



AGENDA ITEM: 5(i)

CABINET: 11 November 2014

Report of:	Assistant Director Planning
Relevant Managing Director:	Managing Director (Transformation)
Relevant Portfolio Holder:	Councillor M Forshaw
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SUBJECT: APPLICATION FOR THE DESIGNATION OF A NEIGHBOURHOOD AREA IN BURSCOUGH

Wards affected: Burscough East / Burscough West / Scarisbrick (part of) Wards

1.0 PURPOSE OF THE REPORT

- 1.1 To seek Cabinet's approval of Burscough Parish Council's application for the designation of a neighbourhood area covering the entire Parish of Burscough, thus enabling the Parish Council to prepare a Neighbourhood Plan for that neighbourhood area.

2.0 RECOMMENDATIONS

- 2.1 That the application for designation of the neighbourhood area applied for by Burscough Parish Council, provided in Appendix A, which covers the Parish of Burscough, be approved.
- 2.2 That authority be delegated to the Assistant Director Planning, in consultation with the Portfolio Holder for Planning and Development to consider any future applications for neighbourhood areas made in West Lancashire and, where the neighbourhood area is considered appropriate, to designate those neighbourhood areas.

3.0 BACKGROUND

- 3.1 Burscough Parish Council submitted an application for the designation of a neighbourhood area covering the Parish of Burscough on 18 August 2014 (see Appendix A), in accordance with regulation 5 of the Neighbourhood Planning (General) Regulations 2012. In accordance with regulation 6 of the same regulations the Borough Council have publicised the application and invited representations from the public and wider West Lancashire community. Representations were invited from 3 September to 17 October 2014.
- 3.2 In addition, the Department for Communities & Local Government have recently consulted on new technical advice on planning which concluded on 26 September 2014. This consultation included proposed changes to the Neighbourhood Planning process which, if taken forward, will require amendments to the Neighbourhood Planning (General) Regulations 2012.
- 3.3 One of the proposed changes affects this first stage of the Neighbourhood Planning process, the designation of a neighbourhood area, and (if taken forward) will:

... set a statutory time limit of 10 weeks (70 days) within which a local planning authority must make a decision on whether to designate a neighbourhood area that has been applied for This time limit will apply where the area applied for follows parish or electoral ward boundaries and there is no existing designation or outstanding application for designation, for all or part of the area for which a new designation is sought. (Paragraph 1.5 of Technical Consultation on Planning, DCLG, July 2014)

- 3.4 Within this 10 week limit there will still be the requirement to publicly consult on the application for the statutory 6 week period set out in regulation 6 of the Neighbourhood Planning (General) Regulations 2012. As such, it would be extremely difficult (if not impossible in many cases) to meet the 10 week deadline if the designation for a neighbourhood area had to go through the Cabinet cycle to be authorised after the 6 week period for representations.

4.0 CURRENT POSITION

- 4.1 Following the end of the 6 week period inviting representations on Burscough Parish Council's application, the Council have received 9 representations, which are provided in Appendix B. Only one of these representations actually query the designation of the neighbourhood area proposed, and it relates to the appropriateness of including the Yew Tree Farm strategic development site allocation within the neighbourhood area. The view of officers is that it would be inappropriate to remove this site from the neighbourhood area, as the Neighbourhood Plan should have regard to this key site, its Local Plan policy and its Masterplan SPD and so to exclude it would not result in a sensible and

coherent neighbourhood area for the purposes of Neighbourhood Planning. Any fear that the Neighbourhood Plan could somehow amend this key allocation misunderstands the Neighbourhood Planning process, which requires that a Neighbourhood Plan be consistent with the adopted Local Plan for the area.

