they are not specifically concerned with the more strategic issue of designating the neighbourhood plan area. Network Rail's detailed comments have been forwarded to the Parish Council for inclusion in its emerging evidence base for the plan and are acknowledged as part of the consultation process.

3.32 The second issue concerns a representation from Turley Associates on behalf of the University of Warwick, which requests that the University Campus is excluded from the proposed plan area. The rationale for the exclusion is that:

- The plan would only cover half of the campus which limits its influence and ability to take into account wider implications for the remainder of the campus.
- The size and standing of the University is such that its development is of a strategic nature which is best considered at a Local Plan level and across local authority boundaries. This is reflected in the University's past representations to both Coventry City Council's and Warwick District Council's Local Plan consultations.

There are a number of issues regarding this representation which are considered in further detail below.

3.33 The first issue relates to the definition of the area to be in excluded. No plan or map was submitted with the representation to clearly define the University Campus area. In follow-up discussions with Turley Associates, a plan was produced (Map 4) which illustrated the planning application boundary and university boundary, but requested that all the land to the west of the Kenilworth Road, connecting Coventry and Crackley is excluded from the area designation.

3.34 This request goes substantially beyond the University Campus (defined here as the Major Developed Site boundary within the Warwick District Local Plan 1996-2011) and also includes land not within the University ownership. This would leave the Joint Parish Council (JPC) in a difficult position of excluding a substantial area of land and potentially some non-University residents from its neighbourhood plan. Should the LPA be minded to refuse to designate the current application boundary and amend to exclude the 'University Campus', it should do so on some type of 'established criteria'. This could be the Major Developed Site boundary established in the current Local Plan.

- 3.35 Moving on from discussions of area definition, as with any spatial or land use plan, there is a need to understand when developing a Neighbourhood Plan how external forces and interests impact upon local areas and issues. Within this context, the local neighbourhood plan working group should seek to not only develop a comprehensive evidence base to support the development of its plan but also constructively engage with its key organisations and businesses with the JPC area (including the University of Warwick) to add to this evidence base and be actively involved in the development of the NP strategy through its working group. It should be part of the neighbourhood plan working group's work programme to fully understand the strategic needs of the key organisations and bodies within its development area, including the University.
- 3.36 There are many examples of places, which are split by administrative boundaries. As there is a Duty to Co-operate between local authorities on strategic plan making, this type of principle could be usefully applied at a local level for neighbourhood planning. Meaning that the neighbourhood plan working group, would need to discuss its plan making proposals with neighbours, including other parishes, and forums / bodies outside of its administrative boundary.
- 3.37 The second issue which Turley Associates raises, states that the size and standing of the University is such that its development is of a strategic nature which is best considered at a Local Plan level and across local authority boundaries.
- 3.38 It is correct that the majority of planning policies and proposals regarding the University Campus are best managed at a strategic level through the Local Plan. The breakdown in the exact relationship between neighbourhood plan policy and local plan policy has yet to be fully established for the Stoneleigh and Ashow area, but it is clear in the NPPF (paragraph 184), that neighbourhood plans must be in general conformity with the strategic policies of the local plan. Although strategic policy concerns will continue to be managed through the Local Plan, this does not prevent the neighbourhood plan working group from developing non-strategic policies or proposals which may be of interest to the University (and other parties) or indeed more specific localised land use proposals – such as the enhancement of specific areas of environmental interest.
- 3.39 It is therefore concluded that the Turley Associates representations do not provide sufficient grounds to exclude the 'University Campus' from the designated neighbourhood plan area.
- 3.40 Regulatory Committee has indicated that before a recommendation can be made on parish boundary changes, Stoneleigh and Ashow Joint Parish Council, Burton Green Parish Council and the University is to be consulted on the following proposals:
1. To separate the University Ward from Stoneleigh and Ashow Joint Parish Council to make its own Parish Council.
  2. To ward the Parish of Burton Green, with one ward taking in the village of Burton Green and then separating the University ward from Stoneleigh and Ashow Joint Parish Council to become the second ward of Burton Green Parish Council.

