

Agenda Item No: 7

Report To: CABINET

Date: 10th January 2013

Report Title: **Application for the designation of a Neighbourhood Area for Wye with Hinxhill Parish**

Report Author: Katy Wiseman, Policy Planner



Summary:

Neighbourhood planning commenced in 2012 and is one part of the Government's broader package of decentralisation measures, taken forward through the Localism Act 2011. New powers give communities the opportunity to prepare a statutory plan – a neighbourhood development plan for their area, setting out the type of development that will happen, where it should be located and how it should look. Only parish or town councils or neighbourhood forums can undertake a Neighbourhood Plan and work can only commence formally once a neighbourhood area has been designated by the local authority.

As such, at the end of October the Council received an application from Wye with Hinxhill Parish Council for the designation of a Neighbourhood Area. The area requested to be designated is the entire Parish of Wye with Hinxhill. The Council published the application for six weeks between the 9th November and 21st December 2012 in line with requirements set out within the Town and Country Planning (England) Neighbourhood Planning (General) Regulations 2012. A total of 5 comments were received.

This report provides information about the process of designating a neighbourhood area, and recommends to the Cabinet the designation of a neighbourhood area covering Wye with Hinxhill Parish.

Key Decision: NO

Affected Wards: Wye with Hinxhill

Recommendations: **The Cabinet are asked to:**
i) **Approve the application and to designate the**

parish of Wye with Hinxhill as shown edged red on the plan at appendix 1 to this report as a neighbourhood area

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| Policy Overview: | <p>A neighbourhood area is a geographic area for which a Parish or Town Council or designated Neighbourhood Forum wish to produce a Neighbourhood Plan or a Neighbourhood Development Order. A Neighbourhood Plan, if approved, becomes part of the statutory development plan and will be used in determining planning applications. Although the parish council in this case has not indicated an intention to produce a Neighbourhood Development Order, such an order would grant planning permission for a specific scheme or a specific type of development.</p> |
| Financial Implications: | <p>If the neighbourhood area is approved, the planning authority is legally required to provide support and advice to those bodies producing a Neighbourhood Plan in its area. The Duty to Support does not require the giving of financial assistance to parish councils, however during 2012/13 LPAs can apply for grants of up to £5000 once a neighbourhood area has been designated. The designation of the Neighbourhood Area for Wye with Hinxhill will enable the Council to apply for this grant.</p> <p>The Government has now announced that up to an additional £25k to cover the costs of the LPA's publication of the neighbourhood plan and any subsequent examination and referendum may be claimed in 2013/14 to help pay for the costs of getting a plan in place.</p> |
| Risk Assessment | Yes |
| Equalities Impact Assessment | None |
| Other Material Implications: | None |
| Exemption Clauses: | None |
| Background Papers: | None |
| Contacts: | Katy.wiseman@ashford.gov.uk – Tel: 330638 |

Application and publication for the designation of a Neighbourhood Area, Wye with Hinxhill

Purpose of the Report

1. This report provides information about the process of designating a neighbourhood area under section 61G of the Town and Country Planning Act 1990 and considers the application for designation submitted by Wye with Hinxhill Parish Council.

Issues to be Decided

2. The Cabinet is asked to determine the application for designation of the Wye with Hinxhill Neighbourhood Area. Designation would then enable the Parish Council to formally commence work on their Neighbourhood Plan.

Background

3. Neighbourhood Planning was introduced by Government as part of their broader package of decentralisation measures, enshrined through the Localism Act 2011. The Town and Country Planning England Neighbourhood Planning (General) Regulations 2012 came into force on the 6 April 2012 and prescribe both the process, and role of the Local Planning Authority in supporting neighbourhood planning. Parish or Town Councils are qualifying bodies able to produce a neighbourhood plan and where there is no parish or town council, a neighbourhood forum will need to be established.
4. A Neighbourhood Plan is a planning document which sets out the vision for the neighbourhood area, and contains policies for the development and use of land in that area. Neighbourhood Plans must be consistent with the prevailing adopted local plan (in this case, the Core Strategy and Tenteden & Rural Sites DPD), be subject to an independent examination into their soundness, and if found to be sound, be the subject to a local referendum. If approved by a majority vote of the local community, the Borough Council must then adopt the Neighbourhood Plan which will form part of the statutory development plan for the Borough, and will have far more weight than other local documents, such as parish plans and village design statements.
5. When applying for approval of a neighbourhood area the parish council are required to submit the following information to the LPA:
 - A map identifying the proposed neighbourhood area.
 - A statement explaining why the area is appropriate to be designated as a neighbourhood area.

