

 Executive Committee –10th October 2012		Agenda Item No. 11C
Title	Bishop’s Tachbrook Neighbourhood Area Designation	
For further information about this report please contact	Dan Robinson daniel.robinson@warwickdc.gov.uk (01926) 456504	
Wards of the District directly affected	Bishop’s Tachbrook	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers	Appendix 1 – Bishop’s Tachbrook Proposed Neighbourhood Plan Area Appendix 2 – Summary of Representations Appendix 3 – Bishop’s Tachbrook Alternative Neighbourhood Plan Area – objector changes Appendix 4 – Bishop’s Tachbrook Alternative Neighbourhood Plan Area – boundary commission changes	
Contrary to the policy framework:	No	
Contrary to the budgetary framework:	No	
Key Decision?	No	
Included within the Forward Plan?	No	
Equality & Sustainability Impact Assessment Undertaken	No	
These impact assessments are not necessary for a neighbourhood area designation.		

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive	25/09/12	Chris Elliott
Deputy Chief Executive & Monitoring Officer	25/09/12	Andrew Jones
CMT	25/09/12	Chris Elliott Bill Hunt Andrew Jones
Finance	25/09/12	Mike Snow
Heads of Service	14/09/12	Tracy Darke
Portfolio Holders	25/09/12	Councillor Hammon
Consultation & Community Engagement		
Guided by the Neighbourhood Planning (General) Regulations 2012, the Bishop's Tachbrook Neighbourhood Area application was subject to a 6 week public consultation between 20 July 2012 and 31 August 2012. Comments were invited on the proposed Neighbourhood Area.		
A public notice appeared on the Council's website; in the Courier; community notice boards in Bishop's Tachbrook parish; and the August edition of the local parish magazine. In addition, notification was sent via email to stakeholders and interested		

parties via the LDF consultation system.

Six representations were received, four in support of the area designation and two objecting to specific areas included. Objections will be dealt with further in this report. A summary of representations is at Appendix 2 of this report, full representations are publicly available on the LDF consultation system at:

<http://warwickdc.jdi-consult.net/ldf/viewreps.php?docelemid=1512&docid=24>

Final Decision?

Yes

Suggested next steps (if not final decision please set out below)

1. SUMMARY

- 1.1 This report summarises the representations made on the Neighbourhood Area consultation for Bishop's Tachbrook and recommends designating the Neighbourhood Area as submitted by the Parish Council. This will enable Bishop's Tachbrook Parish Council to begin to formally prepare a neighbourhood plan.

2. RECOMMENDATIONS

- 2.1 That Executive designates the Neighbourhood Area as submitted by Bishop's Tachbrook Parish Council, attached as appendix 1 having regard to the representations made.
- 2.2 That Executive notes the funding available from the Department for Communities and Local Government for the financial year 2012/13 as set out in the Budgetary Framework.

3. REASONS FOR THE RECOMMENDATIONS

- 3.1 The Council recently consulted on its first Neighbourhood Area designation application under the new provisions of Neighbourhood Planning (General) Regulations 2012, which followed the enactment of the Localism Act 2011.
- 3.2 On 2 May 2012, Warwick District Council received formal notification from Bishop's Tachbrook Parish Council of their intention to prepare a Neighbourhood Plan encompassing the whole of the Parish area (see Appendix 1). Being a Parish Council they are the only relevant body that can apply in their parish. Their application included the following statement explaining why the area is considered as appropriate to be a neighbourhood area:

'That, in considering the development of Neighbourhood Plan for the plan period of 15 years, recognising both the rural nature and the needs of the populated parts of the parish, it is essential to balance demand on all parts of the locality so that the most appropriate development plan is produced for the whole of the parish.'

- 3.3 In July & August Warwick District Council undertook consultation as described in the consultation and community engagement section above.
- 3.4 Two consultation responses were objections to the proposed area, both from landowner and/or developer interests. The first, from Barwood, recommended omitting the area known as 'South of Gallows Hill/West of Europa Way' that is identified in the Local Plan Preferred Options as a development site. The second, from A C Lloyd Homes Ltd and Midlands Land Portfolio Ltd, for land at Grove Farm and the former sewage works, south of Harbury Lane, which is only identified in the Local Plan as a potentially suitable development option.
- 3.5 Dealing with the comments by each objector in turn, Barwood states that the site at Gallows Hill and the Asps is land required to meet the whole district and not a matter for the neighbourhood plan. However, it is considered that whilst there are areas currently identified for development to meet the District's needs this should not preclude a neighbourhood plan having any influence at all over an area that is still yet to be allocated in an adopted plan. All proposed neighbourhood areas should be aware that they have to be in alignment, and

subservient to the strategic elements of the Local Plan. Barwood rightly point out the example of the unsuccessful Dawlish Neighbourhood Plan examination where the Local Plan for the area had yet to be determined being one of the principle reasons for the neighbourhood plan being found unsound. Warwick District Council will be advising all local communities in the District preparing neighbourhood plans that whilst early preparation of neighbourhood plans is suitable it would be most appropriate if neighbourhood plans are not submitted for examination where there are likely to be potentially conflicting spatial issues of a strategic nature outstanding in any of the Council's development plan documents.