At the time of publication, it is understood that Stoneleigh and Ashow Joint Parish Council is not supportive of either options and Burton Green Parish Council had not provided formal feedback. Within this context, **it is recommended that a decision on the area to be designated is delayed until March / April 2014, when the final drafted proposals on parish boundary changes are prepared.**

### **Burton Green Neighbourhood Plan Area Designation**

3.41 The Parish Council submitted the area designation application on 26<sup>th</sup> March 2013 with consultation on the application closing on 24<sup>th</sup> May 2013. The application is for an area covered by Burton Green Parish. During the designated consultation period, the following representations were received:

- Representations from Natural England and Sport England, which provided general advice and highlighted further guidance.
- A representation from English Heritage which raised no objection to the proposal and signposted a range of guidance to support the neighbourhood planning process.
- A representation from the Coal Authority which mentioned that a small part of Burton Green Parish lies within its current defined coalfield, but that the Authority had no specific comments to make on the definition of the neighbourhood plan area.
- A representation from the Home Builders Federation, which commended the Parish Council on taking this initial step and highlighted the need for the neighbourhood plan to be in general conformity with the emerging new Local Plan and requirements of the National Planning Policy Framework.

A response was also received from Centro outside of the consultation period which welcomed the proposals and offered the opportunity to contribute to the development of the neighbourhood plan.

3.42 It is noted in paragraph 3.40 that Regulatory Committee is still awaiting feedback on potential parish boundary changes from Burton Green Parish Council. Due to the physical relationship between the Ashow and Stoneleigh Parish area and Burton Green Parish **it is recommended that a decision on the area to be designated is delayed until March / April 2014, when the final drafted proposals on parish boundary changes are prepared.**

## **4. POLICY FRAMEWORK**

4.1 The Basic Conditions for neighbourhood plans are specified by law. These are they:

- Must be appropriate having regard to national planning policy;
- Must contribute to the achievement of sustainable development;
- Must be in general conformity with the strategic policies in the local plan / core strategy for the local area;
- Must be compatible with human rights requirements, and
- Must be compatible with EU directions.

The Local Planning Authority (LPA) will need to work closely with the various neighbourhood plan working parties to ensure that emerging neighbourhood plans are in general conformity with the strategic policies in the emerging new Local Plan.

4.2 At a strategic level, neighbourhood planning is reflective of the changing policy and legal environment in which the local authority works and the need to be responsive to customer demands. This is in line with the Council's Fit for the Future Strategy, as is the end result of neighbourhood planning, which is about contributing towards the vision for the district as a great place to live, work and visit.

## 5. **BUDGETARY FRAMEWORK**

5.1 Within Warwick District Council's Development Services, staff resources are being used to provide some support for neighbourhood plans in line with the requirements of the regulations. Funding for this resource is covered within existing budgets.

5.2 Executive has agreed (18<sup>th</sup> April 2012) to make available up to £40,000 to help parishes undertake neighbourhood plans. This overall potential pot of funds has been broken down into allocations of up to £5,000 per neighbourhood plan, available on an application basis in phased payments. The funds are available on a first come first served basis.

5.3 From 1 April 2013 to 31<sup>st</sup> March 2014, the LPA can make a financial claim with the Department for Communities and Local Government for up to 20 designations. The first payment of £5,000 will be made following designation of a neighbourhood plan, recognising the officer time supporting and advising the community in taking forward a neighbourhood plan.

5.4 Within this financial year, a second payment of £5,000 is available per neighbourhood plan, when the LPA publicises the plan prior to examination and a third payment of £20,000 on successful completion of the neighbourhood plan examination.

5.5 Members may also note that Central Government support administered through Locality is available to support neighbourhood planning in two ways:

- direct support – advice and support, with an average value of equivalent to £9,500, tailored to meet the needs of supported neighbourhoods, and

- grant payments – up to £7,000 per neighbourhood area, to contribute to costs incurred by the group preparing a neighbourhood plan or order.

