

	REPORT TO PLANNING AND HIGHWAYS COMMITTEE TO BE HELD ON 4 JUNE 2015	
	Key Decision	No
Strategic Themes: All	Portfolio	Regeneration and Economic Growth
	Relevant Overview and Scrutiny Committee(s)	Skills, Enterprise and Work

REPORT OF: SERVICE DIRECTOR - PLANNING, TRANSPORTATION AND HIGHWAYS

WARDS AFFECTED: ACKWORTH, NORTH ELMSALL AND UPTON WARD

1. SUBJECT: DESIGNATION OF BADSWORTH PARISH AS A NEIGHBOURHOOD AREA.

2. PURPOSE OF REPORT

2.1 Members are requested to consider the application made by Badsworth Parish Council for the entire parish to be designated a neighbourhood area in accordance with regulation 7 of the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015.

3. RECOMMENDATION

3.1 That the parish of Badsworth be designated a neighbourhood area in accordance with regulation 7 of the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015.

4. WHAT DOES THIS MEAN FOR THE DISTRICT'S PEOPLE?

4.1 The designation of the neighbourhood area will enable Badsworth Parish Council to lead the community in preparing a community right to build order for the parish.

THIS REPORT AND BACKGROUND INFORMATION ARE OPEN TO INSPECTION BY MEMBERS OF THE PUBLIC.

5. BACKGROUND INFORMATION

- 5.1 The Localism Act 2011 introduced a new tier to the planning system - neighbourhood planning. The purpose of this new tier is to allow local people greater involvement in shaping the future of the areas in which they live and work.
- 5.2 Neighbourhood planning is not led by the Council but is the responsibility of either a town or parish council or a designated neighbourhood forum. However, the Localism Act 2011 (Part 6 chapter 4) sets out the Council's responsibilities in advising and assisting communities as:
- Designating a neighbourhood forum
 - Designating the neighbourhood area
 - Preparation - Support
 - Submission
 - Examination
 - Referendum
- 5.3 The procedures relating to the preparation of neighbourhood development plans and community right to build orders are set out in Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015.
- 5.4 Before a neighbourhood development plan or community right to build order may be prepared, the area which it will cover must be designated a neighbourhood area by the Council.
- 5.5 An application for a neighbourhood area may only be made by a 'relevant body' for the purposes of S.61G of the Town and Country Planning Act 1990. A town or parish council is considered such a relevant body.

Neighbourhood Area Application

- 5.6 At present there are two designated neighbourhood areas in the district - Walton Neighbourhood Area (designated on 17 January 2013) and Crofton Neighbourhood Area (designated on 17 October 2013).
- 5.7 Badsworth Parish Council submitted an application to the Council for the designation of a neighbourhood area in March 2015. Appendix 1 contains a copy of the application.
- 5.8 In accordance with the Regulations the Council published the application and invited comments during a four-week period from 9 April to 6 May 2015 (inclusive).
- 5.9 Various methods were used to notify people about the application including public notices in the two local papers, the Council's website and letters/emails to 180 (including all Local Members) people who live, work, carry on a business or represent the interests of people in the area. Appendix 2 is a statement of consultation.
- 5.10 Comments were also invited from a number of services areas within the Council.

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5.11 Assessment of Application

Following the end of the public consultation period the Regulations require the Council to assess the area for its appropriateness for designation as a neighbourhood area. A number of factors have to be considered including representations received during the consultation period. Six representations were received from six separate contributors whose responses are set out in the table below:

	Yes	No	Not specified
Is the boundary appropriate?			6
Should the boundary be changed?			6
Is the area identified suitable for designation?			6

5.12 The representors were:

- National Farmers’ Union
- Environment Agency
- Office of Rail Regulation
- Natural England
- Coal Authority
- Heritage England

5.13 No representations were received objecting to the designation of the published neighbourhood area. The six bodies that responded provided their general standing advice for neighbourhood planning and made no specific comments.

5.14 As Badsworth Parish Council proposed the designation of the entire parish area then it is considered appropriate for designation as no area will be disadvantaged by not being included. To ensure that the boundary is correct, all adjoining parish councils were consulted so they could comment on the proposed boundary in relation to their own parish boundary although none responded.