- 4.2 Given the limited objections to the proposed neighbourhood area and given that it is consistent with the Parish boundary, which would be a logical boundary for a neighbourhood area, it is recommended that Cabinet therefore designate a neighbourhood area for Burscough in accordance with Burscough Parish Council's application.
- 4.3 In relation to future applications for designations of neighbourhood areas, given that this process is usually straight forward with limited objections from the community and given the likely changes to regulations in the near future, based on the recent DCLG consultation, it is also recommended that Cabinet delegate authority to designate neighbourhood areas to the Assistant Director Planning, in consultation with the Portfolio Holder for Planning and Development, in order for the Council to be able to respond more quickly to such applications once the statutory 6 week period for representations has concluded.

5.0 NEXT STEPS

- 5.1 With regard Burscough Parish Council's application, if Cabinet authorise the designation of the neighbourhood area, this designation will be publicised in accordance with regulation 7 of the Neighbourhood Planning (General) Regulations 2012. Officers from the Planning Service will then liaise with Burscough Parish Council to support and advise them as they prepare a Neighbourhood Plan for Burscough.
- 5.2 Looking further down the Neighbourhood Planning process, once the Parish Council has prepared a Neighbourhood Plan (and undertaken relevant consultation as it has prepared the Neighbourhood Plan), it is then submitted to the Borough Council who must publicise the proposal for the Neighbourhood Plan and invite representations on the Plan for no less than 6 weeks. Following this period for representations, the Borough Council must appoint an independent examiner (in consultation with the Parish Council) who will examine the proposed Neighbourhood Plan in line with all relevant legislation and guidance, taking into account all representations received.
- 5.3 The examiner will ultimately prepare a fully reasoned report that draws one of three conclusions:
- That the proposed Neighbourhood Plan is submitted to a referendum;
 - That modifications that the examiner specifies in his report should be made to the proposed Neighbourhood Plan before the modified Plan is submitted to a referendum; or
 - That the proposed Neighbourhood Plan is refused.

- 5.4 The Borough Council must then consider the examiner's report and consider whether it agrees with the examiner's recommendation and decide what action to take regarding any modifications. If the Borough Council are then satisfied with the proposed Neighbourhood Plan (as modified), it must hold a referendum with the local community on whether to "make" (adopt) the Neighbourhood Plan. The referendum must show that a majority of those taking part in the referendum support the proposed Neighbourhood Plan for the Borough Council to then take forward a decision on whether or not to "make" the Plan.
- 5.5 Ultimately, what the above brief summary of the Neighbourhood Planning process demonstrates is that, while responsibility for preparing, and ownership of, the Neighbourhood Plan initially lies with the Parish Council, and the local community get a final say on whether to adopt the Plan or not through the referendum, ultimately it is the Borough Council who have to make the key decisions in legislative terms on whether to "make" (adopt) the Plan or not and it ultimately sits as part of the Borough Council's development plan for the area.
- 5.6 As such, it is in both the Borough Council's and Parish Council's interest to work together while the Parish Council is preparing the Neighbourhood Plan to ensure it is a Plan that will pass examination and that the Borough Council would ultimately choose to "make". This fact is supported, and made legislation, by paragraph 3 of Schedule 4B of the Town and Country Planning Act 1990 (which was inserted by Schedule 10 of the Localism Act 2011). This paragraph places a duty on the local planning authority to advise or assist qualifying bodies (such as Parish Councils) to facilitate the preparation of a Neighbourhood Plan, although this does not include financial assistance.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 While the designation of a neighbourhood area has no direct impact on sustainability and the community strategy, the preparation of a Neighbourhood Plan that the designation facilitates should have a positive effect on both sustainability and the community strategy as it will guide locally-specific sustainable development (that the local community has ownership of) within that neighbourhood area.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The designation of a neighbourhood area has no direct financial and resource implications for the Council, but the preparation of a Neighbourhood Plan, which follows on from the designation, will have implications. However, there is a limited amount of grant funding available from the Government for Local Planning Authorities for each neighbourhood area designated.
- 7.2 The funding totals £30,000, with £5,000 available upon designation of the Neighbourhood Plan, £5,000 available once the Plan is submitted to the Council and the final £20,000 available once the examination of the Plan is complete.