## 6. **ALTERNATIVE OPTION(S) CONSIDERED**

6.1 That area designations are only approved in locations unaffected by the Community Governance Review. This would enable only one neighbourhood plan designation to be determined for Lapworth Parish.

6.2 That all the submitted area designations are approved as originally proposed. This option may require some of the qualifying bodies (parish councils) to re-consult on new neighbourhood plan areas, particularly where a parish no longer has authority to develop a neighbourhood plan covering areas excluded from a newly established parish. This may cause confusion and delay to neighbourhood plans already well progressed. There may also be substantial opposition to re-consulting on neighbourhood plan boundaries by qualifying

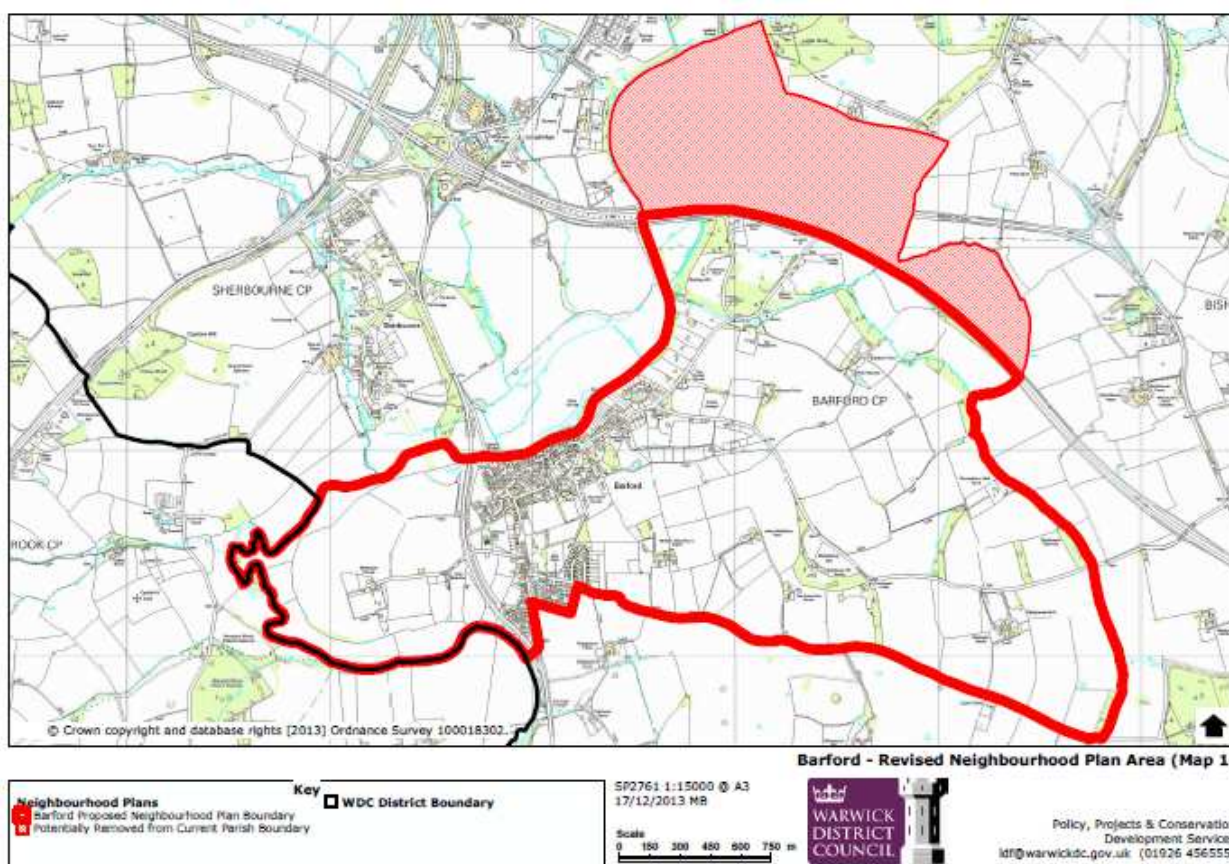


bodies (parish councils) and they will need to lead on any new application process.