- 3.6 The objections from A C Lloyd Homes and Midlands Land Portfolio Ltd repeat some of the same arguments put forward by Barwood above, stating that there are unresolved objections to the Local Plan in particular for the area of land they are concerned with. In addition, they consider the application statement from Bishop's Tachbrook Parish Council, outlined above, to be inconsistent with an appropriate strategy for the District. All those undertaking neighbourhood plans should be cognisant of the hierarchy of planning documents as outlined above.

4. ALTERNATIVE OPTION(S) CONSIDERED

- 4.1 Revise the neighbourhood area boundary as in Appendix 3 to reflect representations made that object to the inclusion of certain areas. There is a recent example of Wycombe District Council amending Daws Hill Neighbourhood Forum's proposed neighbourhood area designation to exclude two development sites. However, it is considered that this would be inappropriate as it would leave certain areas without any possible Neighbourhood Plan Area as the parish council is the only relevant able to undertake a Neighbourhood Plan.
- 4.2 The area application could be refused on the grounds that it is premature to be preparing a neighbourhood plan and developing land use proposals when strategic elements of the Local Plan are not finalised. This is the contention of the respondent A C Lloyd Homes Ltd and Midlands Land Portfolio . Whilst this is a possible alternative option, it is considered inappropriate to allow Bishop's Tachbrook to begin the early stages of preparation of a Neighbourhood Plan.
- 4.3 Revise the area boundary as in Appendix 4 to exclude those areas that are likely to not form part of the parish following boundary reviews. Members will be aware of the boundary review of the District wards that is currently being considered by the boundary commission. This is likely to affect the boundaries of the Warwick District electoral ward of Bishop's Tachbrook. The District boundary review will be followed by a parish boundary review which should align the district's ward boundaries with parish boundaries and create a new parish of Heathcote, which will encompass land currently within Bishop's Tachbrook, notably the south eastern corner of Warwick Gates and land to the north of Harbury Lane and east of Bishop's Tachbrook.

5. BUDGETARY FRAMEWORK

- 5.1 Within the Development services, staff resources have already identified to provide some support for neighbourhood plans in line with the requirements of the Regulations. This support will be ongoing as and when neighbourhood plans are proposed. Funding for this resource is covered within existing budgets,

although it has required some reprioritisation of the work being performed by the Development Policy Team.

- 5.2 Executive has already agreed to make available up to £40,000 from the Contingency Budget to enable Parish Councils to progress their respective plans; and in addition up to £10,000 has been made available to support necessary to produce the Whitnash Neighbourhood Plan (minute 32, 11 July 2012).
- 5.3 The Department for Communities and Local Government (DCLG) recently announced £10m funding for 2012/13 for Local Authorities in England to assist local communities prepare neighbourhood plans. This reflects the new duties placed upon local planning authorities to support and advise parish councils, neighbourhood forums and community right to build organisations and pay for examinations and referendums. This funding consists of £5,000 for each Neighbourhood Area designation. A maximum of £20,000 can be claimed for this payment, meaning four neighbourhood area designations. The second payment of £25,000 will be made on successful completion of a neighbourhood planning examination, however this is unlikely to happen in Warwick District this financial year given the current status of the new Warwick District Local Plan 2011 -2029 as outlined above. DCLG clear makes clear that this funding is not ring fenced and reflects the additional costs involved with introducing, adapting to and meeting the new duty.

6. POLICY FRAMEWORK

- 6.1 Any Neighbourhood Plan is required to be in conformity with the Local Plan. As the new Local Plan is not yet in place it would be premature for Bishops Tachbrook Parish Council to proceed to an Examination in Public at this stage of the process. However, the Neighbourhood Plan is likely to take a considerable time to prepare by which time the Local Plan will be further advanced and conformity can therefore be assessed. For this reason, the recommendations of this approach are consistent with the Council's policy framework and with the Council's commitment to support neighbourhood planning.