

 Executive Committee – 11th July 2012		Agenda Item No. 9
Title	Neighbourhood Planning	
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Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	N/A	
Background Papers	None	

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	N/A

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive	24 th June 2012	Chris Elliott
Deputy Chief Executive & Monitoring Officer	21 st June 2012	Author
CMT	21 st June 2012	Chris Elliott Bill Hunt Andrew Jones
Section 151 Officer	24 th June 2012	Mike Snow
Head of Service	24 th June 2012	Tracy Darke
Portfolio Holders	24 th June 2012	Councillor Hammon Councillor Caborn
Consultation & Community Engagement		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 The report advises Members of current and future work officers are and will be undertaking so that the Parish and Town Councils receive the support necessary to ensure the future vitality and sustainability of the District's villages and towns.
- 1.2 The report also brings forward a specific proposal to assist Whitnash Town Council with the development of its Neighbourhood Plan.

2. RECOMMENDATIONS

- 2.1 That Executive notes the work being undertaken by officers to engage with Parish Councils to define the boundaries of village envelopes in accordance with the Council's Local Plan Preferred Options (PO4 – Distribution of Sites for Housing – Category 1 & 2 Villages).
- 2.2 That Executive notes the requirement for officers to support Parish and Town Councils with the development of Neighbourhood Plans and agrees that the Head of Development Services, in consultation with the Portfolio Holder for Development Services and Deputy Leader, shall determine the programme of support as requests come forward from the Parish and Town Councils.
- 2.3 That subject to agreeing recommendation 2.2, Executive agrees to make available up to £40,000 from the Contingency Budget to enable Parish and Town Councils to progress their respective plans and that authority is delegated to the Head of Development Services to release this funding to help deliver the programme of work as described in recommendation 2.2.
- 2.4 That should Executive agree to recommendations 2.1 & 2.2, it agrees that the priority work for officers is the defining of the village envelopes as this is a key element to ensuring a sound Local Plan.
- 2.5 That Executive notes that Whitnash Town Council has already started Neighbourhood Plan work and agrees to the Deputy Chief Executive (AJ) working with Whitnash Town Council and other interested parties in the development of a Neighbourhood Plan for Whitnash.
- 2.6 That subject to agreeing recommendation 2.5, Executive agrees that up to £10,000 is made available from the Contingency Budget to support the work necessary to produce the Neighbourhood Plan.
- 2.7 That Executive notes that should it agree to recommendation 2.3 & 2.6, funding will only be drawn-down should Central Government funding not be secured.
- 2.8 That Executive notes the ongoing "neighbourhood" work in the towns of Kenilworth, Leamington and Warwick.

3. REASONS FOR THE RECOMMENDATIONS

- 3.1 The Council is currently consulting on its preferred options for the Local Plan to cover the period 2014 to 2029. Preferred Option PO4 covers the distribution of sites for housing around the District. The Options have designated three categories of village with categories 1 & 2 allowing for allocations of housing. At

present there are no specific sites allocated in the villages and so it has been agreed that the "Council will work with Parish Councils to define the boundaries of village envelopes" to enable development to come forward. In the case of the Green Belt, once these boundaries have been defined, land within the village envelope will be removed from the Green Belt to enable development to take place.

- 3.2 Officers will need to progress this work quickly because in the region of 850 dwellings have been allocated to the villages (Category 1 = 500; Category 2 = c.350) making up 10% of the total new site allocation being consulted on. The Council's Development Manager has allocated the appropriate resources from within his team to work with Parish Councils and thereby ensure that the work is completed in accordance with the Local Plan process timescales.
- 3.3 The Localism Act enables Parish and Town councils to write a Neighbourhood Plan for their area. A Neighbourhood Development Plan (NDP) will set out policies and plans for that area, like a development plan document but on a very local scale. Subject to conforming to national policies, as well as policies in the District's local plan, this plan will be able to be adopted as a formal part of the development plan. This means that planning decisions will have to be made in accordance with the Neighbourhood Plan (and other parts of the development plan) unless material considerations indicate otherwise. If an area has a Parish or Town Council, they will be the only organisation able to carry out neighbourhood planning in that area.
- 3.4 The Council must provide support to a Parish or Town Council wishing to develop a Neighbourhood Plan. Along with providing the necessary technical support, officers will organise the independent examination and the neighbourhood referendum at the end of the process. Based on current feedback, it is envisaged that a number of Parish Councils will want to develop a Neighbourhood Plan and this will create a significant demand on officer resource. It may not be possible to provide the support to align with the aspirations of all Councils. It is therefore recommended that the Head of Development Services, in consultation with the Portfolio Holder for Development Services and Deputy Leader, creates an ongoing programme of work which balances the demand for support with the resources available.
- 3.5 Members should note that officers are already working closely with Bishops Tachbrook Parish Council in respect of their Neighbourhood Plan aspirations and this work will help inform the programme of support going forward.
- 3.6 As part of the Fit For the Future report (Executive 18th April 2012), Members agreed in principle that £40,000 should be made available "to help parishes undertake neighbourhood plans covering local affordable, and other, housing provision." Whilst officers will be supporting Parish Councils with the technical elements of their plans, Parish Councils may wish to undertake consultation, engage consultants or produce publicity which may require funding that the Parish does not have access to. Making available a budget of up to £40,000 will allow the Head of Development Services to allocate funding to Parish Councils (along with any Town Councils that express an interest) to undertake work that is necessary for a Plan's development.
- 3.7 Both allocating sites in the District's villages for the Local Plan and Neighbourhood Planning are important pieces of work, however, the priority for the Council must be to ensure that a sound Local Plan is in place. It is therefore