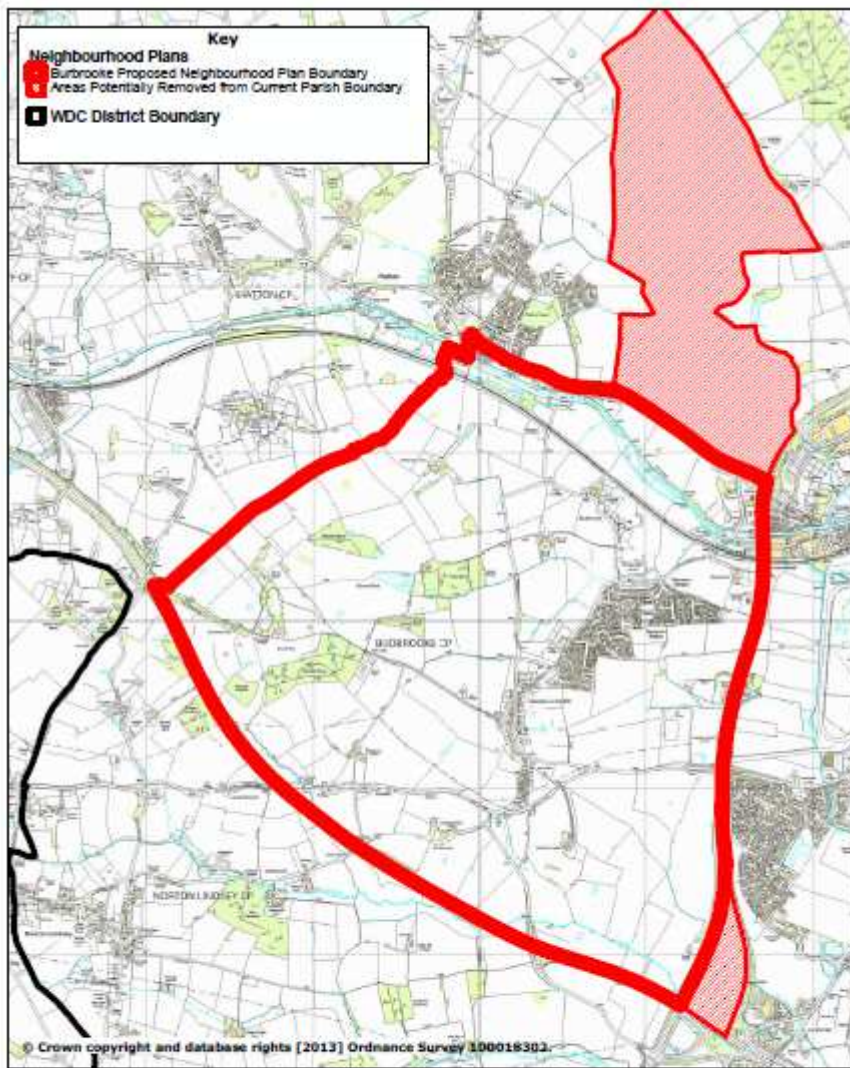
## APPENDICES

- Map 1 – Barford Parish – Proposed Area Designation
- Map 2 – Budbrooke Parish – Proposed Area Designation
- Map 3 – Leek Wootton – Potential Changes to Parish Boundary
- Map 4 – University of Warwick Representation

