

**REPORT FROM: PLANNING, BUILDING CONTROL & LICENSING SERVICE
MANAGER**

TO: EXECUTIVE

DATE: 22nd October 2015

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BARROWFORD NEIGHBOURHOOD PLAN

PURPOSE OF REPORT

To advise the Executive of the notice submitted by Barrowford Parish Council of their intention to prepare a neighbourhood plan for their area.

To report on the representations submitted in response to the public consultation on the proposed neighbourhood area and neighbourhood planning body.

RECOMMENDATIONS

- (1) Members note the responses to the public consultation.
- (2) Members designate the Parish area for Barrowford as the Neighbourhood Area.

REASONS FOR RECOMMENDATIONS

- (1) To comply with the Neighbourhood Plan (General) Regulations 2012 and Planning Practice Guidance.
- (2) A local planning authority must designate an appropriate neighbourhood area if it receives a valid application and some or all of the area has not yet been designated (see section 61G(5) of the Town and Country Planning Act 1990 Act as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act 2004).

ISSUE

On 28th July 2015, Barrowford Parish Council submitted notice of their intention to prepare a Neighbourhood Plan for the parish of Barrowford.

The *Neighbourhood Plan (General) Regulations 2012* require Pendle Council, as the local planning authority, to publicise and publish a neighbourhood area application for public consultation, prior to formally designating the area. It is only following the successful completion of this stage that the parish council can progress with the preparation of its neighbourhood plan.

Background

Neighbourhood planning was introduced by the Localism Act 2011 ["The Act"], with the intention of devolving some planning powers to parish councils, town councils and neighbourhood forums – the 'relevant body'.

The Government's goals for neighbourhood planning are to enable:

- local people to have an influence over where development can go and how it might look; and
- local communities to be more welcoming of new development (as a result of their renewed ownership of planning matters and access to financial incentives such as the Community Infrastructure Levy (CIL) and New Homes Bonus).

Neighbourhood plans are required to be 'pro-development'. They cannot be used to stop development that has already been granted planning permission, or propose less development than that set out in the Local Plan (i.e. the emerging Core Strategy and subsequent site allocations document). However, the process provides an opportunity for local communities to work with the Council to identify and deliver sites for housing, employment or community uses; to have a say on what any new developments should look like and include other matters in their plan that are important to their community.

Pendle Council's Role

The Neighbourhood Planning (General) Regulations 2012 ["The Regulations"], which came into force on 6th April 2012, set out the statutory procedures for neighbourhood plans. The Regulations outline seven key roles and responsibilities for the Council:

1. Designation of neighbourhood areas
2. Designation of neighbourhood forums (This cannot happen in a fully parished area)
3. Consider compliance with statutory and EU requirements
4. Organise and fund an independent examination of the plan
5. Organise and fund a public referendum
6. General 'duty to support'
7. Duty to adopt

The Council has a general 'duty to support' local communities through the provision of advice and assistance to relevant bodies in developing proposals for plans and plan preparation. The lead responsibility for discharging the 'duty to support' lies with Planning, Building Control & Licensing, although support from other Council services may be required as and when appropriate. At this time Pendle Council does not have a protocol in place to address the level of support it will provide for neighbourhood planning.

The Council has a duty to pay for and organise both the examination and referendum on a neighbourhood plan. It is however for the body proposing the plan to develop it, pay for all of the costs in producing it and to ensure that it is in conformity with a higher tier plan and with all regulations relating to the production of Development Plan Documents.

Application

As the 'qualifying body' Pendle Council is responsible for receiving and determining applications for the designation of a neighbourhood area (i.e. the area to be covered by the Neighbourhood Plan). If the proposed area is that of a parish or town council, only they can make the application and subsequently prepare the plan.

The Regulations require applications to include a map showing the proposed boundary together with a statement explaining why this area is considered to be appropriate and confirming that the body making the application is a relevant body.

Upon receipt the Council must publicise the application and make it available for public consultation, then consider any representations received in response to the consultation before formally rejecting or designating the neighbourhood area.

There is no further guidance on how local authorities should designate the boundary of a neighbourhood area. However, for those put forward by a parish or town council the principle that their existing boundaries are considered to be appropriate, or 'sound', is widely accepted.

Public Consultation

On 28th July 2015, Barrowford Parish Council submitted notice of their intention to prepare a Neighbourhood Plan covering the whole of the parish (Appendix 1). In accordance with Regulation 5 this notice includes:

1. A map which identifies the area to which the area application relates, in this instance coincidental with the parish council boundary;
2. A covering letter providing:
 - a. a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - b. a statement that the organisation or body making the area application is a relevant body for the purposes of the related legislation.

