

Summary Sheet

Council Report:

Report to Cabinet/Commissioners' Decision Making Meeting – 11 July 2016

Cabinet Member – Councillor Lelliott

Commissioner – Commissioner Kenny

Title:

Neighbourhood Area Application from Dinnington St John's Town Council

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director of Regeneration & Environment

Report Author(s)

Andy Duncan, Planning Policy Manager

Andy.duncan@rotherham.gov.uk 01709 823830

Rachel Overfield, Planning Officer, Planning Policy

Rachel.overfield@rotherham.gov.uk 01709 254746

Ward(s) Affected

Dinnington

Suspension of call-in

Given that the Council must determine this application by 15 July 2016 to comply with the statutory framework for neighbourhood planning, the consent of the Chair of the Overview and Scrutiny Management Board has been given to the suspension of Overview and Scrutiny Procedure Rule 14. Councillor Steele has agreed to the reasonableness of the decision and to the suspension of the call-in procedure in respect of this decision.

Executive Summary

This report gives feedback on the neighbourhood area consultation and recommends that Cabinet approves the application from Dinnington St John's Town Council as a relevant neighbourhood planning body and the designation of Dinnington St John's Parish as a neighbourhood area.

Recommendations

1. That Cabinet / Commissioners note the results of the public consultation regarding the application for the designation of Dinnington St. John's Parish as a neighbourhood area.
2. That Cabinet is recommended to approve: the application from Dinnington St John's Town Council as a relevant neighbourhood planning body, the designation of Dinnington St John's Parish as a neighbourhood area and for the Council's final decision to be publicised in line with the regulations.

List of Appendices Included

Appendix 1 – Copy of the Neighbourhood Area Application

Appendix 2 – Overview of comments on Dinnington St John's Neighbourhood Area Application

Background Papers

Government guidance on neighbourhood planning

<http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/>

Details on funding for groups writing a neighbourhood plan

http://mycommunity.org.uk/programme/neighbourhood-planning/?_a=funding

Government guidance on how Community Infrastructure Levy monies can be spent

<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/spending-the-levy/>

Neighbourhood planning: A simple guide for councillors

<http://www.local.gov.uk/documents/10180/7530798/Neighbourhood+planning+guide+for+councillors+Dec+13+update.pdf/c5baabb7-f1e6-40a6-ace9-748756f4c488>

A Guide for Councils: Meeting your authority's legal requirements for Neighbourhood Development Plans

<http://www.pas.gov.uk/documents/332612/1099329/Legal+compliance+guide+NDP+March+2015.pdf/63e5106e-690e-4486-aed8-248a665c532b>

Consideration by any other Council Committee, Scrutiny or Advisory Panel
No

Council Approval Required:

No

Exempt from the Press and Public:

No

Title:

Neighbourhood Area Application from Dinnington St John's Town Council

1. Recommendations

1. That Cabinet / Commissioners note the results of the public consultation regarding the application for the designation of Dinnington St. John's Parish as a neighbourhood area.
2. That Cabinet is recommended to approve: the application from Dinnington St John's Town Council as a relevant neighbourhood planning body, the designation of Dinnington St John's Parish as a neighbourhood area and for the Council's final decision to be publicised in line with the regulations.

2. Background

- 2.1 The Localism Act 2011 introduced a new right for communities to draw up a neighbourhood plan. It also placed a duty on local planning authorities to support neighbourhood planning by providing advice or assistance and taking decisions at key stages in the neighbourhood planning process.
- 2.2 Neighbourhood planning contributes to the Draft Corporate Plan (2016-18) priorities through contributing to empowerment, strong community, extending opportunity, prosperity and planning for the future. A neighbourhood plan, to be formally adopted, would have to be in general conformity with national planning policy and the Local Plan. When adopted, neighbourhood plans become part of the Council's statutory development plan (alongside the Local Plan) and the policies contained within them apply in the determination of planning applications. A neighbourhood plan cannot restrict growth but has the potential to propose moderate increases in development.
- 2.3 Dinnington St John's Town Council has applied to the Council to designate Dinnington St John's Parish as a neighbourhood area (**see Appendix 1**).
- 2.4 Consultation on the neighbourhood area application has been undertaken in line with relevant legislation and regulations.

3. Key Issues

- 3.1 Designation of the neighbourhood area would mean that Dinnington St John's Town Council has approval to prepare a neighbourhood plan for the designated area and that no other parish/town council or neighbourhood forum can complete a neighbourhood plan for the same area.