Map 1 – Barford Parish – Proposed Area Designation



# Map 2 – Budbrooke Parish – Proposed Area Designation

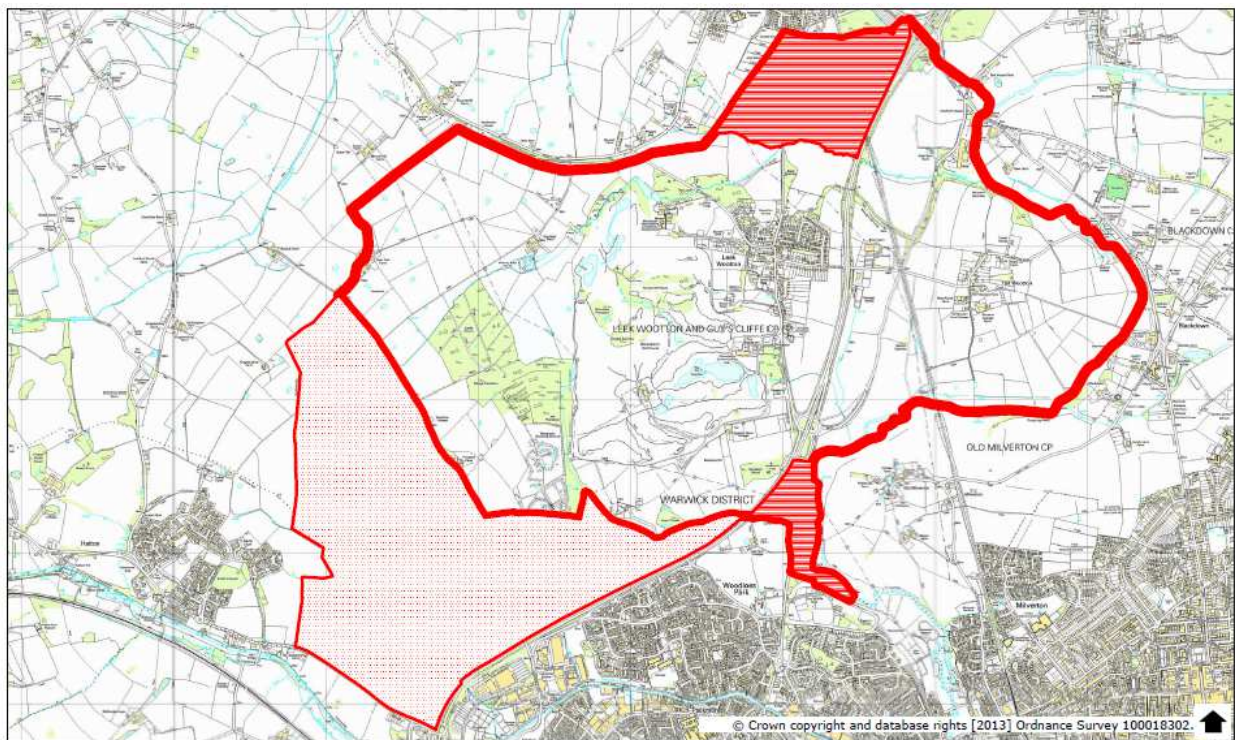


**Budbrooke - Revised Neighbourhood Plan Area (Map 2)**

Scale 0 200 400 600 800 1000 M | SP2465 | 1:26000 @ A4 | 17/12/2013 | MB | Grid Reference: 424716E, 265485N

Policy, Projects and Conservation, Development Services. [ppc@warwickdc.gov.uk](mailto:ppc@warwickdc.gov.uk) (01926) 456555




# Map 3 – Leek Wootton – Potential Changes to Parish Boundary



Leek Wootton & Guys Cliffe - Revised Neighbourhood Plan Area (Map 3)

**Neighbourhood Plans**

**Key**

-  Leek Wootton and Guys Cliffe Current Parish Boundary
-  Areas Potentially Removed from Current Parish Boundary
-  Area Potentially Added to Current Parish

