

Subject: Harbury Neighbourhood Plan Area Designation
Lead Officer: Matthew Neal
Contact on 01789 260320
Lead Member
Portfolio Holder: Councillor C Saint

Summary

The report provides information on Neighbourhood Planning and its process. It summarises the consultation representations received in relation to the proposed Harbury Neighbourhood Plan and recommends designating the Neighbourhood Plan Area as submitted by Harbury Parish Council. This will enable the formal preparation of the Harbury Neighbourhood Plan.

Recommendation

That the Harbury Neighbourhood Plan Area be designated as submitted in Appendix 1 and 2.

1. Background/Information

- 1.1 The District Council has carried out consultation on the area application submitted by Harbury Parish Council for the formal designation of a Harbury Neighbourhood Plan Area. The Neighbourhood Plan Area comprises Harbury parish. A copy of the area application is attached to this report as **Appendix 1 and 2.**

2 What is a Neighbourhood Plan?

- 2.1 Once adopted, a Neighbourhood Plan will form part of the statutory Local Plan for the area. Consequently, the Local Planning Authority is required to make decisions in accordance with the Neighbourhood Plan, unless material considerations indicate otherwise; in the same manner by which it makes decisions in accordance with the Development Plan. A Neighbourhood Plan is therefore a significant planning document, which may be prepared by a Town or Parish Council, or combination of parishes, (or Neighbourhood Forum in non-parished areas) with the local communities. The Neighbourhood Plan is able to set out policies on development and planning policies in response to local issues. A Neighbourhood Plan is required to be in general conformity with the Development Plan policies and the National Planning Policy Framework.
- 2.2 There are a number of key procedural stages involved in the Neighbourhood Planning process. These include the following:
- Designation of a Neighbourhood Plan Area
 - Presubmission consultation and publicity of the Neighbourhood Plan
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- Submission of the Plan to the Local Planning Authority
- Consideration of the Plan by the Local Planning Authority relating to its conformity with the Development Plan
- Consideration of the Plan by an Independent Examiner
- Referendum of the local community
- Adoption of the Neighbourhood Plan if 'sound'.

3. Designation of a Neighbourhood Plan Area

- 3.1 The designation of a Neighbourhood Plan Area is the first formal stage in the plan making process.
- 3.2 The Neighbourhood Planning (General) Regulations 2012 requires that a valid application for a Neighbourhood Plan designation includes the following information;
- A map which identifies the area to which the area application relates;
 - A statement explaining why this area is considered appropriate to be designated as a neighbourhood area, and;
 - A statement that the organisation or body making the area application is a relevant body for the purposes of Section 61G of the Town and Country Planning Act 1990 (as Amended).
- 3.3 The application contains a map which shows the proposed Neighbourhood Plan Area. Harbury Parish Council qualifies as a relevant body to submit an area application to the Local Planning Authority.
- 3.4 The area application also includes a statement to explain why the area is considered appropriate as a Neighbourhood Area. Harbury Parish Council states that:
- We confirm that the Parish Council considers that the parish of Harbury in its entirety is an appropriate and logical area to include within the plan. It is recognised that there will be a need to consult with our neighbouring parishes, in particular with Bishop's Itchington in relation to the development of the former cement works site which straddles the boundary between our two parishes, but it is not intended to include any part of Bishop's Itchington parish in the defined area.
- 3.5 Consultation has been carried out on the proposed area application in line with the Neighbourhood Planning (General) Regulations 2012. The consultation period commenced on 19 June 2014 and finished on 1 August 2014.
- 3.6 The consultation was carried out by publishing a copy of the area application on the District Council's website. A public notice was placed in the Stratford Herald, Stratford Observer, Leamington Courier and Warwickshire Telegraph newspapers. In addition, an email notification was sent to all stakeholders and interested parties, in accordance with Schedule 1 of the Neighbourhood Planning (General) Regulations 2012. A copy of the area application and the public notice were also displayed in the Stratford-upon-Avon library, Southam Library and in the Council offices. Furthermore, laminated copies of the proposed area map and public notice were also sent out to the Parish Council, for distribution in
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the village by the Harbury Neighbourhood Plan Steering Group. A press release was also sent to the radio station Touch FM.

