

	Executive Committee – 9th January 2013	Agenda Item No. 10
Title	Old Milverton and Blackdown 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	Cubbington	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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 – Old Milverton and Blackdown Joint parish Council’s Neighbourhood Plan Area Application Appendix 2 – Commercial Estates Group 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 Old Milverton & Blackdown Joint Parish Neighbourhood Area application (Appendix 1) was subject to a 6 week public consultation between 12th October and 23rd 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 Old Milverton and Blackdown. In addition, notification was sent via e-mail to stakeholders and interested parties via the LDF consultation system.

During the designated consultation period, the following was received:

- One representation of support from an individual.
- One representations which objected to the designation (Nathaniel Lichfield & partners on behalf of Commercial Estates Group) (See Appendix 2);
- A representation from English Heritage, which made no objections and 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 representations a late representation was received by Natural England which drew attention to joint guidance on the preparation of a neighbourhood plan and noted that Guy’s Cliff Site of Special Scientific Interest (SSSI) is within the vicinity of the neighbourhood planning area.

Final Decision?	Yes

1. Summary

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

2. Recommendations

- 2.1 That Executive designates the Neighbourhood Area as submitted by Old Milverton and Blackdown Joint Parish Council (OMBJPC), (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 Committee 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. OMBJPC is the third 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. The second relevant body to

submit an application for a Neighbourhood Planning designation (Whitnash Town Council), is subject to a separate report at today's Executive meeting.

3.2 On the 2nd October 2012, Warwick District Council received formal notification from OMBJPC of their intention to prepare a neighbourhood plan. The application (see appendix 1) included:

- a) a map identifying the area to be designated – relating to the ward boundaries of the two Parishes of Old Milverton and of Blackdown;
- b) a statement outlining an ambition to produce the most appropriate development plan for the whole of the parishes.
- c) a statement that the joint parish council is a relevant body to lead the neighbourhood plan.

3.3 From 12th October to 23rd 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 Nathaniel Lichfield & Partners on behalf of Commercial Estates Group (Appendix 2). This representation has three main elements:

- a) That the information submitted to support OMBJPC's application does not contain sufficient information to allow WDC or other stakeholders to properly consider the application. In particular, the information submitted does not adequately address Part 2 Section 5(1)(b) of The Neighbourhood Planning (General) Regulations 2012: 'a statement explaining why this area is considered appropriate to be designated as a neighbourhood area'. The representor quotes OMBJPC's application letter, which states:

'that in considering the development of a Neighbourhood Plan for the plan period of 15 years, recognising both the rural nature and the needs of the populated parts of the parishes, 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 parishes'.

The representor goes on to argue that the statement does not give sufficient justification as to why OMBJPC considers that Blackdown is an appropriate area for designation and there is a need to clearly identify OMBJPC's objectives.

- b) Under the planning regulations (Part 2 Section 5(1) (a), the application area encompasses the entire coverage of the parishes but does not give any further clarification. The representor quotes the OMBJPC statement that it focuses upon 'rural parts' and 'existing populated parts' of the parishes, and does not recognise the fact that there is a need to take account of the emerging needs of the wider area.
- c) With regard to neighbourhood planning guidance and the Localism Act, the representor believes that OMBJPC has failed to demonstrate in its application, how the relevant body will work together with the local authority to produce complementary neighbourhood and local plans (particularly where an up-to-date local plan isn't in place) and to guarantee that a neighbourhood plan will only be able to advocate an equal or greater quantity of growth in housing or economic development than is established in the development plan.

- 3.5 In relation to the first element detailed under paragraph 3.4 a) above, OMBJPC indicated in their application covering letter that the application area relates to the 'ward boundaries of the two Parishes of Old Milverton and of Blackdown'. The designation of an area covering these two parishes would appear to be logical, as this would allow for the collection of baseline plan making information according to established administrative boundaries and considers the future local planning policy in a comprehensive manner, within the authority of the joint parish council. Within this context, the applicant has met the minimum requirements under the regulations (5.(1) (b)). The statement quoted by the representor could be treated as additional to the regulation requirements. In addition, there is no requirement in the regulations for the applicant to fully outline their objectives. It could be argued that to do so would prejudge the plan making process.
- 3.6 In relation to the second element as detailed under paragraph 3.4 b), it has previously been noted that the application includes a proposed Neighbourhood Plan area which is considered logical for the purposes of plan-making. There is no confusion about the mapped area to which the area application applies (two parish areas as indicated on the map) and therefore the application complies with the relevant regulation (The Neighbourhood Planning (General) Regulations 2012, Part 2 5 (1) (a).
- 3.7 With regard to the third element of the representation, detailed under paragraph 3.4.c), at the application stage there is no requirement under the regulations to consider the future working arrangements of organisations and/or provide detail regarding growth. It is noted that the joint parish council will have to adhere to the policy and legal framework for the future development of the plan
- 3.8 As the local authority is working upon a new local plan, there will be a need to work closely with OMBJPC 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. It is noted that OMBJPC has raised considerable objections to the emerging new Local Plan (Preferred Options).
- 3.9 Although not detailed in the representations, Executive should note The Local Government Boundary Commission's review and draft recommendations for revised district ward boundaries – particularly in relation to Cubbington, Milverton and Manor Wards. 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 It is noted above that there is a need to work closely with OMBJPC to ensure that any conflicts between neighbourhood and local plans are minimised. This is particularly important when there may be differences of opinion about the scale of growth aspirations. In relation to the new Local Plan, it would be premature for OMBJPC to proceed to an Examination in Public at this stage. However, the neighbourhood plan may take a considerable time to prepare, by

which time the local plan will be further advanced and general conformity can therefore be more 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 £40,000 to support the production of neighbourhood planning across the district and a further £10,000 to specifically support the Whitnash Neighbourhood Plan process (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.