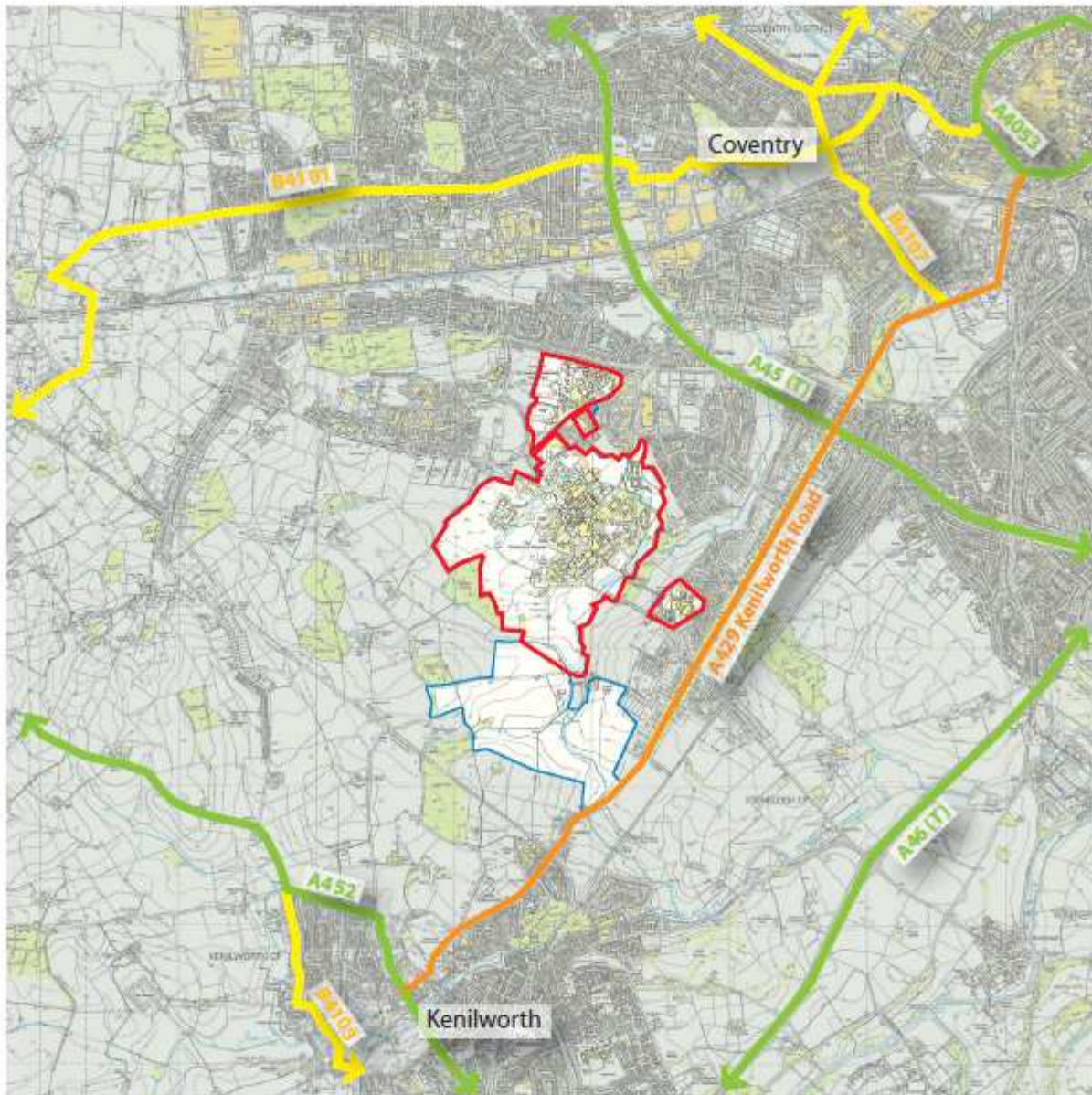
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Development Services  
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# Map 4 – University of Warwick Representation



**Key**

-  Planning Application Boundary
-  University Boundary
-  Primary Road
-  A Road
-  B Road

## **Appendix 2 – Extracts from the draft minutes of the Executive 8 January 2014**

### **119. NEIGHBOURHOOD PLAN DESIGNATIONS**

The Executive considered a report from Development Services which summarised the key issues relating to the formal designation of six new neighbourhood plans.

