

**FECKENHAM NEIGHBOURHOOD PLAN AREA APPLICATION - CONSIDERATION
OF PUBLIC CONSULTATION RESPONSES AND APPROVAL TO DESIGNATE**

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| Relevant Portfolio Holder | Councillor G Chance Portfolio Holder for Planning, Regeneration, Economic Development & Transport |
| Portfolio Holder Consulted | Yes |
| Relevant Head of Service | Ruth Bamford |
| Ward(s) Affected | Astwood Bank & Feckenham |
| Ward Councillor(s) Consulted | Yes |
| Key Decision | No |

1. SUMMARY OF PROPOSALS

- 1.1 A local planning authority (LPA) must designate a neighbourhood area if it receives a valid application and some or all of the area has not yet been designated for the purposes of neighbourhood planning. The LPA should take into account the relevant body's statement explaining why the area applied for is considered appropriate to be designated as such.
- 1.2 Following consideration of the supporting statement submitted to the Council by Feckenham Parish Council, Executive Committee resolved to undertake a six week period of public consultation relating to the proposed Feckenham Neighbourhood Plan Area Application (28th October 2014).
- 1.3 This report sets out the steps taken to consult on the application, summarises the outcome of the consultation period, proposes a resolution to accept the Area designation and outlines the next stages of preparation of the Feckenham Neighbourhood Plan.

2. RECOMMENDATIONS

The Executive Committee is asked to RESOLVE

- 2.1 **That having considered the Feckenham Neighbourhood Plan Area Application and the outcome of the consultation period, the Feckenham Neighbourhood Plan Area as identified at Appendix 1 of this report, is formally designated as it provides a 'sound' basis for developing a neighbourhood plan in accordance with the regulations.**

3. KEY ISSUES

Financial Implications

- 3.1 The Neighbourhood Planning (General) Regulations 2012 (s7) state that at this stage in the Neighbourhood Plan process, the LPA must publicise the designation (or refusal) of a neighbourhood area on their website and in such other manner as they consider is likely to bring the area to the attention of the people who live, work or carry on business in the area to which the area designation relates.
- 3.2 In this instance, it is expected that the Council will incur costs for the insertion of a public notice in the local press, with an estimated cost of approximately £280.
- 3.3 As the neighbourhood plan process progresses, the Council will incur additional costs in future financial years. The Council must pay for the cost of an examination of the neighbourhood plan and for a local referendum to take place. Officer time is also required to provide advice and support.
- 3.4 The Government has put a grant in place to help LPAs towards the cost of supporting the neighbourhood plan process. LPAs will be able to claim for up to £30,000 Neighbourhood Planning Grant per designated neighbourhood area. Officers will apply for staged funding as it becomes appropriate:
- The **first stage payment** of £5000 from the grant will be made following designation of a neighbourhood area and recognises the time that officers will have to put into supporting and advising the community group to this point.
 - The **second stage payment** of £5,000 from the grant will be made when the LPA publicises the neighbourhood plan prior to examination. This payment is expected to contribute towards the cost of the examination as well as other staff costs incurred at this stage.
 - The **third stage payment** of £20,000 from the grant will be made on successful completion of the neighbourhood planning examination. This will also part pay for the examination as well as the further costs that will be incurred in taking a neighbourhood plan through a referendum.
- 3.5 The 'first stage' grant application will be processed by Officers during the current financial year following designation of the Neighbourhood Area as a result of this Report.

REDDITCH BOROUGH COUNCIL

EXECUTIVE COMMITTEE

20th January 2015

- 3.6 Based on the Parish Council's indicative timetable, costs will be incurred by the Borough Council in the following financial years; however these can be recovered through the grant payments identified above:

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| 2014/15 | Publicise Area application (Nov 2014) | £280 |
| | Publicise designation / refusal of Area application (see above at paragraph 3.2) | £280 |
| 2015/16 | Publicise Plan proposal | £300 |
| | Submit Plan for examination (possible print costs) | £500 |
| 2016/17 | Plan Examination (£700 per day plus expenses) (allow maximum of 11 days) | £10,000 |
| | Referendum | *£10,000 |
| | Publicise Plan adoption | £320 |
| | Total | £21,680 |

*This is an estimated cost at this stage based on the experiences of other Councils which have held residential-only neighbourhood plan referendums. A more detailed estimate of referendum costs can be reported at a later date.

