

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

TO: EXECUTIVE

DATE: 25th August 2016

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TRAWDEN FOREST NEIGHBOURHOOD AREA

PURPOSE OF REPORT

To advise the Executive of the notice submitted by Trawden Forest 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 Trawden Forest 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 11th July 2015, Trawden Forest Parish Council submitted notice of their intention to prepare a Neighbourhood Plan for the parish of Trawden Forest.

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 adopted 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 11th July 2015, Trawden Forest 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 19th August 2015. A summary of the representations is set out in Appendix 2.

The comments received were all from public bodies and there were no objections to the proposal. All of the comments either offered advice on where to find information to assist in preparing a Neighbourhood Plan or requesting to be kept informed of progress.

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. 16th September 2016 (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.

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 Trawden Forest 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 (Trawden Forest Parish Council, 6th July 2015)

Appendix 2: Summary of representations

LIST OF BACKGROUND PAPERS

The Neighbourhood Plan (General) Regulations 2012, as amended

Appendix 1



Mr N Watson
Pendle Borough Council Planning Dept
Nelson
Lancs

6th July 2016

Dear Mr Watson

Trawden Forest Parish Council, along with several volunteers from the parish would like to register their intention to prepare a Neighbourhood Plan which aims to give people more say about how their area is developed.

The area to be included in the Trawden Forest Neighbourhood Plan is the whole of the parish boundary as edged in red on the attached plan, as the group wishes to develop policies concerning the whole of its area. Firm objectives have yet to be established as the group is in its infancy.

This application is by the Parish Council who are a relevant body pursuant to Section 61G of the Town and Country Planning Act 1990.

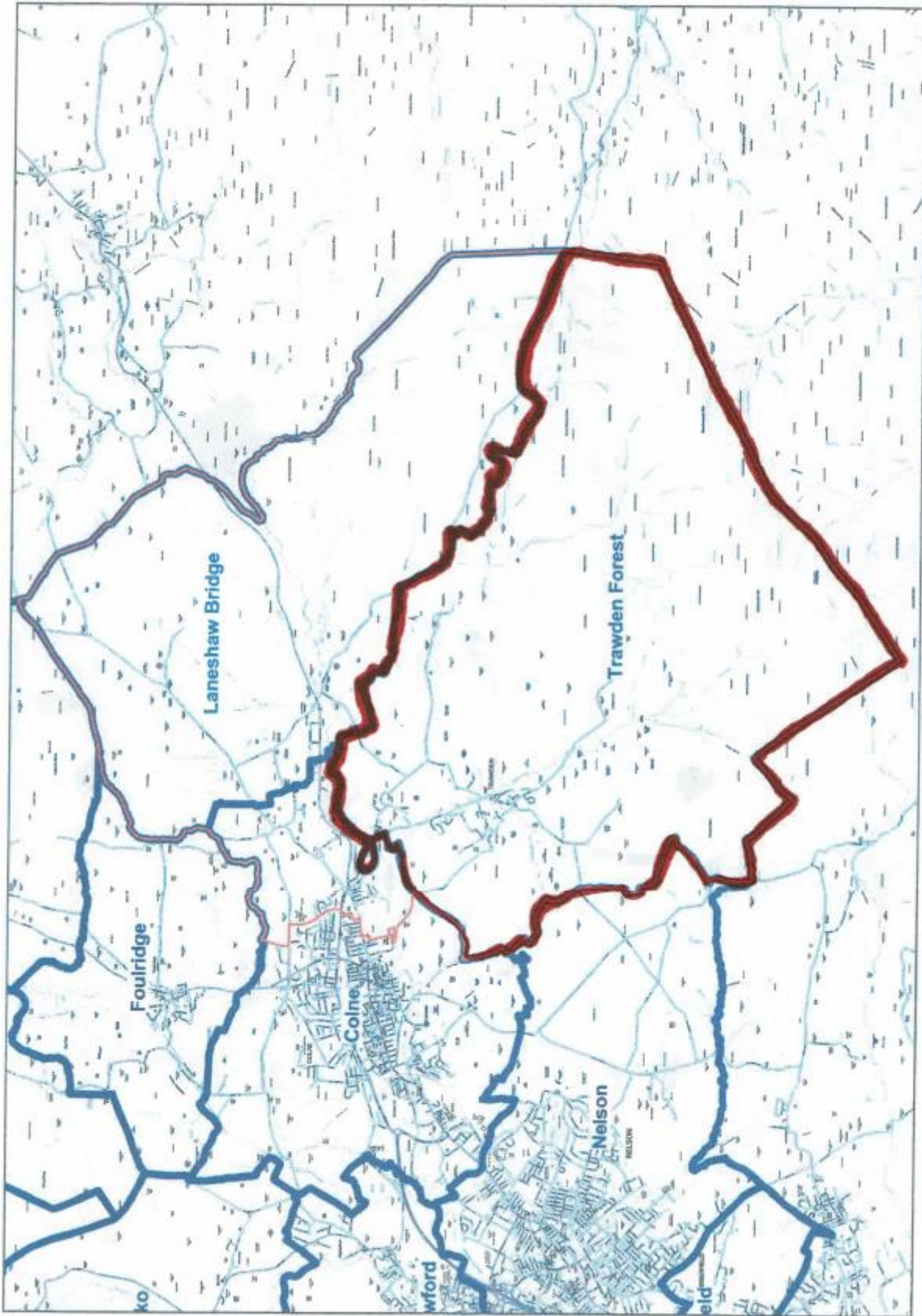
Thank you

Kind regards
For Trawden Forest Parish Council

A handwritten signature in black ink, appearing to read "Adele Waddington".

Adele Waddington
Parish Clerk

Unit 2A Black Carr Mill, Skipton Road, Trawden, Colne, Lancs, BB8 8RA
Email : a.waddington@trawdenparishcouncil.org.uk



Appendix 2

- United Utilities: Do not wish to submit formal comments but wish to be kept informed of progress. They wish to be able to be made aware of any development plans so that they can facilitate the delivery of the necessary sustainable infrastructure at the appropriate time.
- Natural England: Make no comment on the proposal but provide links to advice on how to prepare Neighbourhood Plans
- Historic England: No comment in the proposed area but would wish to be consulted when there is a draft neighbourhood plan available.
- Environment Agency: Consider the area proposed to be appropriate.
- Calderdale Council: No objection but ask that the Parish are reminded of their obligation to consult with and keep the Council informed of progress with their Plan.