- 3.7 Eight consultation representations were received in response to the area application. The Coal Authority has no comments; Sport England and Natural England have raised no objections and provided some generic guidance; Inland Waterways have confirmed there are no navigable waterways within the Parish and have no further comments; the Highway Authority and English Heritage have no objection; the Canal and River Trust confirmed that they have a number of assets which fall within the plan area and outlined a number of aspirations for their infrastructure within the plan area; Gladman Developments had no specific comments to make but wished to participate in the plan's preparation and to be notified of further consultations on the process. All responses have been forwarded to the Harbury Neighbourhood Plan Steering Group.
- 3.8 When determining an Area application, the Council is required to consider how desirable it is designate the whole of the Parish Area as a Neighbourhood Area; to maintain the existing boundaries of areas already designated as Neighbourhood Areas; and to consider whether it is appropriate to designate the area as a business area in accordance with Section 61G and H of the Town and Country Planning Act (TCPA) 1990.
- 3.9 To assess the appropriateness of any proposed Neighbourhood Area, the Local Planning Authority must ensure that Neighbourhood Areas are coherent, consistent and appropriate in planning terms. As well as considering consultation representations, other factors may be taken into account. These may include the following:
- Any natural or man-made features (such as rivers or mountains, roads, railway lines or canals);
 - Catchment areas for current and planned infrastructure and services (e.g. schools);
 - Development proposals and allocations and environmental designations.
- 3.10 Consideration should be given to whether there would be any overlapping of Neighbourhood Plan Areas. The proposed area comprises the existing parish boundary, so there would be no overlapping with adjacent neighbourhood boundaries.
- 3.11 Section 61H of the TCPA 1990 states that in deciding to designate a Neighbourhood Area, Local Authorities should consider that the area is wholly or predominantly business in nature. Given that the proposed area comprises the existing Harbury parish, it would not be appropriate to designate it as a business area.
- 3.12 Government guidance from the Planning Advisory Service states that unless there are valid planning reasons, Local Planning Authorities should approve area applications.
- 4. Options available to the Cabinet**
- 4.1 The following options are available in relation to the Harbury Neighbourhood Plan:
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Option 1

To approve the Harbury Neighbourhood Plan Area so that it may be designated as such, and enable the further development of the Harbury Neighbourhood Plan.

Option 2

To refuse the Harbury Neighbourhood Plan Area designation and to publish a notice of its refusal on the District Council's website in line with the Neighbourhood Planning (General) Regulations 2012.

5. Members' Comments

- 5.1 Councillor Chris Kettle has confirmed he is happy with the proposed Harbury Neighbourhood Plan Area designation. No comments have been received from Councillor Beverley Mann.

6. Implications of the Proposal

6.1 *Legal/Human Rights Implications*

- 6.1.1 The Localism Act 2011 places a legal requirement on the District Council to assist and support local communities in the preparation of Neighbourhood Plans.
- 6.1.2 Neighbourhood Plans must however be compatible with EU obligations and Human Rights requirements together with such plans having regard to national planning policy and be in general conformity with strategic policies in the development plan for the area.
- 6.1.3 The District Council is under a duty to bring them into force, following examination of the Neighbourhood Plan by an independent qualified person, confirming that conditions in 6.1.2 have been met and thereafter such plans have been passed by a Local Referendum.

6.2 *Financial*

- 6.2.1 The Department of Communities and Local Government has provided funding to Local Authorities, to enable them to fulfil their statutory duty to 'assist and support' local communities in the preparation of Neighbourhood Plans. Any additional costs will be met within existing resources.

6.3 *Environmental*

- 6.3.1 Neighbourhood Plans are not required to carry out the type of sustainability appraisal necessary for a Development Plan Document as required by the Town and Country Planning Act 2004. There may be the need to carry out a Strategic Environmental Assessment (SEA) depending on the content of the Neighbourhood Plan. Local Planning Authorities are advised to undertake an early SEA screening of the plan to determine whether it is required. However, it is not required for the consideration of an area application.

6.4 *Corporate Strategy*

- 6.4.1 The designation of a Neighbourhood Area is the first formal step in the production of a Neighbourhood Plan. As such, it will contribute towards Aim One 'Addressing local housing need' and Aim Three 'Improving access to services' of the Stratford-on-Avon District Council's Corporate Strategy. Through the preparation of a Neighbourhood Plan for Harbury,

its residents may have more influence over development and decisions that affects their area.

6.5 Analysis of the effects on Equality

6.5.1 No issues identified.

7. Risk Assessment

7.1 Government guidance produced by the Planning Advisory Service states that unless there are valid planning reasons, Local Authorities should approve Area applications. If the Council decides to refuse the application, it must publish its decision and statement of reasons. Any decision to refuse the area application should be founded on robust reasoning or the Council would be subject to a legal challenge.

8. Conclusion

8.1 An Area application has been submitted by Harbury Parish Council for the designation of the parish of Harbury as a Neighbourhood Plan Area by the District Council. This is the first formal stage in the Neighbourhood Planning process and if adopted, it will enable the further development of the Harbury Neighbourhood Plan.

Paul Lankester
CHIEF EXECUTIVE



REPORT INFORMATION SHEET

Please complete and submit to Committee Services with draft report

Committee/Date	Cabinet/8 September 2014	
Item No/Title of report	Harbury Neighbourhood Plan Area application	
CONSULTATIONS UNDERTAKEN		
Consultee	✓	Details / Date of consultation / comments received
Ward Members		Cllr Chris Kettle Cllr Beverley Mann
Committee Chairman/ Portfolioholder * <i>*Required</i>		
Financial Services * <i>*Required</i>		
Legal Services * <i>*Required</i>		
Other Services		
Other organisations		
Final decision by this Committee or recommendation to another committee/Council ?		Final decision Recommendation to The Cabinet
Does this report contain exempt information? If so, under which paragraph(s) ?		No
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)		No
