

Report to	<b>Planning Committee</b>
Date	<b>14 March 2013</b>
By	<b>Director of Planning</b>
Title of Report	<b>Designation of Neighbourhood Planning Areas (second 'round')</b>
Purpose of Report	<b>To agree the designation of neighbourhood planning areas in the National Park:-</b>

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**The Committee is recommended to: Agree the designation of the following proposed neighbourhood planning areas in the National Park:-**

<b>Patching Parish</b>	<b>Rogate Parish</b>	<b>Singleton Parish</b>
<b>Angmering Parish (part of)</b>	<b>Ferring Parish (part of)</b>	<b>Walberton Parish (part of)</b>
<b>Boxgrove Parish (part of)</b>	<b>Plaiستow &amp; Ifold (part of)</b>	<b>Arundel Town (part of)</b>
<b>Sompting Parish (part of)</b>	<b>Rottingdean Parish (part of)</b>	<b>Lavant Parish (part of)</b>

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## **1. Introduction**

- 1.1 Applying for the designation of a neighbourhood area is the first step local communities are expected to take in acquiring their new neighbourhood planning powers. The area indicates the geographical extent in which a Parish or Town Council wishes to undertake neighbourhood planning.
- 1.2 The consultation on the neighbourhood planning area gives an opportunity for members of the public, businesses and other interested bodies the opportunity to make representations relating to the appropriateness of the area. The National Park Authority is required to either designate the area or refuse to designate the area. If the decision is to refuse to designate an area, then reasons must be given.
- 1.3 This is the second occasion a set of applications proposing the designation of a neighbourhood area has been taken to the Planning Committee. Eleven areas (including the proposed area for the 3 SDNP "Front Runners") were presented for approval in September 2012.

## **2. Background**

- 2.1 Neighbourhood planning gives communities the opportunity to prepare a statutory plan - a neighbourhood development plan for their area, setting out the type of development that will happen, where it should be located and how it should look. It is also possible to grant planning permission for certain types of development, by drawing up a neighbourhood development order for a specific site.
- 2.2 The first 2 neighbourhood plans for the Upper Eden Valley and Exeter St James have been approved for referendum (the Upper Eden referendum was held on 7<sup>th</sup> March). Thame in South Oxfordshire was the first neighbourhood plan to undergo a public hearing in February 2013.
- 2.3 The first statutory stage in bringing forward a neighbourhood planning proposal, either a plan or order, is by defining the neighbourhood area. The proposed area must be agreed by the Local Planning Authority, following a period of consultation. All of the communities which have applied to the National Park Authority for their neighbourhood area to be

designated intend to prepare a neighbourhood development plan. This would contain a suite of planning policies and must complement the strategic planning framework. In the National Park, communities need to have regard to the Park Purposes and Duty.

- 2.4 The obligations on communities in making an application for neighbourhood area designation are as follows. Part 2, Regulation 5 states that “where a relevant body submits an area application to the local planning authority it must include-
- (a) a map which identifies the area to which the area 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 or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.”

It also describes how the Local Planning Authority should publicise an area application.

### 3. The Designation

- 3.1 Since the previous Committee in September 2012 to discuss the first tranche of designations, the National Park Authority has received and advertised applications from 12 Parish/Town Councils. These have been advertised in tranches over this period (each application has to be subject to a minimum of 6 weeks of public consultation). This included 3 neighbourhood planning areas entirely within the National Park: Patching, Rogate and Singleton. A further 9 proposed areas are from Parish Councils which straddle the National Park boundary. In the case of ‘split’ parishes, the Committee’s decision to designate can only relate to the part of the proposed neighbourhood area inside the National Park (the second LPA undertakes a separate consultation).
- 3.2 The requirement in the Regulations for neighbourhood area applications to be publicised for a period of not less than 6 weeks has been fulfilled. All the applications were placed on the SDNPA website using a dedicated area designations webpage (linked to the “Current Consultations” box on the Planning Home Page). A notice was placed in the window of the SDNPA Offices at Rosemary’s Parlour explaining where the maps can be viewed and listing a ‘deposit’ location. In addition, the Neighbourhood Planning Officer wrote to parishes at the beginning of the publicity period to encourage them to consider additional ways in which they could publicise the application in their neighbourhood, for example, by using community noticeboards.
- 3.3 The split parishes are primarily receiving support in doing their neighbourhood plan from the Planning Authority where the main centre of population is located (in the case of Lavant this would be SDNPA).
- 3.4 The South Downs National Park Authority arranged for Public Notices to promote the applications for the parishes wholly inside the National Park and Lavant to appear in local newspapers. The parishes concerned were notified of this arrangement.
- 3.5 Maps of the proposed neighbourhood areas are provided in **Appendix I**. The maps display the National Park boundary, where appropriate. All of the areas are proposing a neighbourhood area that corresponds to the extant parish boundary.
- 3.6 An application for Ditchling Parish is currently open for consultation and will be taken to a later Planning Committee (the closing date for comments on this application is 9<sup>th</sup> April 2013).
- 3.7 No objections have been received by the National Park Authority from any individual or body regarding this consultation except in the case of the Rottingdean application (see below). It has also been established that no objections have been received for the split parishes from the second Local Planning Authority; again, with the exception of Rottingdean.
- 3.8 The Localism Act (Section 61G) states that a Parish Council is a “relevant body” which is capable of applying to a Local Planning Authority for the designation of a neighbourhood area. It is clear from reading section 61F that in a parished area, the Parish Council is the *only* organisation or body which is authorised to act in relation to a neighbourhood area. All of the applications have been received from a Parish or Town Council. In the case of all

these applications, it is considered the appropriate body has identified itself to initiate the neighbourhood planning process.