recommended that where there are competing demands for officer time, the Head of Development Services always ensures that the Local Plan work takes precedence.

- 3.8 Another element of the aforementioned Fit For the Future report was *Community Centre/Recreation Ground Enhancement Feasibility Study* for Whitnash. The idea behind the initiative was that Whitnash Town Council would commission plans for a comprehensive scheme to re-develop its Recreation Ground site and immediate environs. With plans in place, the Town Council would then seek to make a bid for funding such as New Homes Bonus, Community Infrastructure Levy, Landfill Tax and charitable donations to make the scheme a reality. It was envisaged that a £10,000 contribution from the District Council would go towards consultation, design and technical costs.
- 3.9 However, following Executive's approval, further discussions have taken place with Whitnash Town Council and it has been agreed that focusing on one particular part of Whitnash is too narrow in scope and it would be more productive for the Town to develop a plan for the whole of the "Neighbourhood".
- 3.10 Steps have already been taken to get this work up and running: Town Council Members wish to construct a clear strategic approach, developing a strong and distinct narrative for the town as a route to improving its profile and supporting economic growth. A starting point for this work is to commission a piece of work that:
- Delivers a new 'story' and positioning for Whitnash that enhances its identity, reputation and distinctiveness with other public sector partners, members of the public and local businesses.
 - Provides a platform to promote the town, locally and regionally and helps to deliver a shared 'sense of place and pride' amongst local community.
 - Adds value to and encourage future physical development or regeneration activity and other place-based initiatives.
- 3.11 The outcome of this work is essential to help Whitnash Town Council formulate its Neighbourhood Plan as it will enable the Plan to be based on sound evidence gained through desk-top research, focus groups and general engagement with the community.
- 3.12 It is anticipated that this work can be commissioned for approximately £2-3,000 and the Town Council will be using its Reserves to meet this cost, however, developing a Neighbourhood Plan for the Town will cost significantly more than this and it is therefore proposed that the District Council makes a contribution of up to £10,000 towards the development of the Plan and that the County Council – as a key strategic partner – is also encouraged to make a contribution.
- 3.13 The recommended allocation of £10,000 reflects the work necessary to develop a Plan for one of the Council's Towns as opposed to the less populated areas of the Council's parishes. The Town Council already has ideas in respect of a Community Centre and it is envisaged that to bring forward design plans would cost more than the Town Council is able to fund on its own.

- 3.14 Should Members agree to this work then it will be led by Deputy Chief Executive (AJ). The County Council is also keen to be involved in developing the Plan and its Head of Customer Service and Communications would be their lead officer.
- 3.15 The Government has made available £3m to provide independent advice to communities in planning for their Neighbourhood. This funding has been directed to four organisations to provide this support. Should Members approve recommendation 2.3 & 2.6 of this report, contact will be made with those organisations to see whether any financial support can be provided. If not, the proposed funding of up to £50,000 would need to be utilised.
- 3.16 As part of the Council's commitment to support its town centres, officers have been leading on various initiatives:

3.16.1 Kenilworth

- 3.16.2 Kenilworth has had a Town Centre Steering Group for a number of years which has been pivotal in overseeing the regeneration of the Town. The Group is now involved with Phase II of the Kenilworth Public Service Centre scheme. However, the Fit For the Future Report detailed other opportunities for Kenilworth including a feasibility study for the restoration of the mere around Kenilworth Castle and an examination of potential changes to traffic arrangements which could improve the town centre's environmental and commercial quality. The Council's Chief Executive is lead CMT Officer for Kenilworth and he will continue to work with the Steering Group to bring forward plans for the town.