Regulation 6 requires the Council to advertise and consult on an area application from a relevant body "as soon as possible." which has now been completed in accordance with the prescribed publicity requirements and responses have been received..

The Council received a total of 5 (five) representations within the formal consultation period, which closed on Friday 25th September 2015. A summary of the representations is set out in Appendix 2.

Overall there was general support for the designation of the neighbourhood area, with no objections received, although some respondents highlighted a number of issues for the Parish Council to consider before embarking on the preparation of the neighbourhood plan.

Designation

The Council is required to determine (i.e. reject or approve) the neighbourhood area application, through a formal resolution of the Executive, eight weeks from the date immediately following that on which the application was first publicised – i.e. Friday 23rd October 2015 (Regulation 6A (2) (b)). If no decision is made in that period the Neighbourhood Area is approved as applied for.

This decision must be published on the Council website and publicised in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry on business in the neighbourhood area (Regulation 7). The Parish Council can then formally move forward to the next stages of plan preparation which include.

Conclusions

The area proposed for the Neighbourhood Area is that of the whole of the Parish. This is an appropriate area for designation and the Executive is recommended to approve the application as submitted.

IMPLICATIONS

Policy:

If adopted the policies in the Barrowford Neighbourhood Plan become part of the statutory Development Plan for Pendle and will be used by planning officers to help applications for planning permission that are located within the parish boundary.

Financial:

There are no financial implications for the designation of the neighbourhood area. The financial implications are for the preparation and processing of the Neighbourhood Plan itself. This will be reported on in due course once the Parish has outlined its Plan proposals.

Legal:

None arising from this report.

Risk Management:

As a statutory process failure to publish and consult on the neighbourhood area application runs the risk of the parish council being unable to proceed with its neighbourhood plan. It is possible for a local authority not to approve a neighbourhood area, but it must show why the proposed area does not support the aim and objectives of the any eventual neighbourhood plan

Health and Safety:

None identified.

Sustainability:

None

Community Safety:

None identified.

Equality and Diversity:

The locations where documents have been placed 'on deposit' are fully accessible to all members of the community (i.e. DDA compliant).

APPENDICES

Appendix 1: Notice of Intention to Prepare a Neighbourhood Plan (Barrowford Parish Council, 28th July 2015)

Appendix 2: Summary of representations

LIST OF BACKGROUND PAPERS

The Neighbourhood Plan (General) Regulations 2012, as amended



Barrowford Parish Council

Offices

Holmefield House, Gisburn Road,
Barrowford, Lancashire BB9 8ND

Telephone (01282) 696349

barrowfordpc@barrowford.org.uk

29 JUL 2015

Mr. N. Watson
Planning Manager
Pendle Borough Council
Nelson Town Hall
Market Street
Nelson BB9 7LG

28th July 2015

Dear Mr. Watson

Intention to Prepare A Neighbourhood Plan

I write on behalf of Barrowford Parish Council to register the Council's intention to produce a Neighbourhood Plan.

Barrowford Parish Council forms a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990, as amended by the Localism Act of 2011.

Attached is a boundary map of the proposed Neighbourhood Plan area which corresponds to the Barrowford Parish boundary. The area is chosen in such a way due to the fact that the issues to be included in the Neighbourhood Plan relate to the entire Parish Boundary.

As a progression and update of the Parish Plan developed by Barrowford Parish Council several years ago the Council wishes to develop a Neighbourhood plan as the aspirations and planning ideals alluded to in the Parish Plan have been superseded by the progress of Local Planning Policy and the imminent Core Strategy.

The Neighbourhood Plan would cover such matters as affordable housing/local occupancy conditions, housing for the elderly, housing densities, provision of parking and preferred locations of new developments including both design and materials.

The Neighbourhood Plan would reflect Barrowford's position in the local planning hierarchy as represented in the Core Strategy and highlight future development potential consummate with its position in the hierarchy.

Barrowford Parish Council is capable of being a qualifying body in regards to the making of this area application.