These three stages are intended to cover the Council's costs in the three distinct stages of the Neighbourhood Plan preparation.

- 7.3 The first £5,000 is intended to cover the Council's cost in fulfilling their duty to advise and assist the Parish Council as they prepare the Neighbourhood Plan. This involves cost to the Council in the form of officer time and resource, time and resource which would otherwise be spent on other projects. It will be necessary for Council officers to maintain an input as the Neighbourhood Plan is drawn up by the Parish Council to ensure that the Neighbourhood Plan being prepared is in line with the requirements of legislation and is acceptable to the Borough Council who will ultimately have to choose to "make" the Plan or not. It is unlikely that the initial £5,000 will cover the cost to the Council of advising and assisting the Parish Council and this may consequently have a potential impact on the delivery of other projects that officers would otherwise be investing their time in. I would however seek to minimise the impact upon key strategic projects in which the team is involved.
- 7.4 The second £5,000 is available once public consultation on the submitted Neighbourhood Plan has commenced. The Council is responsible for this consultation and the subsequent Examination, with all the associated costs and officer time. The primary cost during this stage would be the Examination costs (including appointing an independent examiner). It is unlikely that the £5,000 grant would cover the examination costs, let alone the consultation costs and officer resource involved, as a conservative estimate of the cost of the examination would be £10,000.
- 7.5 The final £20,000 is available once the Examination is complete and is intended to cover the costs of the Referendum. The half-day Parish Poll which took place in 2012 in Burscough in relation to the Yew Tree Farm Local Plan allocation, cost approximately £4,000. Eden District Council (who adopted one of the first Neighbourhood Plans) estimated that their Referendum cost £16,500. Some of Cheshire West's Neighbourhood Plans in smaller Parishes cost only £3,000. Therefore, it would appear as though this final grant payment would cover the costs of the Referendum and potentially leave a substantial part of the grant which could be utilised to cover the costs of the Examination. There would also be implications for the Council in relation to the staff resources of running the Referendum.
- 7.6 Taking all of the above into consideration, the provision of advice and assistance to the Parish Council in the preparation of the Neighbourhood Plan and the officer resource and consultation costs can be met from existing resources within the Planning Service, supplemented by the first £10,000 of Government grant. However, it may have a potential impact upon the delivery of other projects that officer resource would otherwise be invested in. In addition, the Examination and Referendum costs would appear to be covered by the final £20,000 grant payment, subject to the complexity of the Examination and the precise costs of the Referendum.

- 7.7 Several Parish Councils have sought advice regarding the possible development of a Neighbourhood Plan, with only Burscough progressing matters thus far. If further proposals do come forward from other Parish Councils then this would potentially have significant staffing resource implications. Should these proposals be advanced by the Parish Councils, then further reports will be brought to Cabinet with proposals as to how we might resource the additional workload.
- 7.8 In addition, a further financial implication to note relates to the Community Infrastructure Levy, whereby, if a Neighbourhood Plan is adopted, the Parish Council is entitled to receive 25% of CIL receipts originating in their Parish to spend on infrastructure, as opposed to the 15% that they are currently entitled to.

8.0 RISK ASSESSMENT

- 8.1 In isolation, there is no risk to the Council associated with the designation of a neighbourhood area. However, as outlined above, there are some risks associated with the preparation, examination and “making” of a Neighbourhood Plan. However, these risks cannot influence the decision on whether to designate the neighbourhood area applied for by the Parish Council, as the sole determining factor in making this decision is whether the neighbourhood area applied for is a suitable area on which to base a Neighbourhood Plan.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account when undertaking the actions detailed within this article.

Appendices

- Appendix A – Application for designation of a neighbourhood area by Burscough Parish Council
- Appendix B – Representations received on the application for designation
- Appendix C – Equality Impact Assessment