

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

**TO:** EXECUTIVE

**DATE:** 17<sup>th</sup> November 2016

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## COLNE NEIGHBOURHOOD AREA

### PURPOSE OF REPORT

To advise the Executive of the notice submitted by Colne Town 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 Town Council area for Colne as the Neighbourhood Area.

### REASONS FOR RECOMMENDATIONS

- (1) To comply with the Neighbourhood Planning (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 (section 61G(5) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act 2004).

### ISSUE

On 7<sup>th</sup> October 2016, Colne Town Council submitted notice of their intention to prepare a Neighbourhood Plan for their area.

The Neighbourhood Planning (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 Town Council can progress with the preparation of its neighbourhood plan.

## Background

Neighbourhood planning was introduced by the Localism Act 2011, 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;
- 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, 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 in plan preparation. The lead responsibility for discharging the ‘duty to support’ lies with Planning, Building Control & Licensing Services, 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. However, those parish and town councils looking to prepare a neighbourhood plan have been sent a draft protocol for comment and it is anticipated that this will be brought into effect by the end of the year.

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 the 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 the 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 designating or rejecting 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 7<sup>th</sup> October 2016, Colne Town Council submitted notice of their intention to prepare a Neighbourhood Plan covering the whole of the Town Council area (Appendix 1). In accordance with Regulation 5 this notice includes:

1. A map which identifies the area to which the application relates, in this instance coincidental with the Town 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" after it has been received. This consultation was carried out between 14<sup>th</sup> October 2016 and 11<sup>th</sup> November 2016 in accordance with the prescribed publicity requirements.

The Council received a total of nine representations within the formal consultation period. Appendix 2 provides a summary of these representations along with an officer response.

The four of the comments received were from public bodies and offered advice on where to find information to assist in preparing a Neighbourhood Plan or requested to be kept informed of progress. Of particular note was the comment from North Yorkshire County Council which highlighted the importance of cross-boundary dialogue in relation to the proposal for a possible M65/A56 Colne to Foulridge bypass, part of which runs through the Colne Town Council area. There were also five comments supporting the application; two from Borough Councillors, one from the Labour Party; one from a local business and one from the Lidgett and Beyond charity. There were no objections to the application.

## Designation

The Council is required to determine (i.e. approve or reject) the neighbourhood area application, through a formal resolution of the Executive, within eight weeks from the date immediately following that on which the application was first publicised – i.e. by 9<sup>th</sup> December 2016 (Regulation 6A (2) (b)). If no decision is made by that date the Neighbourhood Area is approved as applied for.

This decision must be published on the Council website and publicised in such other manner as considered 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 Town Council can then formally move forward to the next stages of plan preparation.

## Conclusions

The proposed Neighbourhood Area is that of the whole of the Town Council area and this is an appropriate area for designation. The Town Council is also the relevant body for making the area application. There were no objections received to the consultation and therefore the Executive is recommended to approve the application as submitted.

## **IMPLICATIONS**

- Policy:** If adopted the policies in the Colne Neighbourhood Plan will become part of the statutory Development Plan for Pendle and will be used by planning officers to help determine applications for planning permission that are located within the Town Council 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 Town Council 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 Town 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 aims and objectives of the 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 (Colne Town Council, 7<sup>th</sup> October 2016).

Appendix 2: Summary of representations.

## **LIST OF BACKGROUND PAPERS**

The Neighbourhood Plan (General) Regulations 2012, as amended.