



1. the qualifying body is a parish council;
2. the proposed area consists the whole of the parish council's area; and
3. if any part of the specified area is part of an existing neighbourhood area, none of that existing neighbourhood area extends outside of the parish council's area.

In such circumstances, where the received application is determined to be valid the local planning authority is explicitly directed to exercise its powers to designate the specified area as a neighbourhood area. As such, if a qualifying application meeting these requirements is submitted to a local planning authority, then it has no choice but to designate the area. In streamlining the process of Neighbourhood Area designation it is clear that the Government expect Councils to respond expeditiously to confirm designations which are subject to a valid application.

### **3. WELCOMBE NEIGHBOURHOOD AREA DESIGNATION**

Welcombe Parish Council formally submitted an application to this Council, in the form of a letter dated 22<sup>nd</sup> February 2017 (Appendix 1), seeking the designation of the entirety of the Civil Parish of Welcombe as a Neighbourhood Area.

The application is considered to be duly made, comprising all of the information necessary to meet the requirements prescribed within the regulations, namely:

- 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 Parish Council is a relevant body for the purposes of the related legislation.

The application is also considered to conform with the requirements of Regulation 5A that enable the simplified process for consideration of applications to be followed, in that the application is:

- from Welcombe Parish Council, a qualifying parish council;
- the area specified within the application consists of the whole of the Civil Parish of Welcombe, which comprises the whole of the parish council's area; and
- no part of the area specified in the application is currently part of a neighbourhood area which extends outside of the parish council's area.

On this basis, Regulation 5A(2) of The Neighbourhood Planning (General) Regulations 2012 dictates that the Council must exercise its powers under Section 61G of the 1990 Act and designate the specified area as a neighbourhood area. The Council is afforded no discretion in this process and has no opportunity to deviate from designation if a valid application is received. On this basis, it is recommended (Recommendation 1) that the area contiguous with that of Welcombe Civil Parish (Appendix 2) is designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act 1990, as amended.

#### Consequences of Neighbourhood Area Designation

Designation of a Neighbourhood Area is the first step in the preparation of a Neighbourhood Development Plan. Once the Neighbourhood Area is designated, the next stage is for the town/ parish council to engage with their communities and prepare the Neighbourhood Plan. The process requires at least one formal 6 week consultation period on the draft Plan. Assistance from the District Council with this process may be required, and the Council is obligated to provide such in accordance with a 'duty of care and support'. However, the Localism Act makes it clear that the preparation of Neighbourhood Plans should be led by parish/ town councils in consultation with their communities.

Once drafted, a Neighbourhood Plan will be submitted to the District Council who will carry out a check to ensure that it has been prepared correctly and meets the right basic standards. The District



Council will then undertake a further 6 week consultation, following which the District Council will facilitate and fund an independent examination into the Neighbourhood Plan. Providing that the Examiner recommends that the Neighbourhood Plan is appropriate to be taken forward then a referendum will be called for which the District Council will be responsible for facilitating and funding. The Neighbourhood Plan requires the support of the majority of those who vote in the referendum in order to be taken forward.

If the referendum indicates community support, the Neighbourhood Plan will normally then be adopted or 'made' by the District Council, becoming part of the statutory Development Plan against which relevant planning applications will be determined. The District Council and other decision makers are then obliged, by law, to take the Neighbourhood Plan into account when considering proposals for development in the subject area.

#### **4. IMPLICATIONS**

##### Legal Implications

Neighbourhood Planning (General) Regulations require the District Council to confirm valid applications that seek the designation of Neighbourhood Areas.

It is a statutory requirement to support the preparation of Neighbourhood Plans and for this Council to adopt, or 'make' them, if supported by the referendum. Failure to support Welcombe Parish Council to prepare a Neighbourhood Plan could result in legal challenge with any subsequent consequences for the Council.

The Council is legally required through the Town and Country Planning Act 1990 and associated subordinate regulations to consider and determine applications for the designation of neighbourhood areas. In the case of this application, the legislation requires that the Council designate the area specified in the application.

##### Financial Implications

The costs associated with designating the Neighbourhood Area can be met within existing Local Plan budgets. No budgetary provision is however in place to support the preparation of a Neighbourhood Plan, which as a minimum will include the cost of the examination and referendum, with additional costs, not including officer time, being required to be met in relation to the administration of the process.

Financial support is available from Central Government to support local planning authorities with their neighbourhood planning obligations. For the 2017/2018 financial year, local planning authorities can claim £20,000 from Government for each Neighbourhood Plan, payable once a date is set for a referendum on a draft Plan following a successful examination. The Council is also currently able to claim an additional £5,000 from Government on the successful designation of each of the first five Neighbourhood Areas within a local planning authority area. The designation of Welcombe Civil Parish as a Neighbourhood Area would be the fourth of such designations within Torridge, following the previous designation of the parishes of Great Torrington, Bradworthy and Winkleigh.