3.17.1 Leamington

- 3.17.2 The Council's Chief Executive is also leading a study aimed at regenerating the area around Crown Way in Lillington. The study was supported by the Council's Executive through its endorsement of the Fit For the Future Report when "Lillington Neighbourhood development feasibility study" was agreed as a key piece of work. The study has the support of the County Council, Health Service, the Police, local Councillors and voluntary/community organisations. It is likely that Town Council involvement will also be sought.

3.18.1 Warwick

- 3.18.2 Also on this Executive Agenda is *Warwick Town Centre Plan*, which subject to Executive approval, will be considered for public consultation. This work is being overseen by Warwick Town Centre Partnership and has been in development for over two years. Production of the Plan is a major milestone for the town and provides all interested parties with an opportunity to shape the town's future. The Council's Deputy Chief Executive (AJ) is lead CMT Officer for Warwick and he will continue to lead the Partnership to bring forward a Plan for adoption.

4. ALTERNATIVE OPTION(S) CONSIDERED

- 4.1 The Council is required to provide technical support to Neighbourhoods with the development of their plans but there is no requirement to provide any funding. Officers considered whether only technical support should be provided but rejected this as it was felt that providing funding would enable Parishes and

Towns to better engage with their local communities to help Plans that communities could support.

- 4.2 Officers considered whether they should encourage Whitnash Town Council to develop a Neighbourhood Plan but not support it with finance. This option was discounted as Whitnash is a significant part of Warwick District with circa 10,000 residents and circa 3,100 households. It was therefore considered to be important to support the initiative so that any development could be addressed in a joined-up fashion.

5. BUDGETARY FRAMEWORK

- 5.1 The Contingency Budget currently stands at £218,000. Approval of £50,000 funding would reduce the Contingency Budget to £168,000.

6. POLICY FRAMEWORK

- 6.1 Neighbourhood Plans will not cover strategic issues, for example major development, but will be able to guide local issues. The plan should be able to say which important green spaces will be protected, or could identify sites that are appropriate for new local shops or a small affordable housing development. Neighbourhood Development Plans (NDP) will be able to guide design standards in their area and to make sure that new development is of a high quality.
- 6.2 Because NDPs will be included in the development plan they should only cover land use planning issues, and not broader local concerns, for example crime or health, that Parish Plans can address.
- 6.3 Neighbourhood development orders (NDOs) will grant planning permission for specific types of development in a particular area. This could be either a particular development, or a particular class of development (for example retail or housing). A number of types of development will be excluded from NDOs. These include Nationally Significant Infrastructure Projects, development over a certain threshold, and development that would need Environmental Impact Assessment.
- 6.4 It could be useful for NDOs to be linked to the NDP for the area. For example, the plan could identify the need for a new village shop and a broad location. The NDO could then apply a planning permission to a particular site or existing building where the shop will be built.
- 6.5 NDOs will grant planning permission, therefore getting rid of the need for a standard planning application to the local planning authority. However the NDO will have to meet some minimum standards, and be approved by the community, before it can come into force. First, the NDO must be passed to the District Council, which will check that it has been properly consulted on, and that the development does not need an Environmental Impact Assessment. Then the NDO will be assessed by an independent examiner, who will check that it conforms to national and local planning policies. The independent examiner will also check that the NDO would not damage local heritage assets. If the independent examiner approves the Order, then a local referendum on whether the NDO should be adopted will be held. If a majority vote in favour of the NDO in the referendum, then it will come into force.

- 6.6 Community right to build orders will be a special type of NDO. Unlike NDOs and NDPs, any local community organisation, not just a parish or town council or a neighbourhood forum, will be able to create community right to build orders.
- 6.7 To be eligible to develop a community right to build order in a particular neighbourhood area at least one half of a community organisation's members must live in that neighbourhood area. The organisation must also exist to further the economic, environmental and social well-being of the area in question, and any profits made as a result of community right to build orders must be distributed among the organisation's members.
- 6.8 Development brought about by community right to build orders will be small scale, and will not be able to take place if it would need an Environmental Impact Assessment or would be on a European designated site, for example a Site of Special Scientific Interest.
- 6.9 Community right to build orders will be adopted in the same way as NDOs, where subject to the Order meeting certain minimum standards a local referendum will ultimately decide whether the proposed development should go ahead.