

 Executive Committee – 9th January 2013		Agenda Item No. 9
Title	Whitnash Neighbourhood Plan Area Designation	
For further information about this report please contact	Stephen Hay stephen.hay@warwickdc.gov.uk (01926) 456555	
Wards of the District directly affected	Whitnash	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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 – Whitnash Town Council's Neighbourhood Plan Area Application Appendix 2 – AC Lloyd Homes Limited Representation Executive Committee Report Agenda Item 9, 11 th July 2012 The Neighbourhood Planning (General) Regulations 2012 Localism Act 2011	

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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive		Chris Elliott
Deputy Chief Executive and Monitoring Officer		Andrew Jones
Head of Service		Tracy Darke
CMT		Chris Elliott, Bill Hunt, Andrew Jones
Finance		Mike Snow
Portfolio Holder(s)		Councillor Hammon
Consultation & Community Engagement		

In compliance with the Neighbourhood Planning (General) Regulations 2012 Part 2 Sections 6(a) – (c), the Whitnash Neighbourhood Plan Area application (Appendix 1) was subject to a 6 week public consultation between 5th October and 16th November 2012. Representations were invited on the application.

A public notice appeared on the Council’s website and in the Courier Newspaper, as well as community notice boards in Whitnash. In addition, notification was sent via e-mail to stakeholders and interested parties via the Local Development Framework consultation system.

During the designated consultation period, the following was received:

- One representations which objected to the designation (Framptons on behalf of A C Lloyds Homes Limited) (See Appendix 2);
- One representation from Natural England, which signposted joint guidance for Neighbourhood Planning, and
- One representation from The Coal Authority which had no specific comments to make on the application.

In addition, to the registered representation, a late response was received from English Heritage, which raised no objections.

Final Decision?	Yes

1. Summary

- 1.1 This report details the main representation made on the Neighbourhood Plan Area Designation consultation for Whitnash and recommends designating the Neighbourhood Area as submitted by the Town Council. This will enable Whitnash Town Council to begin the process of formally preparing a neighbourhood plan.

2. Recommendations

- 2.1 That Executive designates the Neighbourhood Area as submitted by Whitnash Town Council, (Appendix 1), having regard to the representation 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 section of this report.

3. Reasons for Recommendations

- 3.1 On the 10th October 2012, Executive designated the district’s first neighbourhood plan area - Bishop’s Tachbrook Neighbourhood Plan Area, which has enabled the Parish Council to formally start the process of plan preparation. Whitnash Town Council is the second relevant body to submit an application under the new provisions of the Neighbourhood Planning (General) Regulations 2012, which followed the enactment of the Localism Act 2011.

- 3.2 On the 27th September 2012, Warwick District Council received formal notification from Whitnash Town Council of their intention to prepare a neighbourhood plan. The application (see appendix 1) included:
- a) a map identifying the area to be designated – currently the town council’s administrative boundary;
 - b) a statement outlining why this area is considered appropriate to be designated, and
 - c) a statement that the town council is a relevant body to lead the neighbourhood plan.
- 3.3 From 5th October to 16th November 2012 undertook consultation as described in the consultation and community engagement section above.
- 3.4 A representation objecting to the designation has been received from Framptons on behalf of A C Lloyd Homes Limited (Appendix 2). This representation has three main elements:
- a) That the terms in which the application is made, is not consistent with the advice contained within the National Planning Policy Framework (NPPF), regarding neighbourhood plans. In particular, the representor quotes the town council’s application statement, which states:

‘A Neighbourhood Plan Working Group has been addressing this subject over the past few months and recognises that local and also national policies favour growth and development in Warwick District’.
It is noted by the representor that the town council falls short of supporting a strategy that favours growth and development in Warwick District. Paragraph 184 of the NPPF, states that ‘neighbourhood plans and orders should not promote less development than set out in the local plan or undermine its strategic policies’.
 - b) That the adoption of a neighbourhood plan should follow on from an adopted local plan, particularly where the strategic development parameters have yet to be set.
 - c) That there is no clear justification for the size of the proposed area to be included in the neighbourhood plan including the whole town area. The danger being that the Neighbourhood Plan would simply be a restatement of the adopted local plan policies and therefore of limited value.
- 3.5 In relation to the first element detailed under paragraph 3.4a) above, The Neighbourhood Planning (General) Regulations 2012, indicate that an application must include ‘a statement explaining why this area is considered appropriate to be designated as a neighbourhood area’ (Part 2 5 (1).(b)). The town council has adhered to the regulation by indicating under statement 2 of the application letter, that this area is considered appropriate because it ‘is the current boundary and administrative area of Whitnash Town Council; councillors currently represent and serve this area; a town plan questionnaire has been carried out, and a housing needs survey has also been undertaken’.
- 3.6 The statement about the Neighbourhood Plan Working Group quoted by the representor could be treated as additional information to the application. It would not be appropriate at the area designation application stage to predict

whether the neighbourhood plan might fall short of supporting a strategy that favours growth and development, as the formal plan making process is still at an early stage and the town council will have to adhere to the policy and legal framework for the future development of the plan.