It is not possible to precisely estimate the cost that likely to be incurred by a local planning authority to support the preparation of a particular Neighbourhood Plan. This is because the costs of the examination are linked directly to its duration which will relate to the complexity of the Neighbourhood Plan. Equally, the costs associated to the referendum will relate to the size of the local community within the Neighbourhood Area.

Based upon experience elsewhere, the costs to a local planning authority associated to the examination of a Neighbourhood Plan for could be expected to be in the region of £5,000-£10,000, dependant upon the complexity of the Plan and the scale of the issues covered.



The costs associated to the holding of the referendum can be estimated more readily. The Elections team estimate that the cost associated to running a referendum for the Welcombe Neighbourhood Plan is likely to be in the order of £1,500.

Subject to no significant future change to the level of grant funding available from Government to support local planning authorities neighbourhood planning responsibilities, it is likely that the level of grant that can be claimed in relation to the preparation of a Neighbourhood Plan for Welcombe, will broadly cover the level of anticipated expenditure incurred to meet the Council's prescribed responsibilities.

#### Human Resources Implications

The local planning authority has a duty to support communities making their Neighbourhood Plan(s): through the consideration of applications for the designation of Neighbourhood Areas, provision of advice and guidance, making evidence available, checking that the plan meets certain basic conditions and through the funding and organisation of the independent examination and referendum. The requirements of supporting the Neighbourhood Plan process will require staff resource from both Planning and Democratic Services, the explicit tasks relating to which are not included in current business plans.

#### Sustainability/Biodiversity Implications

The development of a Neighbourhood Plan by a local community will need to comply with the provisions of national planning policy which is founded on the principles of sustainable development. As such, the preparation of a Neighbourhood Plan for Welcombe should provide an opportunity for the advancement of sustainability.

#### Equality/Diversity

Neighbourhood Plans, through a democratic process of consultation and referendum, provide an opportunity for all sectors of the local community to have a say in the future development of their area.

#### Risk Management

There are no direct risk implications arising from the designation of the Welcombe Neighbourhood Area. A service level agreement between the District Council and Welcombe Parish Council would usefully aid the management of the delivery process of the Neighbourhood Plan. At this time the District Council have no established protocol in respect of the level of resource it will provide in support of the Neighbourhood Plan process.

#### Compliance with Policies and Strategies

There are no implications arising from this report. One of the basic conditions, which a Neighbourhood Plan must meet, is that it is in general conformity with the strategic policies contained in the local development plan.

#### Ward Members and Lead Member Views

Cllr Dart (Member for Hartland and Bradworthy) – I am pleased to support the application for the designation of Welcombe as a Neighbourhood Area, from which I believed the preparation of a Neighbourhood Plan will be beneficial for the parish.

Cllr Watson (Lead Member for Planning) – Gives supports to the Parish Council's application, with the recognition that the District Council are obliged to confirm the designation of Welcombe Parish as a Neighbourhood Area.

## **6. CONCLUSIONS**

The Welcombe Neighbourhood Area application has triggered the obligation, in accordance with Regulation 5A(2) of The Neighbourhood Planning (General) Regulations 2012, for the Council to designate the Civil Parish of Welcombe as a Neighbourhood Area. As such, it is recommended that



the area of Welcombe Civil Parish is designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act 1990, as amended.

## **7. RECOMMENDATION**

The Council are requested to consider the following recommendation:

1. That Welcombe Civil Parish (as outlined on the map at Appendix 1 to this report) be designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act 1990, as amended.

## **SUPPORTING INFORMATION**

Consultations:	Date of Consultation – 5 <sup>th</sup> April 2017 Members Consulted – Lead Member for Planning Ward Member for Welcombe Officers Consulted - Head of Paid Service Solicitor Strategic Manager (Resources)
Contact Officer(s):	David Green, Planning Manager/ Dawn Burgess/Ian Rowland, Senior Planning Policy Officers
Background Papers:	The Town and Country Planning Act 1990, as amended; available at: <a href="http://www.legislation.gov.uk/ukpga/1990/8/contents">http://www.legislation.gov.uk/ukpga/1990/8/contents</a> Localism Act 2011; available at: <a href="http://www.legislation.gov.uk/ukpga/2011/20/contents">http://www.legislation.gov.uk/ukpga/2011/20/contents</a> The Neighbourhood Planning (General) Regulations 2012; as amended: <a href="http://www.legislation.gov.uk/uksi/2012/637/contents/made">http://www.legislation.gov.uk/uksi/2012/637/contents/made</a> The Neighbourhood Planning (General)(Amendment) Regulations 2015; available at: <a href="http://www.legislation.gov.uk/uksi/2015/20/made">http://www.legislation.gov.uk/uksi/2015/20/made</a> The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2012; available at: <a href="http://www.legislation.gov.uk/uksi/2016/873/contents/made">http://www.legislation.gov.uk/uksi/2016/873/contents/made</a> Chief Planning Officer Letter from CLG: Update on financial support for neighbourhood planning in 2017 to 2018; available at: <a href="https://www.gov.uk/guidance/planning-guidance-letters-to-chief-planning-officers">https://www.gov.uk/guidance/planning-guidance-letters-to-chief-planning-officers</a>

