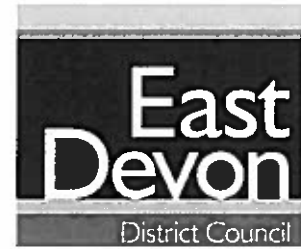


Agenda Item 22

Cabinet

5 March 2014

CNR



Proposed designation of Broadhembury and Bishop's Clyst Neighbourhood Areas

Summary

Proposals have been received to designate Broadhembury and Bishop's Clyst Parishes as Neighbourhood Areas. These have been subject to the requisite six week consultation period by the District Council and have received no objections.

It is proposed that both designations are approved.

Recommendation

It is recommended that:

1. Broadhembury Parish is designated a Neighbourhood Area.
2. Bishop's Clyst (Clyst St Mary and Sowton Parishes) is designated a Neighbourhood Area.

a) Reasons for Recommendation

Refer to the report.

b) Alternative Options

The alternative is not to designate the areas, however there is no valid reason for this as no objections have been received.

c) Risk Considerations

The Council must provide sound reasons for approving a reduced Neighbourhood Area. There is a risk that the decision will be subject to legal challenge and that the Parish Council will feel disenfranchised and that their right to produce a Neighbourhood Plan under the Localism Act has been prevented.

d) Policy and Budgetary Considerations

The District Council has a duty to support the production of Neighbourhood Plans and to pay for a referendum and examination. Grants of up to £30,000 (total) per Plan are available from DCLG to help the Council meet these costs. It may be that grant availability is time limited or could be capped. It is likely that a complex Neighbourhood Plans will increasingly require greater amounts of dedicated Officer time and could have implications for budgets. If it is deemed that a Neighbourhood Plan has implications for residents beyond the immediate Parish, a wider referendum may be suggested by the Inspector. Depending on the area, this could have significant cost implications. Under the Community Infrastructure Levy Regulations, Parish Councils will receive 15% of CIL generated from new development capped at £100 per dwelling. In areas covered by adopted Neighbourhood Plans, this rises to 25% of CIL contributions, uncapped.

e) Date for Review of Decision

No review is proposed.

1.0 Broadhembury and Bishop's Clyst Neighbourhood Area Applications

1.1 The District Council has received applications from two Parish Councils (Broadhembury and Bishop's Clyst which cover Clyst St Mary and Sowton) for the designation of each Parish as a Neighbourhood Area. Once designated, the Parish Councils intend to produce a Neighbourhood Plan for their area. Although this report addresses both proposed designations it should be noted that they are separately made by the individual Parish Councils.

1.2 There are two main considerations in this report

- The legal requirements concerning whether the applications for designation as Neighbourhood Areas have been properly made and advertised
- Whether the areas applied for are appropriate

Does the application meet the requirements of the regulations?

1.3 The requirements for an application for designation of a Neighbourhood Area are set out in regulation 5 of the regulations and in section 61G of the 1990 Act (which was amended to incorporate parts of the Localism Act 2012).

1.4 Regulation 8 states that an application to the Council for designation of a Neighbourhood Area "must" include:

- a. A map which identifies the area to which the application relates;
- b. A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
- c. A statement that the organisation is the relevant body for the purposes of section 61G of the 1990 Act.

1.5 Both applications meet the requirements. They each include a map of their whole Parish and a statement confirming that the Parish Council is a qualifying body. They also include the reason for requesting that the whole Parish be designated.

Are the areas applied for appropriate?

1.6 The applications have been publicised for the 6 weeks required by the regulations on the District and Parish Council websites, in local newsletters and on the Parish notice boards. The proposals have been discussed at Parish meetings and the Environment Agency, English Heritage and Natural England, neighbouring Councils and the County Council have been consulted. In this way it is considered to have been brought to the attention of those living, working and carrying out business in the area. The publicity notices are attached for Members information. No objections have been received and English Heritage and Natural England have responded in general terms offering general advice only. No reason to amend the area applied for has been put forward and the areas are appropriate in terms of planning Policy, therefore it is recommended that the Neighbourhood Areas be approved as per the applications.

3 Next stages

- 3.1 Once Neighbourhood Areas are designated for Broadhembury and Bishop's Clyst, this must be advertised on the EDDC website and locally. The Parish Councils can then commence production of their Neighbourhood Plans.
- 3.2 Upon designation EDDC can apply for £5,000 grant funding from DCLG per Neighbourhood Area. Upon receipt of this money £2,000 is usually granted on to the Parish Council to assist with their costs, whilst the remaining £3,000 is retained towards District Council costs. Further stages of Neighbourhood Plan making will qualify for an additional £25,000 from DCLG to help EDDC meet referendum and examination costs, however this is not guaranteed beyond 2014/15 (although the obligation for EDDC to meet these costs will remain).