- 3.2 Applications for neighbourhood plans are subject to a prescriptive process. The Council has to consider if the neighbourhood area is appropriate, if the application is made by a relevant body and if the area is in accordance with local planning policy.
- 3.3 The Council received comments on the neighbourhood area consultation from thirteen respondents. All these were in favour of the neighbourhood area proposed for designation. No objections to either the neighbourhood area proposed or the Town Council as the relevant body to prepare the plan were received. (**See Appendix 2.**)

4. Options considered and recommended proposal

- 4.1 The application meets the requirements of the relevant legislation. The proposed neighbourhood area matches the established parish council boundary and is the administrative area for Dinnington St John's Town Council. The application has been made by a relevant body as identified in the relevant legislation. There have been no previous applications for neighbourhood area designation in this area. It is not considered appropriate to designate the whole parish as a business area; as the parish is not an area wholly or predominantly business in nature.
- 4.2 The Dinnington Neighbourhood Plan will have to be in general conformity with the Local Plan and therefore will not pose a risk to the Council's overall priorities. Local Plan Core Strategy Policy CS1 identifies "Dinnington, Anston and Laughton Common (including Dinnington East Broad Location For Growth)" as a principal settlement for growth and gives indicative figures for housing, employment and retail provision. As the application is to designate the neighbourhood area only, and the scope and detail of the neighbourhood plan itself are yet to be established, there is no conflict between the designation of the neighbourhood area and local planning policy. There are no planning reasons to refuse the area application.
- 4.3 Approval of the neighbourhood area and commencement of neighbourhood planning will empower local residents to have more of a say about developments in their area.
- 4.4 It is recommended that Dinnington St John's Civil Parish is designated as a neighbourhood area (as proposed by Dinnington St John's Town Council as a relevant neighbourhood planning body). Publicity on the neighbourhood area application decision will need to be undertaken in line with the relevant legislation. This will require publication on the Council's website of its decision and:
1. the name of the neighbourhood area
 2. a map identifying the area
 3. the name of the parish council that applied for the designation.

- 4.5 A refusal of the current neighbourhood area application would have to be based on planning reasons or the validity of the application. Based on consideration of the application and the results of public consultation there are no grounds to refuse the application.
- 4.6 Publicity reporting the Council's final decision on the neighbourhood area application is proposed to be as follows: that the decision is posted on the Council's website, a notice is placed in the Worksop & Dinnington Guardian and Dinnington St John's Town Council are formally notified.

5. Consultation

- 5.1 Public consultation on the neighbourhood area application ran from 20 May to 20 June 2016. A notice of this consultation was placed in the Worksop & Dinnington Guardian. Cabinet Member – Jobs and the Local Economy, Dinnington ward members and neighbouring parish councils were notified. Consultation was carried out through the Council's website and responses could also be submitted by email and letter. Supporting information on neighbourhood planning and a copy of the neighbourhood area application was placed on the Council's website.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The table below sets out the timescale and accountability for implementing the recommendations in this report:

Stage	Date	Accountability
Report to Cabinet to obtain a final decision on the neighbourhood area application	11 July 2016	Cabinet
Publicity reporting the Council's final decision on the neighbourhood area application	15 July 2016 (8 weeks from consultation start to meet statutory requirements)	Planning Policy
If application granted: Dinnington Neighbourhood Plan development	Post 15 July 2016	Dinnington St John's Town Council
If application granted: Further Cabinet/Council decisions at key stages in the neighbourhood planning process and advice or assistance to the town council (as required by legislation)	Tbc	Rotherham MBC

7. Financial and Procurement Implications

- 7.1 The cost to Rotherham Council so far has been staff time in supporting and processing the neighbourhood area application (ie advertisement costs as part of consultation), which has been carried out within existing budgets.
- 7.2 If the application is granted it will be Dinnington St John's Town Council who will lead on plan production and not the local authority. The Town Council can apply directly for government funding and/or technical assistance in preparing a neighbourhood plan. Communities that draw up a neighbourhood plan and secure the consent of local people in a referendum will benefit from 25 percent of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area. Rotherham's Community Infrastructure Levy is not yet in place.
- 7.3 Assuming the neighbourhood plan goes on to be developed there will be costs to Rotherham Council in fulfilling its neighbourhood planning functions. The Council can apply for retrospective funding from central Government to support neighbourhood plans under preparation in its area. The basic level of funding is £30,000 which is paid for completion at named stages of plan progression. The first payment of £5,000 is made following designation of the neighbourhood area.

