

	REPORT TO PLANNING AND HIGHWAYS COMMITTEE TO BE HELD ON 17TH JANUARY 2013	
	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: WARD 5 - CROFTON, RYHILL AND WALTON

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

2. PURPOSE OF REPORT

2.1 Members are requested to consider the application made by Walton parish council for the entire parish to be designated a neighbourhood area in accordance with regulation 7 of the Neighbourhood Planning (General) Regulations 2012

3. RECOMMENDATION

3.1 That the parish of Walton be designated a neighbourhood area in accordance with regulation 7 of the Neighbourhood Planning (General) Regulations 2012.

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

4.1 The designation of the neighbourhood area will enable Walton parish council to lead the community in preparing a neighbourhood development plan for the parish.

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4.2 Local people will have the opportunity for greater involvement and ownership of the planning policies that affect their area.

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 are set out in Neighbourhood Planning (General) Regulations 2012.

5.4 Before a neighbourhood development plan 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 Walton parish council submitted an application to the Council for the designation of a neighbourhood area in October 2012. Appendix 1 is a copy of the application.

5.7 In accordance with the Regulations the Council published the application and invited comments during a six-week period from 8 November to 19 December 2012 (inclusive).

5.8 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 over 250 people who live, work, carry on a business or represent the interests of people in the area. Appendix 2 is a statement of consultation.

5.9 Comments were also invited from a number of relevant services areas within the Council, including the Area Forum Coordinators. An officer from the Spatial Policy team attended the Wakefield Rural Area Forum on 29 November at Walton Village Hall to circulate information about the application

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and neighbourhood planning in general.

5.10 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?	4		2
Should the boundary be changed?		4	2
Is the area identified suitable for designation?	4		2

The representors were:

- A local resident (who supported the designation).
- Homes and Communities Agency
- Coal Authority
- Yorkshire Wildlife Trust
- Natural England
- English Heritage

5.11 No representations were received objecting to the designation of the published neighbourhood area.

5.12 As Walton 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. No representations were received from any adjoining parish councils.

5.13 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.

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(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.

(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 six-week period from 8 November to 19 December 2012 (inclusive). Appendix 2 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 designated of Walton as a neighbourhood area will be dependant upon:

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

The Government is currently reviewing how neighbourhood planning will be funded in the future but full details are not yet available so this could lead to additional costs for the Council, for which there is currently no budget provision.

Government funding is being made available to March 2015 to reimburse some of the costs to local authorities but any shortfall in terms of meeting

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Council costs will need to be covered.

Whilst there may be scope for some sponsorship from local businesses or landowners to contribute towards costs the local authority would have to think about how this might be perceived.

IDCLG has announced that for or 2012/13, there will be an unringfenced payment of up to £30,000 per neighbourhood planning scheme, paid in two stages.

- (i) The first payment of £5,000 will be made following designation of a neighbourhood area. This is in recognition of the officer time supporting and advising the community in taking forward a neighbourhood plan. If Walton parish is designated a neighbourhood area, the Council may submit a claim for £5,000 in March 2013.
- (ii) The second payment of £25,000 will be made on successful completion of the neighbourhood planning examination. This is to cover costs for that examination and any other further steps that may be needed for the neighbourhood plan to come into legal force, including referendum.

This does not guarantee that the Council would be able to recover all of the Costs that it may need to incur in supporting the Walton application.

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
- (b) take plans 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 Walton as a neighbourhood area.

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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 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 Walton and does not encroach into any adjoining parishes which Walton 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.
Wakefield District Plan 2012-2016.

CORPORATE IMPLICATIONS SCHEDULE (This does not form part of the report considered at Cabinet/Council – but is a background paper which must be retained)

A copy of this pro forma must be attached to the end of all reports for consideration at Corporate Director/Portfolio Holder briefing and the Corporate Management Team and Leaders Strategy meetings stages **and must then be retained by the named Contact Officer as a background paper to the report.**

In preparing this report, the report author must give full consideration to all resource and other implications that may be involved. In the following list, those implications marked **YES** were considered relevant and are detailed in the body of the report under the appropriate headings. Those marked **NO**, whilst fully considered, were not deemed relevant to the specific matter being reported.

	YES / NO / Details Please delete as appropriate	Comment/agreed by
Name of Portfolio Holder:		
Date discussed:		
Is this a key decision report? If it is a key decision, details shall have been notified in advance to the Committee and Members Services Team for inclusion on the Forward Plan.	NO	
Why is it a key decision report? Please specify: budget or policy framework (BPF) / finance (FIN) / significant impact on 2 or more wards (WARDS).	N/A	
Is this report to be presented in public? (If not, the report should clearly state the reasons why and specify the paragraph(s) allowing the exemption or, the reasons why the report contains confidential information). Advice and guidance on this issue can be obtained from the Committee and Members Services team.	YES	
Relevance to the Community Strategy and the Corporate Plan - How is what is proposed contributing to these plans? - if 'Yes' give details in the report.	YES / NO	
Legal/Human Rights Act	YES / NO	Name of person consulted in Legal Services:
Has a comprehensive impact assessment been prepared?	YES/NO	
Impact on equality and cohesion	YES/NO	
Impact on asset management	YES / NO	
Impact on health issues	YES / NO	
Impact on crime and disorder	YES / NO	
Impact on staffing/organisational development	YES / NO	
Impact on finance/grant aid criteria, etc.	YES / NO	Name of person consulted in Financial Services:
Impact on environment	YES/NO	
Risk Management consideration	YES/NO	
Impact on national or local performance indicators and data quality		
Impact on Information Governance (Data Protection, Information Security, Data Quality etc.)	YES/NO	
Other implications (Please Specify)	YES / NO	

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