5.15 The Council has three options: designate the area as proposed, designate an area with a revised boundary or issue a refusal notice. Assessment of the application indicates that the boundary of the proposed neighbourhood area is appropriate and that there are no reasons to designate a revised boundary or issue a refusal notice.

6. OPTIONS APPRAISAL

6.1 (a) Designate the neighbourhood area as proposed - no representations were received objecting to the boundary or appropriateness of the designation. Council officers also consider the boundary suitable and the area appropriate, so there are no reasons to revise or refuse the application.

(b) Designate a revised plan area - no representations were received objecting to the boundary or appropriateness of the designation. Neither do Council officers consider it necessary to revise the application.

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- (c) Issue a refusal notice – no representations were received objecting to the boundary or appropriateness of the designation. Neither do Council officers consider it necessary to issue a refusal notice.

STRATEGIC IMPLICATIONS

- 7.1 Neighbourhood planning forms part of the broader localism agenda which is considered an opportunity in the Wakefield District Plan 2012-2016. It has many benefits including strengthening partnerships between the Council and local communities through the development of skills and an opportunity for greater involvement and ownership of the planning policies that affect their area.

8. ENGAGEMENT

- 8.1 In accordance with the Regulations, the Council published the application for public consultation. The consultation period ran for a four-week period from 9 April to 6 May 2015 (inclusive). Appendix 1 contains a statement of consultation of those consulted and the various methods used for engagement.
- 8.2 The decision made by the Council will be published in the same way as the application (in accordance with the Regulations) to ensure that it is brought to the attention of those who live, work or carry on business in the neighbourhood area.

9. CORPORATE IMPLICATIONS

9.1 Financial Implications

The actual financial implications of supporting the designation of Badsworth as a neighbourhood area will be dependent upon:

- the level of support needed by the parish council to develop and submit its order.
- the legal compliance and independent checks.
- the needs for any referendums.
- any increased expectations that an approved order may seek to impose.

The Government has made funding available for local authorities, up to a maximum of £30,000 per neighbourhood plan/order which has successfully completed an examination.

This funding is claimed in stages with the first payment of £5,000 being claimed after the designation of a neighbourhood area. The current claim period ends 31 July 2015. If the Badsworth Neighbourhood area is designated by this committee then the Council may submit a claim for £5,000 before the 31 July 2015 deadline. As with the claims made for the Walton and Crofton Neighbourhood Areas this will be submitted by the Principal Management Accountant for Regeneration Finance.

The second payment of £5,000 may be claimed following publication of the Community Right to Build Order by the Council.

The third payment may be claimed following the successful completion of the

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examination. This is not dependent on a referendum being undertaken if both parties agree an alternative route.

9.2 Legal Implications

Under the Town and Country Planning Act 1990, Local Planning Authorities have a statutory duty to:

- (a) advise and assist communities in preparation of Neighbourhood Development Plans and Community Right to Build Orders.
- (b) take plans/orders through the process of examination and referendum.

9.3 Equality Implications

Not applicable

9.4 Information Governance Implications

Not applicable

9.5 Other implications

Not applicable

10. RECOMMENDATION(S)

- 10.1 That the Planning and Highways Committee designate the parish of Badsworth as a neighbourhood area.

11. REASON(S) FOR RECOMMENDATION(S)

- 11.1 The Localism Act 2011 confers a duty to cooperate on Councils in relation to neighbourhood planning with the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015 setting out the Council's role and responsibilities.

The Regulations require the Council to make a decision on whether to designate the neighbourhood area, designate a revised neighbourhood area or issue a refusal notice.

The recommendation to designate the neighbourhood area has been based on the fact that the application has been made by a relevant body, the area proposed covers the whole parish of Badsworth and does not encroach into any adjoining parishes which Badsworth parish council do not have jurisdiction over and there have been no objections to the application.

If the Council decide to issue a refusal notice or a designate a revised plan area then a decision document, including a statement of the reasons for the Council's decision, must be published. Assessment of the application indicates that there are no reasons to revise or refuse the application.

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Appendices:

Appendix 1 – Statement of Consultation.

Background Papers:

Localism Act 2011
Neighbourhood Planning (General) Regulations 2012.
Neighbourhood Planning (General) (Amendment) Regulations 2015
Wakefield District Plan 2012-2016