8. Legal Implications

- 8.1 Neighbourhood planning is subject to a prescriptive process set out in regulations made under the Localism Act 2011. Under the Town and Country Planning Act 1990, the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The current application is a preliminary step in the preparation of a neighbourhood plan. A neighbourhood plan, once it has completed the statutory process successfully and comes into force, will form part of Rotherham's statutory development plan.
- 8.2 Relevant legislation for neighbourhood planning is the Town and Country Planning Act 1990 (as amended), the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015).

9. Human Resources Implications

- 9.1 No direct implications arise from this report. However, this is a new area of work for the Council requiring support from several services. A training session for members is anticipated in summer 2016.

10. Implications for Children and Young People and Vulnerable Adults

10.1 No direct implications arise from this report. The neighbourhood plan will have to be in general conformity with the Local Plan and therefore will not pose a risk to the Council's overall priorities.

11. Equalities and Human Rights Implications

11.1 No direct implications arise from this report. The neighbourhood plan will have to be in general conformity with the adopted Local Plan Core Strategy, which was itself informed by an Equalities Impact Assessment.

12. Implications for Partners and Other Directorates

12.1 The local authority in implementing its neighbourhood planning role would require the support from officers in a number of Council directorates (eg Planning Regeneration and Transport, Finance & Customer Services, and Resources and Transformation Directorate).

12.2 Neighbourhood planning contributes to the Draft Corporate Plan (2016-18) priorities through contributing to empowerment, strong community, extending opportunity, prosperity and planning for the future.

13. Risks and Mitigation

13.1 The Council may be open to legal challenge should the application not be treated in accordance with the relevant legislation. Legal advice has been sought as necessary to minimise this risk.

14. Accountable Officer(s)

Paul Woodcock
Assistant Director - Planning, Regeneration and Transport

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:-
Rob Harrison, Principal Finance Officer

Director of Legal Services:-
Sumera Shabir, Planning Solicitor

Head of Procurement (if appropriate):- N/A

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Appendix 1 – Copy of the Neighbourhood Area Application

Town Clerk and Finance Officer
Alistair Evans MCMI CIMA Adv D

Lyric Theatre
Laughton Road
Dinnington
SHEFFIELD
S25 2PS
Tel: 01909 564169
Email: dsjtc@hotmail.co.uk

Mr A Duncan
Planning Policy Manager
Planning, Regeneration and Cultural Services
Rotherham Metropolitan Borough Council Riverside
House
Rotherham
S60 1AE

17th December 2015

Dear Andy,

DINNINGTON ST JOHN'S TOWN COUNCIL – NEIGHBOURHOOD PLAN

Further to our letter of 20th October 2015 and the email from Rachel Overfield dated 8th December 2015, we wish to outline our reasons for believing we are a suitable relevant body to apply for a neighbourhood area to be designated.

In accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, attached is a map detailing the area of the Dinnington St John's parish (highlighted by the red boundary). We wish to encompass the whole of the parish in our Neighbourhood Plan; we consider this to be appropriate for designation as a neighbourhood area as we represent the whole of the parish and wish to engage the whole community in the plan and ensure all areas are represented.

Section 61G of the Localism Act 2011 paragraph (2)(a) defines a 'relevant body' as a parish council, and paragraph (3)(a) states 'in the case of an application by a parish council, must be one that consists of or includes the whole or any part of the area of the council': our application complies with both of these paragraphs.

The proposed plan is likely to be called the 'Dinnington Neighbourhood Plan', although this is subject to formal approval (and therefore change) by the Neighbourhood Plan committee once this is established. Contact details for members of the public are:

