


|   |  |                                     |
|---|--|-------------------------------------|
|  <b>Executive 5<sup>th</sup> November</b>  |  | <b>Agenda Item No.</b><br><b>12</b> |
| <b>Title</b>  | Neighbourhood Plan Designations  |                                     |
| <b>For further information about this report please contact</b>   | Dave Barber<br><a href="mailto:dave.barber@warwickdc.gov.uk">dave.barber@warwickdc.gov.uk</a><br>T: 01926 456065   |                                     |
| <b>Wards of the District directly affected</b>  | Leek Wootton, Stoneleigh, Budbrooke<br>Kenilworth Abbey  |                                     |
| <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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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<br>8 <sup>th</sup> January 2014  |                                     |
| <b>Background Papers</b>  | Budbrooke Parish Council Neighbourhood Plan Area Designation Application<br>Stoneleigh and Ashow Joint Parish Council Neighbourhood Area Designation Application.<br>Burton Green Parish Council Neighbourhood Area Designation Application.<br>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>  | No   |                                     |
| <b>Equality 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  |  | Andrew 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 |
| <b>Suggested next steps (if not final decision please set out below)</b>  |     |

## **1. SUMMARY**

- 1.1 This report sets out the process for the formal designation of four new neighbourhood plan areas. These neighbourhood plan areas relate to the parishes of Budbrooke, Burton Green, Leek Wootton and Guys Cliffe and Stoneleigh and Ashow.

## **2. RECOMMENDATION**

- 2.1 That Executive refuses to designate the neighbourhood plan areas as submitted in the applications by Stoneleigh and Ashow and Budbrooke and instead designates new neighbourhood plan areas reflecting the agreed parish boundary changes as shown in appendices A and B.
- 2.2 That Executive refuses to designate the neighbourhood plan areas as submitted in the applications by Leek Wootton and Guy's Cliffe and Burton Green and instead designates new neighbourhood plan areas as shown in appendices C and D reflecting the areas not subject to amendment through the Parish boundary changes.
- 2.3 That Executive notes the funding available from the Department for Communities and Local Government for the financial year 2014/15 as set out in the Budgetary Framework section of this report.

## **3. REASONS FOR RECOMMENDATION**

- 3.1 Four neighbourhood Plan Areas have been designated to date: Bishop's Tachbrook (October 2012), Whitnash (January 2013) and Old Milverton and Blackdown (January 2013), Barford (August 2014). The parish councils covering the parishes detailed under paragraph 1.1 of this report have submitted applications for designation of a neighbourhood area, under the provisions of the Neighbourhood Planning (General) Regulations 2012, which followed the enactment of the Localism Act 2011.
- 3.2 Following a formal six week period of consultation on each of the proposed designation areas summaries of the comments received were presented to Executive in January 2014. At this time Executive were also made aware of the issues arising from the proposed parish boundary changes which prevented the four neighbourhood plan areas identified in this report from being designated at that time. A resolution was made to await the outcome of the next and final round of the Community Governance Review as directed by Regulatory Committee before agreeing any further area designations.

- 3.3 The Council's regulatory committee has agreed to go ahead with changes to the Parish boundaries affecting these four neighbourhood plan areas. These are in the process of being submitted to the Boundary Commission for final approval on 5<sup>th</sup> January 2015. The Boundary Commission does not have the authority to change the proposals submitted by the Council therefore it is considered appropriate to go ahead with the neighbourhood plan area designation process in the interim.
- 3.4 Legal advice has been sought in respect of how these changes affect neighbourhood plan designation. This indicates that if the new parish area is smaller in area than the proposed neighbourhood plan designation application it is acceptable for the Council to refuse the application and designate the new boundary area without any further consultation.
- 3.5 For parishes where the new boundary incorporates a larger area a new application for the new boundary must be submitted in order for the neighbourhood plan area to reflect this. Any 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.
- 3.6 However the Council recognises that Parishes are keen to drive on the preparation of neighbourhood plans. It is therefore proposed that in the case of the two parishes where the boundary will increase in size, Executive approve the designation of a neighbourhood plan boundary excluding the areas subject to change.
- 3.7 If the Parish Council decides that they wish to plan for the larger area the Qualifying Body can reapply once the boundary changes come into force in April 2015. As stated above this would involve a new application being submitted at that time.

### **Leek Wootton and Guy's Cliffe**

- 3.8 The proposed parish boundary incorporates a larger area to the south but excludes an area south of Kenilworth to the north of the parish. It is therefore recommended that the Council refuse the neighbourhood plan area designation application as it is currently proposed. Instead it is recommended that Executive designate a smaller neighbourhood plan boundary area which excludes the areas to be taken out and included in the new Parish boundary. If the qualifying body wish to plan for the entire parish area once the boundaries come into force in April 2015 it will be necessary for a new neighbourhood plan boundary application to be submitted as set out above. This approach will allow the Parish to actively work on their neighbourhood Plan without delay.

### **Burton Green**

- 3.9 The proposed parish boundary is larger than the neighbourhood plan designation application, incorporating the University of Warwick, previously within Stoneleigh and Ashow parish. It is therefore recommended that the Council refuse the neighbourhood plan designation application as it is currently proposed. Instead it is recommended that Executive designate a smaller neighbourhood plan boundary area which excludes the areas to be taken out and included in the new Parish boundary. If the qualifying body wish to plan for the entire parish area once the boundaries come into force in April 2015 it will

be necessary for a new neighbourhood plan boundary application to be submitted as set out above. This approach will allow the Parish to actively work on their neighbourhood Plan without delay.

### **Stoneleigh and Ashow**

- 3.10 The proposed parish boundary is smaller than the submitted neighbourhood plan application therefore it is recommended that Executive approve the new parish boundary as the revised neighbourhood plan boundary.

### **Budbrooke**

- 3.11 The proposed parish boundary is smaller than the submitted neighbourhood plan application therefore it is recommended that Executive approve the new parish boundary as the revised neighbourhood plan boundary.

## **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.
- 4.2 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.
- 4.3 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. Neighbourhood plans have the potential to bring for local proposals to improve prosperity, housing, health and wellbeing, community protection and sustainability.
- 4.4 **Impact Assessments:** there are no significant policy changes arising from this report that have an impact on equalities

## **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 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. The current funding round is from the 1 April 2014 to 31<sup>st</sup> March 2015.

- 5.3 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

## **6. RISKS**

- 6.1 There are complex legal issues associated with the designation of local plans in the context of parish boundary changes. Following legal advice, the proposed approach set out in this report minimise these risks by only designated parts of parishes that are not change as part of the Parish Boundaries review. Whilst this may mean that Parish Councils propose amendments to the neighbourhood plan boundaries in the future, this approach is the most effective way of enabling progress on neighbourhood plans to be made.

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

- 7.1 Alternatively Executive could decide to delay designation of the Leek Wootton and Guy's Cliffe and Burton Green Neighbourhood Plan boundaries until the Parish boundaries come into force in April 2015. However, this may not be deemed reasonable as the Council has a duty to determine applications if they are not withdrawn, and unless there is agreement from the applicants for a deferral. It is therefore recommended that the proper course of action is to determine them at this point, even if this means a refusal and the designation of a smaller area. Without any formal designation both Parishes would be unable to undertake further stages of the Neighbourhood Plan process.