- A statement explaining that the parish council is capable of being a qualifying body.
6. Ashford Borough Council received an application from Wye with Hinxhill Parish Council on the 26th October 2012 to designate a neighbourhood area. The area requested to be designated is the entire Parish of Wye with Hinxhill, as shown in Appendix 1.
 7. Although work on a Neighbourhood Plan can only commence formally once the neighbourhood area has been designated by the local authority, work on the Wye Neighbourhood Plan has been underway for some time. The Parish Council launched the Neighbourhood Plan at a public meeting in July 2012, which was closely followed by a survey questionnaire distributed to all residents within the parish. The Parish Council has undertaken a youth questionnaire, and sustainability event, and has been developing the vision and principles for the Plan through a series of workshops, with a rolling programme of future events/workshops planned.
 8. The Parish Council is currently in the process of identifying specific issues and investigating options for their Plan with the local community. Following the designation of a neighbourhood area, the next formal stage in the process is the Pre-Submission Consultation Stage which is a legal requirement and requires the Parish Council to consult on their proposed Plan for a minimum of six-weeks before submitting it to the Borough Council. Wye Parish Council anticipates this stage to take place in late Spring 2013.

Consultation

9. In line with the requirements of the Regulations the Borough Council published the application for a neighbourhood area from Wye with Hinxhill Parish Council, together with details of how to make representations, over a six week period between 9th November and 21st December 2012. The application was published on a dedicated Neighbourhood Planning page on the Borough Council's website, linking to the Council's consultation portal. The application was a featured news item on the front page of the Council's website, as well as being published on Wye Parish Council's dedicated neighbourhood planning web pages. Notices and hard copies of the application were made available in the Wye library, and Wye Post Office and email notifications sent to all neighbouring parish councils, the KCC ward member for Wye, Imperial College Wye, and Kennington Community Forum.
10. A total of 5 representations were received for this application. Three representations were in support of the designation, with two objections being received. However, these objections relate to the principle the parish council undertaking a Neighbourhood Plan for Wye and are not directly relevant to the

designation of the Neighbourhood Area. A summary of all representations received is set out within Appendix 2 of this report.

Assessment

11. In determining the application, the Council must have regard to (a) the desirability of designating the whole of the area of a parish council as a neighbourhood area, and (b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas. In this case, the whole of the area of the parish council would be designated and there are no other designated neighbourhood areas in the Borough.
12. Parish Councils may apply for a smaller more focused boundary than the entire parish and there can be more than one neighbourhood area in a single parish. Equally, it is not a requirement that all of a parish council area must be part of a neighbourhood area. Parish councils may also choose to work in partnership and apply for a neighbourhood area covering more than one parish.
13. Taking into account the representations received and the reasons contained in the application, I am of the opinion that the proposed neighbourhood area would be coherent and appropriate in planning terms. I consider that no changes to the boundary of the proposed area are necessary and it is my view that there are no reasons to refuse the application.
14. The Council must consider whether a proposed neighbourhood area should be designated as a business area as well. As the area in this instance is not wholly or predominantly business in nature, I do not consider that a business area designation would be possible.

Handling / Next Steps

15. If the Cabinet agrees to the recommendation, the Borough Council will be required to publish the name of the neighbourhood area, together with a map which identifies the area, and the name of the relevant body who applied for the designation on the Borough Council's website and in such other manner likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area. A map of all designated neighbourhood areas in the Borough must also be maintained.

Financial Implications

16. If the neighbourhood area is approved, the planning authority is legally required to provide support and advice to those bodies producing a Neighbourhood Plan in its area. The Duty to Support does not require the giving of financial assistance to parish councils, however during 2012/13 LPAs can apply for grants of up to £5000 once a neighbourhood area has been designated. The designation of the

Neighbourhood Area for Wye with Hinxhill will enable the Council to apply for this grant.