The report outlined the neighbourhood plan areas relating to the parishes of Barford, Budbrooke, Burton Green, Lapworth, Leek Wootton and Guys Cliffe and Stoneleigh and Ashow.

The report recommended approval of the neighbourhood plan area as submitted by Lapworth Parish Council because the location was unaffected by Community Governance Review considerations.

The report recommended refusal to designate the submitted neighbourhood plan areas for Barford and Budbrooke on the basis of current parish boundaries. Instead, it supported the establishment of new neighbourhood plan area boundaries for these areas on the basis of Community Governance Review recommendations to formulate coterminous electoral boundaries.

The report also recommended awaiting the outcome of the final round of consultation on community governance reforms (due to complete in March 2014) prior to determining the final designated neighbourhood plan areas for Burton Green, Leek Wootton and Guy's Cliffe and Stoneleigh and Ashow.

An alternative option was to only approve area designations in locations unaffected by the Community Governance Review. This would enable only one neighbourhood plan designation to be determined for Lapworth Parish.

Another alternative was for all the submitted area designations to be approved as originally proposed. This option could require some of the qualifying bodies (parish councils) to re-consult on new neighbourhood plan areas, particularly where a parish no longer had authority to develop a neighbourhood plan covering areas excluded from a newly established parish. This could cause confusion and delay to neighbourhood plans already well progressed. There could also be substantial opposition to re-consulting on neighbourhood plan boundaries by qualifying bodies (parish councils) and they would need to lead on any new application process.

There were a number of appendices attached to the report including the proposed area designations for Barford Parish and Budbrooke Parish, potential changes to the parish boundary for Leek Wootton and a map from the University of Warwick's representation.

An addendum was circulated by Councillor Caborn, prior to the Scrutiny meetings and Executive which proposed amendments to the recommendations. These amendments proposed waiting for the outcome of the next round of consultation on the Community Governance Review before agreeing any area designations for Leek Wootton and Guy's Cliffe, the Stoneleigh / Ashow, the Barford, Budbrooke and also the Burton Green. Final parish boundaries were planned to be prepared in March 2014 by the Regulatory Committee Working Group.

Councillor Caborn endorsed the report and the amended recommendations and stated that all parties were keen to work together and hoped that the amendments would provide clarity for all parties.

Having read the report the Executive decided to agree the recommendations as per the addendum.

**RESOLVED** that

- (1) the Executive takes regard of the representations submitted and designates the Neighbourhood Plan Areas as submitted by:

- Lapworth Parish Council

This will enable the Parish Council to begin the process of formally preparing their neighbourhood plan;

- (2) the Executive awaits the outcome of the next and final round of consultation on the Community Governance Review as directed by Regulatory Committee before agreeing any area designations for Leek Wootton and Guy's Cliffe neighbourhood plan area, the Stoneleigh / Ashow neighbourhood plan area, the Barford neighbourhood plan area, Budbrooke neighbourhood plan area and also the Burton Green neighbourhood plan area. Final parish boundary proposals are to be prepared in March 2014 by the Regulatory Committee Working Group;
- (3) the funding available from the Department for Communities and Local Government for the financial year 2013/14, is noted, as set out in the Budgetary Framework section of this report; and
- (4) the Executive Committee schedule decision-making on the final areas to be designated for Leek Wootton and Guy's Cliffe neighbourhood plan area, the Stoneleigh / Ashow neighbourhood plan area, the Barford Neighbourhood Plan area, Budbrooke neighbourhood plan area and also the Burton Green neighbourhood plan area for either March or April 2014 Executive meetings.

(The Portfolio Holder for this item was Councillor Caborn)  
(Forward Plan reference number 544, 543)