Email: dsjtc@hotmail.co.uk
Web: www.dinningtonstjohns.org
Phone: 01909 564169

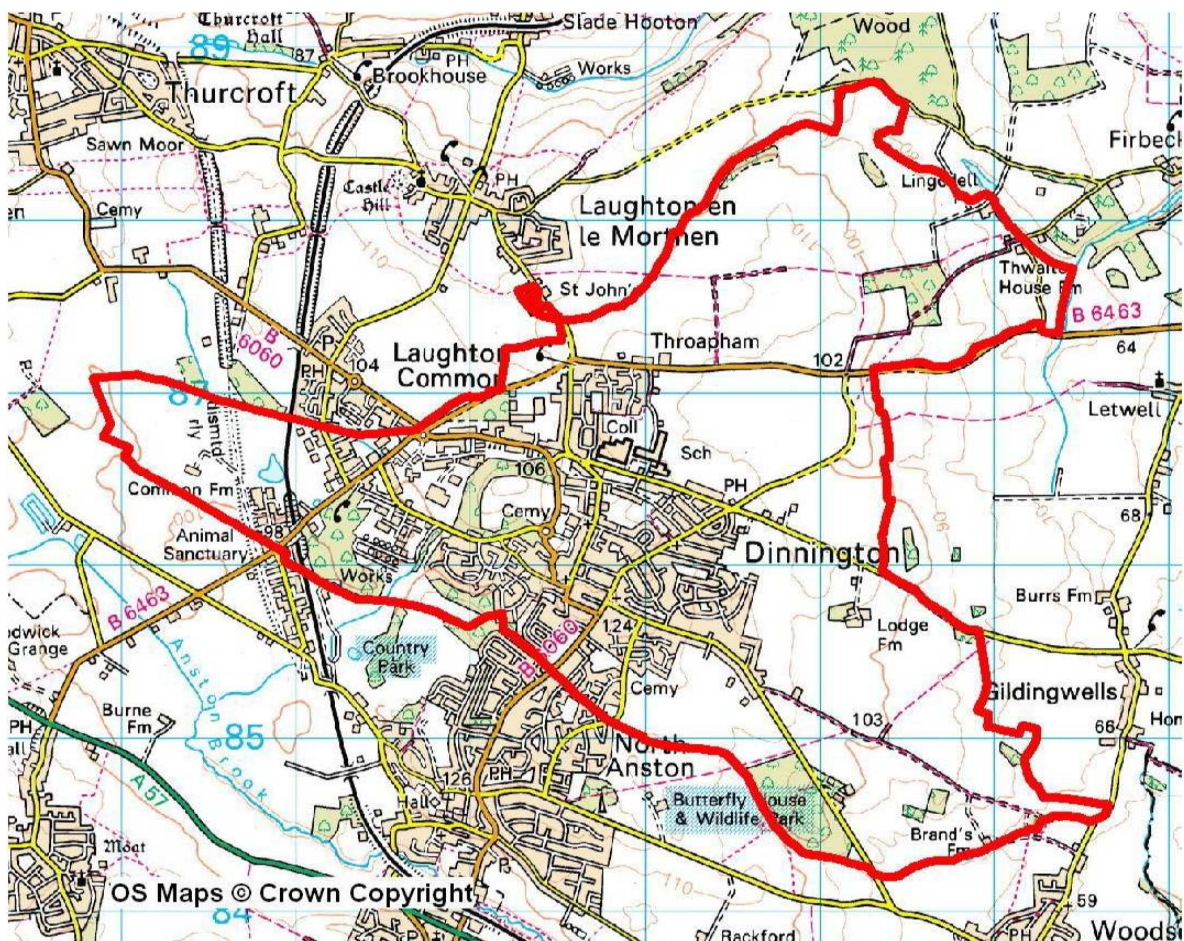
Again, these contact details may change if the committee decides to establish its own website and email. If that transpires, links will nevertheless be available on the website detailed above.

I trust the above information meets with your approval and requirements at this stage. If you need any further details please do not hesitate to contact me.

Town Clerk and Responsible Finance Officer
Dinnington St John's Town Council

Enclosure:

1. Plan of Dinnington St John's parish.



Appendix 2 – Overview of comments on Dinnington St John’s Neighbourhood Area Application

Matter	Responses received
Number of representations	13
Form of response	12 – via website 1 – emailed response form
Number in support of Dinnington St John’s Neighbourhood Area Application	13
Supplementary comments received in support	10
Summary of supplementary comments received in support	<ul style="list-style-type: none"> • “great for local democracy” • “We need to have more say” • “Fed up of the Borough Council ignoring the needs and opinions of Dinnington residents” • “I would like Dinnington to keep control of our town and help enforce issues that we raise but have no legal force” • “Dinnington would definitely benefit by becoming a neighbourhood area”
Number of objections received to Dinnington St John’s Neighbourhood Area Application	0
Supplementary comments in objection	0