

<b>Report to Cabinet</b> <b>Meeting to be held on 28 September 2016</b>	<b>Electoral Ward Affected</b> Preston Rural East
<b>Report submitted by: Director of Development</b>	
<b>Grimsargh Parish Neighbourhood Development Plan – Designation of the Grimsargh Parish Neighbourhood Area (Appendices 1, 2 &amp; 3 refers)</b>	

## 1. Summary

- 1.1 Neighbourhood planning gives Parish Councils and, in non-parished areas, Neighbourhood Forums the opportunity to prepare Neighbourhood Development Plans. A Neighbourhood Development Plan sets out planning policies in relation to the development and use of land in a particular neighbourhood.
- 1.2 As part of the neighbourhood planning process and in accordance with the Localism Act 2011; The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (General) (Amendment) Regulations 2015, Grimsargh Parish Council has submitted an application for the designation of the Grimsargh Parish Neighbourhood Area to the Local Planning Authority.

## 2. Decision Required

- 2.1 Cabinet is recommended to:
- i) Designate the area as shown on the plan at Appendix 1 to this report as the Grimsargh Parish Neighbourhood Area, recognising Grimsargh Parish Council as the relevant Neighbourhood Body; and
  - ii) Authorise the publication of the area designation as required under The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (General) (Amendment) Regulations 2015.

## 3. Information

- 3.1 Through the production of Neighbourhood Development Plans communities will be able to set policies for the development and use of land in their neighbourhoods. A Neighbourhood Development Plan will form part of the Local Plan, and will be used in the determination of planning applications for that Neighbourhood Area. Any final plan would be subject to an independent examination, after which the examiner would recommend that either the

proposals are submitted for referendum, modifications are made prior to referendum, or the proposals are refused. A community referendum must be held to determine whether the community support the Neighbourhood Development Plan – a simple majority of over 50% of those voting must support the Neighbourhood Development Plan for it to be ‘made’ i.e. adopted.

- 3.2 The process for preparing a Neighbourhood Development Plan is set out in the Town and Country Planning Act 1990 (“the 1990 Act”), as amended by the Localism Act 2011.
- 3.3 The Neighbourhood Planning (General) Regulations 2012 (“the 2012 Regulations”) and The Neighbourhood Planning (General) (Amendment) Regulations 2015 (“the 2015 Regulations”) set out the process by which a qualifying body can apply to the local planning authority to designate a Neighbourhood Area.
- 3.4 The application for the designation of a Neighbourhood Area is the first formal stage of creating a Neighbourhood Development Plan. The application must include the following:
  - (a) a map which identifies the area to which the area application relates;
  - (b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
  - (c) a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.
- 3.5 On the 12<sup>th</sup> July 2016 the Local Planning Authority received a valid application from Grimsargh Parish Council for the designation of a Neighbourhood Area, a copy of which is attached at Appendix 2 to this report.
- 3.6 The 2015 Regulations require that on receiving such an application in the case of a Parish Council applying for the whole of the area of that parish to be designated, the Planning Authority must publicise it for a period of not less than (4) weeks (6 weeks in all other cases). During that period people in the area applied for are invited to make representations to the application.
- 3.7 The application for designation as a Neighbourhood Area was publicised on the City Council’s website for the statutory minimum 4 week period, from Thursday 4<sup>th</sup> August 2016 until Friday 2<sup>nd</sup> September 2016. The Parish Council also publicised the application on its own website and Parish noticeboards.
- 3.8 In response to the consultation, one response was received, on 31 August 2016, from Gladman Developments Ltd (full letter attached as Appendix 3). Gladman is a company who specialise in the promotion of strategic land for residential development, and have raised no objections in principle to the Grimsargh Parish Neighbourhood Area designation application. However, Gladman has a land interest at land off Preston Road, and have stated that

the Neighbourhood Plan should include the land that was the subject of a recent appeal for 150 dwellings (outline approval – ref 06/2014/0902) as a full housing allocation that will assist the Council in meeting its housing needs. Members will be aware that the Inspector's decision to allow the appeal on this site is the subject of a High Court challenge by the Council. Gladman have also stated that they wish to participate in the Neighbourhood Plan's preparation, and to be notified of further developments in this regard. They have offered their assistance in the preparation of the Neighbourhood Plan and have invited the Parish Council to get in touch with them (the City Council has notified Grimsargh Parish Council accordingly, forwarding the Parish a copy of the letter).