- 3.9 The Act also states that “in the case of an application by a parish council, the specified area must be one that consists of or includes the whole or any part of the area of the council” and that the Local Planning Authority “in determining an application must have regard to the desirability of designating the whole of the area of a parish council as a neighbourhood area”.
- 3.10 Parish Council boundaries tend to be durable and are often well-known and understood by local residents and businesses. Many of these parishes have previously produced documents, such as a Village Design Statement, for their whole parish. It is not surprising that all the applications have used the parish boundary to determine their neighbourhood area. The identified areas for this second round of applications follow a logical approach in identifying the parish as the plan area. Further reasoning relating to the appropriateness of the proposed area was provided in the application letters sent by the Parish and Town Councils and is set out in Appendix 2.

#### **4. Matters raised by the Rottingdean application**

4.1 The following issues raised by consultees were:-

- The map supporting the application fails to make clear that a former playing field immediately to the west of Burnes Vale and The Rotyngs lies within the South Downs National Park.

ACTION: Unfortunately, the application map displayed the South Downs National Park incorrectly by excluding this playing field. The proposed neighbourhood area was, however, advertised correctly. It is not considered this matter affects the decision to designate the area. Any decision to designate can be publicised in the Parish by SDNPA and Brighton & Hove City Council to ensure everyone is aware of the correct position of the SDNP boundary in this Parish.

- Royal Mail identified a freehold property which they own in the neighbourhood area and had previously submitted for inclusion in the Brighton & Hove Strategic Housing Land Availability Assessment (SHLAA). They ask to be consulted on future stages of the emerging neighbourhood plan.

ACTION: Officers at SDNPA, Brighton & Hove City Council and Rottingdean Parish Council will keep Royal Mail’s Agent (DTZ) informed as the Plan emerges.

#### **5. Resources**

- 5.1 The costs to the NPA is Officer time in administering the area applications and the placing of press notices in relevant publications, however this has been met through the existing Planning Policy budget.
- 5.2 During the current financial year, the NPA can also apply for grants from the Department of Communities and Local Government (DCLG) of £5,000 per neighbourhood area designation (this is subject to a cap of £1.5 million or 300 neighbourhood area designations).
- 5.3 We have received funding from the earlier round of designations and potentially would be able to qualify for additional support from this second round. While this is welcomed, the majority of this money will need to be kept in reserve to help meet the costs associated with neighbourhood planning examinations and referenda (in the National Park this will vary quite significantly; a neighbourhood planning referendum in Lewes, for example, has been estimated to cost around £14,500). There is no requirement for this funding stream to be shared with parishes, although a small proportion could potentially be released once there is a clearer picture regarding the precise costs of the examination.
- 5.4 Further grant funding to LPAs of £5,000 will be made available by DCLG when the neighbourhood plan is published prior to examination and an additional £20,000 upon successful completion of the neighbourhood plan examination (different caps on grant funding apply for 2013/14). Details relating to the funding of neighbourhood plans were reported to Members of the SDNPA at the Workshop on 28 February 2013.

## 6. Conclusions

- 6.1 It is recommended that the Planning Committee endorse all of the proposed neighbourhood areas, having regard to the maps in Appendix 1, the reasons given by the Parish or Town Council in Appendix 2 why the neighbourhood area is considered to be appropriate to be designated and the explanation set out in this report. This would provide the certainty the neighbourhood planning bodies require in taking their neighbourhood plans forward.
- 6.2 Since its inception, the National Park Authority has actively encouraged partnership working with its communities and a wide range of different stakeholders. Neighbourhood planning allows communities to lead on preparing some locally distinctive content of the statutory development plan for the National Park, subject to the parameters set out in national planning policy and legislation.

## 7. Risk management

- 7.1 Risk: The designation of a neighbourhood area could potentially lead to pressure being placed on adjoining parishes to prepare a neighbourhood plan, including where it may be less suitable tool for addressing their issues and circumstances.
- 7.2 Mitigation: To overcome this risk the Neighbourhood Planning Officer and Communities Strategy Lead Officer have sought to hold early meetings with Parish Councils to understand the nature of their planning concerns and provide advice on the best way forward. In some instances, communities will be able to achieve their objectives by inputting to the emerging National Park Management Plan and/or Local Plan (or Joint Core Strategy in some districts).
- 7.3 The overall costs of neighbourhood planning, both for local planning authorities and parish councils, are being monitored. Officers consider that the level of interest in neighbourhood planning in the National Park is now better understood. It is not compulsory and many of the smaller, rural parishes are expected to use other tools, while it is expected larger settlements in the Park will wish to undertake neighbourhood planning.

## 8. Human Rights, Equalities, Health and Safety

- 8.1 There are no implications arising from this report.

## 9. External Consultees

- 9.1 None.

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Appendices	Appendix 1 – Proposed Neighbourhood Areas – Maps Appendix 2 – Comments received from Parish and Town Councils relating to the appropriateness of the neighbourhood area
SDNPA Consultees	Senior Management Team (SMT); Becky Moutrey: Senior Solicitor, Kevin Gardner, Pat Aird, Mike Bleakley, Philippa Penfold, Link Officers
Background Documents	None