Barrowford Parish Council

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28 JUL 2015

I look forward to receiving your acknowledgment of receipt of this letter together with any response.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "I A Lord". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Iain A Lord

Clerk to Barrowford Parish Council

Barrowford Neighbourhood Plan

Barrowford Neighbourhood Area Designation Consultation

Consultation Comments

| Comment ID | Representor ID | Organisation / Representor | Comments | Officer / Council Response |
|------------|----------------|--------------------------------|---|---|
| C001 | 327620 | Sport England Ms Zoe Hughes | <p>Thank you for consulting Sport England on the above Neighbourhood Consultation.</p> <p>Planning Policy in the National Planning Policy Framework identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process and providing enough sports facilities of the right quality and type and in the right places is vital to achieving this aim. This means positive planning for sport, protection from unnecessary loss of sports facilities and an integrated approach to providing new housing and employment land and community facilities provision is important.</p> <p>It is important therefore that the Neighbourhood Plan reflects national policy for sport as set out in the above document with particular reference to Pars 73 and 74 to ensure proposals comply with National Planning Policy. It is also important to be aware of Sport England's role in protecting playing fields and the presumption against the loss of playing fields (see link below), as set out in our national guide, 'A Sporting Future for the Playing Fields of England – Planning Policy Statement'. http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/</p> <p>Sport England provides guidance on developing policy for sport and further information can be found following the link below: http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/</p> <p>Sport England works with Local Authorities to ensure Local Plan policy is underpinned by robust and up to date assessments and strategies for indoor and outdoor sports delivery. If local authorities have prepared a Playing Pitch Strategy or other indoor/outdoor sports strategy it will be important that the Neighbourhood Plan reflects the recommendations set out in that document and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support the delivery of those recommendations. http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/</p> <p>If new sports facilities are being proposed Sport England recommend you ensure such facilities are fit for purpose and designed in accordance with our design guidance notes. http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/</p> | No specific comment made relating to the designation of the neighbourhood area. |

| Comment ID | Representor ID | Organisation / Representor | Comments | Officer / Council Response |
|------------|----------------|--|---|--|
| C002 | 847067 | Mr & Mrs Jeff & Jacque Noon | <p>We would like to confirm our full support for the Barrowford local parish council proposals.</p> <p>It is far better that local people decide what is right for their community rather than some profit motivated faceless company who have no regard for the quality of life in the community.</p> | Support for the proposed neighbourhood area and preparation of a neighbourhood plan for Barrowford. |
| C003 | 379128 | Mr Ian Helvensteyn Ms Janice Watson | <p>We wish to support the above application by Barrowford Parish Council to establish a local plan for Barrowford. As a locally elected organisation, the parish council is a relevant body under the legislation to consult with local people and take forward their views in order to shape future development in a way that is appropriate for the area. As the issues to be considered within the neighbourhood plan relate to the whole of Barrowford, it is right that the area proposed corresponds to the parish council boundary.</p> | Support for the proposed neighbourhood area and preparation of a neighbourhood plan for Barrowford. |
| C004 | 327423 | United Utilities Ms Rebecca Pemberton | <p>Thank you for your email notifying us of the intention to designate the above as a Neighbourhood Area.</p> <p>United Utilities does not wish to submit any formal comments at this stage, however wish to be kept informed and consulted with further should this designation be approved.</p> <p>It is important that United Utilities are kept aware of any future development plans and supporting policies to ensure we can facilitate the delivery of the necessary sustainable infrastructure at an appropriate time. Therefore we encourage further consultation with us once a draft Neighbourhood Plan is commenced as we may submit detailed comments at the Draft Plan public consultation stage.</p> | Comment noted. It will be important to engage with the relevant infrastructure providers during the preparation of the neighbourhood plan. |
| C005 | 817848 | Ms Susan Sunderland | <p>I am writing in support of the application by Barrowford Parish Council for the designation of a Neighbourhood Plan Area. It makes sense for the proposed plan area to coincide with the boundaries of Barrowford Parish and for the neighbourhood planning body to be Barrowford Parish Council.</p> <p>Some years ago the Barrowford Parish Council worked on a Parish Plan which was a useful exercise to engage local people. The Parish Plan highlighted the concerns and ideas of the residents of Barrowford about their local community. For example the need for a community centre was put forward in the Parish Plan and the Parish Council has been able to secure Holmeffield House for this purpose.</p> <p>New housing developments, such as the one proposed by Peel Holdings, will have a massive impact on the residents of Barrowford. I feel that local people should have a say in such planning applications and a Neighbourhood Plan would help identify the needs of the community, for instance for more affordable housing and more suitable accommodation for older residents.</p> <p>I hope the application by Barrowford Parish Council is successful. I would be grateful if you could keep me informed of developments.</p> | Support for the proposed neighbourhood area and preparation of a neighbourhood plan for Barrowford. |