- 3.9 Although Gladman have commented in part about allocating land within the Neighbourhood Plan, at this stage only the appropriateness of the area being applied for can be taken into consideration, not the likely content of the plan itself. Much of what Gladman have said is therefore premature, and will be dealt with later in the Neighbourhood plan process. At this initial stage, the Local Planning Authority is obliged to designate a Neighbourhood Area if it receives a valid application and some or all of the area has not yet been designated, in accordance with section 61G(5) of the 1990 Act. It must give reasons if it considers the area is not appropriate.
- 3.10 For Parish Councils, there is a strong presumption that the Neighbourhood Area will be the same as the parish boundary. Where the relevant body is a Parish Council and the area applied for is the whole of the parish, the decision must be issued within eight (8) weeks from when the application for designation is first publicised and comments invited.
- 3.11 Having considered the application for the designation of the Grimsargh Parish Neighbourhood Area (as shown at Appendix 1 of this report) together with the supporting documentation (at Appendix 2) and the content of the letter received from Gladman Developments (at Appendix 3), it is considered that the Neighbourhood Area should be designated given the Parish Council is a relevant body as defined in section 61G(5) of the 1990 Act, and the Neighbourhood Area covers the entire parish with no overlap with any other designated or proposed Neighbourhood Areas or adjoining parishes. When deciding whether to designate a Neighbourhood Area, the Local Planning Authority should avoid pre-judging what the content of the Neighbourhood Plan may be.
- 3.12 To that end the area applied for is considered appropriate, and it is proposed that the Grimsargh Parish Neighbourhood Area be so designated by the Local Planning Authority.

#### **4. Implications**

- 4.1 **Financial:** Since 2012, the Department for Communities and Local Government (DCLG) has made funding available to support Local

Authorities in their duty to provide advice or assistance to qualifying bodies in the preparation of Neighbourhood Plans.

- 4.2 In March 2016 the DCLG clarified the funding being made available for LPAs in 2016/17. At area designation stage, LPAs are entitled to claim £5,000 per neighbourhood area, but this funding only applies to the first five neighbourhood areas designated by the LPA (this includes areas designated in previous years). To date, the City Council has only designated two neighbourhood areas (Inner East Preston, and Broughton-in-Amounderness) so this limit of 5 neighbourhood areas has not been exceeded and the £5,000 can be claimed.
  - 4.3 LPAs can claim a further £20,000 once they have set a date for a referendum following a successful examination. Local Authorities are able to submit claims for payment at two points during the financial year. These windows will be between 1 and 31 July, and 1 and 31 January, and payments will usually be made in September and March.
  - 4.4 Communities that draw up a Neighbourhood Plan and secure the consent of local people in a referendum will benefit from 25 percent of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area.
  - 4.5 **Legal:** The legal implications are set out in the body of the report.
  - 4.6 If the Planning Authority makes a Neighbourhood Area designation it must publish it on the Council's website and in any other way it considers that the designation will come to the attention of people who live, work or carry out business in the Neighbourhood Area.
  - 4.7 If the Planning Authority refuses to designate a Neighbourhood Area it must publish its decision together with a statement of its reasons ("the decision notice") on the Authority's website and in any other way it considers that the designation will come to the attention of people who live, work or carry out business in the neighbourhood area. The decision notice must also be available for inspection.
  - 4.8 **HR:** None. The neighbourhood plan will be managed as part of the Planning Policy function.
- 5. Impact Statement**
- 5.1 i. Service Users: Designating the Grimsargh Parish Neighbourhood Area and recognising Grimsargh Parish Council as the relevant body will give certainty to the Neighbourhood Plan and will allow the Parish Council to proceed with the preparation of the plan.

ii. Council Plans and Services: The recommendation will enable the Council to support Grimsargh Parish Council with the preparation of the Neighbourhood Plan.

iii. Fair Employment/Living Wage: There are no fair employment/Living Wage issues within this report.

iv. Equality Impacts of service changes/new services: There are no Equality Impacts of service changes/new services within this report.

**6. Reasons For Decision**

6.1 To enable Grimsargh Parish Council to prepare a Neighbourhood Development Plan for the parish.

**7. Alternative Options Considered And Rejected**

7.1 The Neighbourhood Planning (General) Regulations 2012 were published in April 2012, with amendments published in February 2015. Consequently, this report and designation is to ensure compliance with the 2012 and 2015 Regulations.

7.2 There are no other reasonable alternative options.

**8. Reason for Inclusion in Part B**

N/A

**Any representations made in accordance with the Public Notice of Forward Plans of Key Decisions**

Name: Organisation: Comments:

N/A

**Background Documents:**

Background documents open to inspection in accordance with Section 100D of the Local Government Act 1972:

Paper Date Contact/Directorate/Ext

N/A

**Contact for further information:**

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