

Council Report

Cabinet and Commissioner Decision Making Meeting – 10 April 2017

Title

Neighbourhood Planning: Neighbourhood Area Application from Maltby Town Council

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

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

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Report Author

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Ward(s) Affected

Maltby

Summary

Maltby Town Council has notified the Council of their intention to produce a neighbourhood plan covering the Parish of Maltby. It is proposed that the Council approves the application from Maltby Town Council as a relevant neighbourhood planning body and the designation of Maltby Parish as a Neighbourhood Area.

Recommendations

1. That the neighbourhood area application from Maltby Town Council as the relevant neighbourhood planning body be approved.
2. That the Parish of Maltby be designated as a Neighbourhood Area.

List of Appendices Included

None

Background Papers

National planning guidance on neighbourhood planning:
<https://www.gov.uk/guidance/neighbourhood-planning--2>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public
No

Title

Neighbourhood Planning: Area Application from Maltby Town Council

1. Recommendations

- 1.1 That the neighbourhood area application from Maltby Town Council as the relevant neighbourhood planning body be approved.
- 1.2 That the Parish of Maltby be designated as a Neighbourhood Area.

2. Background

- 2.1 The Localism Act 2011 introduced a new right for communities to draw up a neighbourhood plan. A neighbourhood plan sets out policies in relation to the development and use of land in the whole or any part of a particular neighbourhood area. 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 within the neighbourhood area.
- 2.2 Government planning policy confirms the primacy of the Local Plan. The National Planning Policy Framework sets out that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.
- 2.3 A neighbourhood area application is the first step in the process, as work on a neighbourhood plan can only begin when the neighbourhood area has been designated by the Council. 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. To date the Council has approved one other neighbourhood area application, for Dinnington St John's Parish.

3. Key Issues

- 3.1 The application is made by Maltby Town Council for the whole of the Parish of Maltby. Applications for neighbourhood plans are subject to a prescriptive process set out in central Government regulations. In this case, where a parish/town council applies for the whole of the area of the parish to be designated as a neighbourhood area, the local planning authority must designate the whole of the area applied for.

- 3.2 The current application is a preliminary step in the preparation of a neighbourhood plan. Assuming the neighbourhood plan goes on to be developed, the Council must take decisions at key stages in the process within the time limits that apply and fulfil duties to provide advice or assistance to Maltby Town Council.
- 3.3 A neighbourhood plan, once it comes into force, will form part of Rotherham's statutory development plan. Policies in the neighbourhood plan will be taken into account when the Council determines planning applications within the Parish.
- 3.4 The Council can apply for retrospective funding from central Government to support neighbourhood plans under preparation in its area.

4. Options considered and recommended proposal

- 4.1 Applications for neighbourhood plans are subject to a prescriptive process set out in central Government regulations. In this case, where a parish/town council applies for the whole of the area of the parish to be designated as a neighbourhood area, the local planning authority must designate the whole of the area applied for. As such, there are no other options to consider.

5. Consultation

- 5.1 Previously, the Council was required to publicise and consult on neighbourhood area applications, as was the case for Dinnington. Changes to the regulations in October 2016 removed this requirement, for cases where a neighbourhood area corresponds with a parish boundary. There is therefore no requirement for the Council to undertake public consultation on Maltby Town Council's neighbourhood area application.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The table below sets out the key dates relating to the neighbourhood area application process.

Notice from Maltby Town Council	12 December 2016
Decision	10 April 2017 (Cabinet decision)

7. Financial and Procurement Implications

- 7.1 The cost to the Council to date has been officer time in supporting and processing the neighbourhood area application; this has been carried out within existing budgets. Assuming the neighbourhood plan goes on to be developed there will be further costs, such as independent examination of the plan and a local referendum on its adoption.

- 7.2 To meet these costs, 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 £25,000 which is paid after completion of named stages in plan progression. The first payment of £5,000 is made following designation of the neighbourhood area. However, initial estimates of costs associated with processing the application and supporting preparation of the neighbourhood plan indicate that the grant may be insufficient. If a shortfall arises, it will create a pressure on existing budgets. It is not possible to accurately predict this shortfall at present, as for example the costs of independent examination will vary depending on the complexity of the neighbourhood plan.
- 7.3 If the application is granted, Maltby Town Council will lead on the neighbourhood plan's production and not the Council. The Town Council can apply directly for central Government funding and/or technical assistance in preparing a neighbourhood plan. Currently, groups preparing a neighbourhood plan can apply for a grant of £9,000, while those groups facing more complex issues may be eligible for a further £6,000.
- 7.4 Rotherham's Community Infrastructure Levy (CIL) was adopted by the Council on 7 December 2016; the charge is due to come into force in April 2017. Parish and town councils are entitled to a proportion of CIL income arising from development in their parish. The default proportion is 15 per cent. Parish and town councils that have a neighbourhood plan in place will receive a higher proportion of 25 per cent. Central Government's intention is that CIL income is spent on infrastructure. Where a neighbourhood plan is in place the parish will have a higher proportion of that income to spend locally in line with their own priorities. As a consequence the Council will have slightly less to spend on Borough-wide infrastructure priorities.

8. Legal Implications

- 8.1 The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 require the local planning authority to exercise their powers under Section 61G of the 1990 Act and designate the whole of the area of a town/parish council as a neighbourhood area.
- 8.2 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 to take plans through a process of examination and referendum.

9. Human Resources Implications

- 9.1 No direct implications arise from this report.

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 No direct implications arise from this report. However, there will be a requirement for relevant officers in other directorates to assist with neighbourhood planning work, for instance from Legal Services, Neighbourhood Partnerships and Electoral Services. An officer working group has been set up to co-ordinate the Council's work on neighbourhood planning.

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)

Damien Wilson, Strategic Director, Regeneration & Environment

Approvals Obtained from:

Strategic Director of Finance and Corporate Services:
Jon Baggaley, Finance Manager

Assistant Director of Legal Services:
Sumera Shabir, Planning Solicitor

Head of Procurement (if appropriate): N/A