- 3.7 In relation to the second element of the representation, 3.4b) above, any neighbourhood plan is required to be in general conformity with the strategic policies of the adopted local plan. This is essentially a matter for plan development and not an area designation application concern. The designation application meets the minimum regulation requirement for consideration.
- 3.8 In relation to the third element of the representation, 3.4c) above, local planning authorities need to ensure that neighbourhood areas are coherent, consistent and appropriate in planning terms. The current boundary and administrative area of Whitnash Town Council would appear to be a logical area to collect baseline information for the plan and consider future local planning policy in a comprehensive manner.
- 3.9 It is also noted under the representation element 3.4c) that the plan runs the risk of just being a restatement of adopted local plan policies. One of the basic conditions of a neighbourhood plan is that it needs to be in general conformity with the strategic policies contained in the local plan. S.38 of the Planning and Compulsory Purchase Act 2004 defines 'development plan' as the development plan documents (DPDs) adopted for the area and Schedule 8 extends this to include saved local plans. Guidance from the Planning Advisory Service (PAS) goes on to indicate that where there are no DPDs in an area, the examiner for the neighbourhood plan must consider whether the draft plan is in general conformity with the strategic policies in the saved local plan.
- 3.10 As the local authority is working upon a new local plan, there will be a need to work closely with Whitnash Town Council to ensure that any conflicts between neighbourhood and local plans are minimised. In line with the NPPF, this will also help avoid duplicating planning processes by producing non-strategic policies where a neighbourhood plan is in preparation. Discussions with neighbourhood planning group to date has been focused upon working with the District Council on the implementation of the new local plan agenda, rather than considering developing a neighbourhood plan based upon the currently adopted local plan. It can also be noted that Whitnash Town Council's representations on the new Local Plan (Preferred Options) is generally supportive of the plan and its emerging policies / priorities.
- 3.11 Although not detailed in the representations, Executive should note The Local Government Boundary Commission's review and draft recommendations for revised district ward boundaries, which indicates changing the boundary of the Whitnash Ward. Parish and town council boundaries might be changed following a proposed community governance review to be undertaken in the second half of 2013. Should any change be considered necessary in the future to the designated area, the promoting council may need to submit an application to modify the designated area, following the same process as if proposing a designation for the first time.

4. Policy Framework

- 4.1 Any neighbourhood plan is required to be in general conformity with the adopted local plan. As the new local plan is not yet in place it would be

premature for Whitnash Town Council to proceed to an Examination in Public at this stage. However, the neighbourhood plan is likely to take a considerable time to prepare (potentially 18-24 months), by which time the local plan will be further advanced and conformity can therefore be fully 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.

- 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 already agreed to make available up to £10,000 to support the production of the Whitnash Neighbourhood Plan (minute 32, 11 July 2012).
- 5.3 The Department for Communities and Local Government (DCLG) has allocated funding for 2012/13 and 2013/14 to assist local authorities prepare neighbourhood plans. This funding consists of a first payment of £5,000 for each Neighbourhood Plan Area designation. A recently revised maximum figure of £50,000 can be claimed for area designations in the 2012 financial year. A second payment of £5,000 will be made when the local planning authority publicises the neighbourhood plan prior to examination. A third payment of £20,000 will be made on successful completion of the neighbourhood planning examination. In the financial year 2013/14 you can claim for up to 20 designations (£100,000).
- 5.4 DCLG have also issued contract tendering documents for a two year programme (from April 2013 until 31st March 2015) to include the sharing of learning; direct support to neighbourhoods to help them through the stages of neighbourhood planning and importantly the delivery of a grant administration scheme allowing neighbourhoods undertaking neighbourhood planning to apply for grants or vouchers of up to £7,000 per neighbourhood area, to contribute to costs they incur which cannot be met from other sources.

6. Alternative Options Considered

- 6.1 One alternative option has been considered:

Option 1

- Consider delaying making a decision on the area designation until the outcome of the Local Government Boundary Commission consultation review at the end of March 2013 and the proposed community governance review.

Delaying a decision on the area designation may just add to the timescale for developing the neighbourhood plan. Legal advice as indicated that should a boundary change be required then an application to modify the designated area should follow the same process as if proposing a designation for the first time.