- 3.6 Officer time to support the Neighbourhood Plan process will be covered by existing salary budgets.

Legal Implications

- 3.7 The Localism Act 2011 and The Neighbourhood Planning (General) Regulations 2012 ("The Regulations") introduced the concept of and processes for "neighbourhood planning", which devolve some planning powers to "relevant bodies" [parish councils and neighbourhood forums]. Feckenham Parish Council has submitted a qualifying application to the Council.

- 3.8 The process for designation of an area and for the adoption of neighbourhood plans are set out in Schedule 9 of the Act and the Regulations. Redditch Borough Council has a statutory requirement to support the preparation of neighbourhood plans and to adopt such a plan if supported by a referendum. The Council is required to arrange such referendum/s.

Service / Operational Implications

- 3.9 Neighbourhood plans are required to be 'pro-development'. They cannot be used to stop development already allocated or permitted, or propose less development than that set out in the Local Development Plan, (in this case, the emerging Borough of Redditch Local Plan No.4). However, the process provides an opportunity for local communities to work with the Council in the preparation or delivery of additional sites for housing, employment or community uses, have a say on what development should look like and include other matters in their plan that are important to the community.

- 3.10 The neighbourhood planning regulations became effective on 6th April 2012, setting out the statutory procedures for neighbourhood plans. The Council is responsible for determining applications for the designation of a neighbourhood area following a statutory six week consultation period, and consideration of any representations received.
- 3.11 A Neighbourhood Area application was received from Feckenham Parish Council on 15th August 2014, which included the required information set out in the Neighbourhood Planning (General) Regulations 2012 (s5):
- A map which identifies the area to which the area application relates;
 - A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - A statement that the organisation or body making the area application is a relevant body for the purposes of the relevant legislation.
- 3.12 The Feckenham Neighbourhood Area application is considered appropriate against the regulations. The designation of the whole parish area is seen as logical and supportive of delivering the purposes of the neighbourhood plan. The Parish Council meets the requirement of a 'relevant body' under the regulations.
- 3.13 The consultation for the Feckenham Parish Neighbourhood Area Application commenced on 3rd November 2014 and ended at 5pm on 22nd December 2014. Two responses were received on the public consultation, with no objections raised to the boundary proposed. The responses contained useful information, which should be taken into consideration and inform the Neighbourhood Plan as it progresses. These responses will be forwarded to the Feckenham Neighbourhood Plan Working Party in due course.
- 3.14 In summary:
- The organisation making the area application is a relevant body under section 61G(2) of the 1990 Act
 - The Neighbourhood Area is considered to be appropriate under section 61G(4) of the 1990 Act
 - The area does not overlap with another designated area (section 61g(7))
 - No modifications are required to this neighbourhood area (section 61G(6))
 - No representations were received during the consultation period, which would warrant refusal of this area application

Customer / Equalities and Diversity Implications

- 3.14 If Neighbourhood Area approval is given by the Council, the Council must publicise the neighbourhood area designation as appropriate in accordance with the Regulations. The Parish Council can then formally move forward to the next stages of their plan preparation.

4. RISK MANAGEMENT

- 4.1 As a statutory process, failure to designate the neighbourhood area runs the risk of the Parish Council being unable to proceed with its neighbourhood plan and potential loss of its grant funding. It is possible for a local authority to refuse to designate a neighbourhood area if it considers that the area is not appropriate, but it must give reasons for this decision.
- 4.2 It is expected that the Referendum will be a residential-only referendum. The cost estimate included at paragraph 3.5 of this report is based on this format. However, in the unlikely event that the Referendum should include the vote of businesses in the area, costs and administration implications may rise significantly.

5. APPENDICES

Appendix 1 - Feckenham Neighbourhood Plan - Designated area boundary

6. BACKGROUND PAPERS

The Neighbourhood Planning (General) Regulations 2012

National Planning Practice Guidance - Neighbourhood Planning

Neighbourhood Plans Roadmap Guide -

<http://locality.org.uk/resources/neighbourhood-planning-roadmap-guide/>

Funding and resources information is available at:

<http://www.pas.gov.uk/web/pas1/funding-and-resources>

7. KEY

N/A

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Designated Area for the Feckenham Neighbourhood Plan