17. The Government has now announced that up to an additional £25k to cover the costs of the LPA's publication of the neighbourhood plan and any subsequent examination and referendum may be claimed in 2013/14 to help pay for the costs of getting a plan in place.
18. Although parish-led, it is accepted that assisting the parish council with the statutory and informal elements of making a neighbourhood plan are likely to have resource implications for the borough council and although the CLG grant funding will go some way to mitigating this impact, this impact will need to be monitored carefully.

Risk Assessment

19. The risks invoked by the recommendation are not significant. The Borough Council will need to ensure that it can maintain an appropriate level of input into the neighbourhood planning process.

Conclusion

20. It is sensible and logical for the whole of the Parish being included within the Neighbourhood Area as it is based on a well established administrative boundary. Therefore, it is recommended that the Cabinet approve the proposed designation of a neighbourhood area for Wye with Hinxhill, which would allow the Parish Council to take their Neighbourhood Plan forward.

Portfolio Holder's Views

21. Comments awaited.

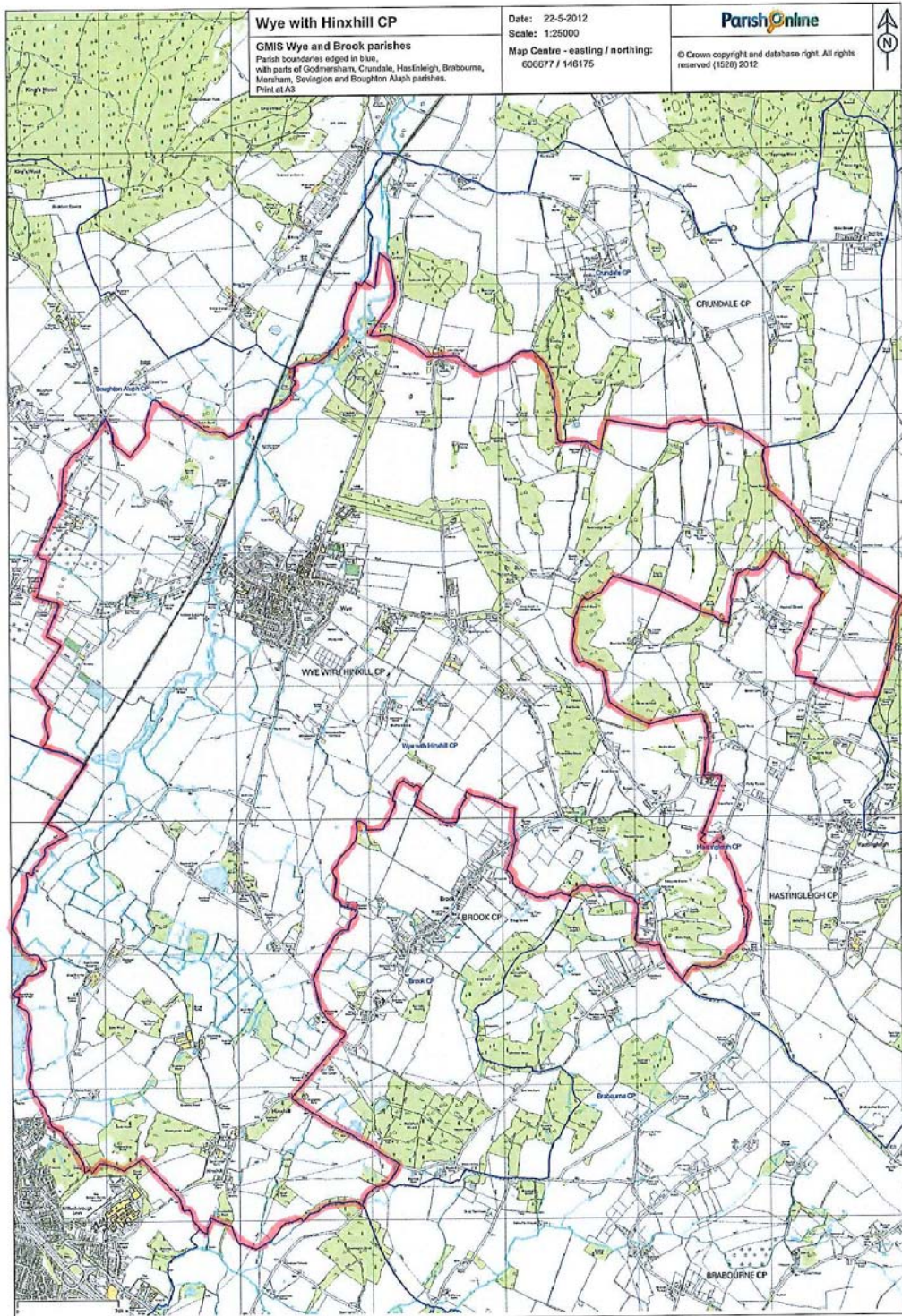
Contact:

Katy Wiseman 01233 330638

Email:

katy.wiseman@ashford.gov.uk

Appendix 1: Map showing proposed Wye with Hinxhill Neighbourhood Area



Appendix 2

Summary of representations received during consultation on the designation of the Wye with Hinxhill Neighbourhood Area.

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| <p>WHX 1 - Geoff Meaden</p> | <p>I wish to strongly support the application made by the Wye and Hinxhill Parish Council for the whole of their Parish to become a Neighbourhood Planning Unit (Area). I do so because I strongly believe that local government should (a) not be based on party politics and (b) it should be based on bottom up, local decision making. I have seen the way in which the present Wye and Hinxhill group have been operating, e.g. with their ambitious and imaginative plans and with their extensive consultation processes, and I am convinced that these approaches will deliver a far better future for the Neighbourhood Area than it might receive if left simply in the hands of Ashford Borough Council.</p> |
| <p>WHX 2 - Gillian Bull</p> | <p>I support the Parish Council's application concerning the Parish boundary to be designated the boundary for the Neighbourhood Plan.</p> |
| <p>WHX 3 - Mary Braithwaite</p> | <p>The proposed Neighbourhood Plan for Wye with Hinxhill Parish is not appropriate at this time.</p> <ol style="list-style-type: none"> 1. The recently adopted Tenterden and Rural Sites DPD and revised Core Strategy provide a robust and relevant policy framework, making it unnecessary to develop an additional planning policy for the parish. 2. There is no mandate from the community for more development than is already envisaged in the Core Strategy/Local Plan. As Neighbourhood Plans cannot plan for less development, its purpose is therefore unclear. 3. The major issue facing Wye is WYE3, currently the subject of a consultative process involving broad sections of the community. It is wrong to be conducting a complex planning process for the whole of the parish at the same time as the consultation on WYE3. 4. The development issues facing the parish – including the future development of WYE3 – can be best addressed by other tools, such as updating of the Village Design Statement and specific plans for youth and community facilities, sustainability, etc. 5. A properly conducted Neighbourhood Plan demands skills (including planning expertise) and resources which have not yet been assembled. It is not appropriate, and is simply not a priority, to be spending Wye's taxpayers' |

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| | <p>money on a Neighbourhood Plan at this moment in time.</p> |
| WHX 4 - Nigel Ings | <p>A Neighbourhood Plan (NP) process as proposed by Wye Parish Council is not appropriate for Wye. There are a number of grounds why the application should be rejected. Two important reasons relate to (1) the general requirements and criteria for choosing to embark on a NP exercise, and (2) the management of the process so far.</p> <p>Criteria for choosing to undertake a NP apply to those situations where a community believes that development embedded in existing planning frameworks is insufficient to meet its needs, and wishes to increase the level of development already set out in the Core Strategy and associated documents. This is not the case in Wye.</p> <p>Documentation available from National and Local Government sources, as well as from bodies active in the area, makes clear the scope of consultation required before a NP process is adopted.</p> <p>The costs of a NP process have to be clearly understood and acceptable to the community. This has not happened in Wye. The management of the NP process has not respected basic rules of probity and transparency for dealing with public money.</p> <p>A contract for “masterplanning” services was entered into after evaluation of competing bids, but the outputs of those services have been highly contentious and divisive, and paid no heed to the policy framework. The onus for this cannot be laid on the consultant as it seems that the PC did not see fit to align housing proposals with the Tenderden and Rural Sites DPD. Instead the PC presented consultancy proposals to the community that included housing development levels so far beyond what the community had suggested in both the 2007 and 2012 surveys that it is difficult to understand any rationale.</p> |
| WHX 5 - Philip Sims | <p>A logical approach which appears supported by the community, and therefore supportable by ABC.</p> |

** - Full comments will be viewable via the Consultation Portal on the Councils website in January.*