Legal Implications

This report is being brought before Cabinet due to current constitutional arrangements and the legislative framework in respect of Neighbourhood planning.

By way of background, once a Neighbourhood Area is designated the District Council are legally required to provide advice and assistance to the subsequent production of the Neighbourhood Plan (including the costs of organising the independent examination – although a grant from DCLG towards the costs can be sought). Once the Neighbourhood Plan is adopted then it carries weight as part of the Development Plan and moreover entitles the Neighbourhood to 25% of CIL receipts from development within its area to be used towards the provision of local infrastructure.

In this instance it is the responsibility of the Committee to determine the suitability / extent of the Neighbourhood Area to designate, although in the absence of any objection and no strategic sites to protect it is difficult to see how a smaller area than that applied for can be designated. If an alternative area is designated then justified and robust reasons will need to be given.

Having noted the above advice there are no further legal implications arising from this report.

Financial Implications

The financial implications are as indicated within the report.

Background Papers

- East Devon Local Plan Submission document August 2013
- The Localism Act: <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Plain English Guide to the Localism Act:
<http://www.communities.gov.uk/publications/localgovernment/localismplainenglishupdate>
- National Planning Policy Framework:
<http://www.communities.gov.uk/publications/planningandbuilding/draftframework>
- Neighbourhood Planning Regulations:
<http://www.communities.gov.uk/publications/planningandbuilding/planningregulationsconsultation>

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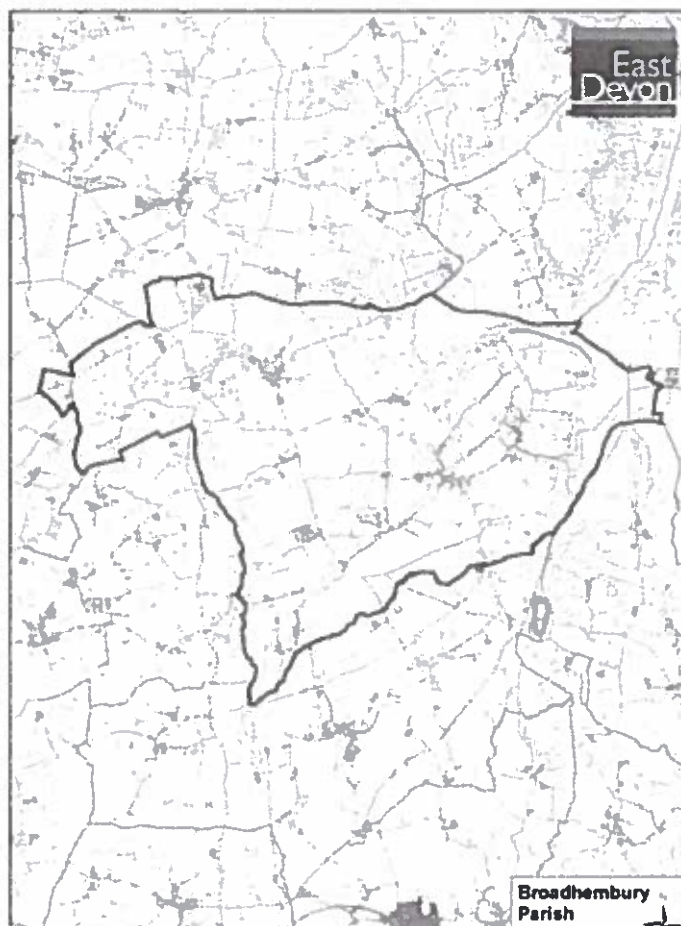
Cabinet
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The Neighbourhood Planning (General) Regulations
2012

Application for Designation of a Neighbourhood Area



We have received an application from Broadhembury Parish Council for the designation of the Parish of Broadhembury as a Neighbourhood Area.



You can view the proposal on our website at: www.eastdevon.gov.uk/planning-neighbourhood_plans

or by appointment with Broadhembury Parish Council

You can also view or make comments on this proposal by writing to us at Planning Policy, East Devon District Council, Knowle, Station Road, Sidmouth, Devon, EX10 8HL (8.30-5pm Mon-Fri). If you write to us your comments will be kept on a public file and they may be reproduced in writing or on our website.

THE CLOSING DATE FOR COMMENTS IS 27th January 2014