

## **WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE – 09/06/2015**

---

### **Title:**

**THE ELSTEAD AND WEYBURN NEIGHBOURHOOD AREA APPLICATION**

**[Portfolio Holder: Cllr Brian Adams]  
[Wards Affected: Elstead and Thursley]**

---

### **Summary and purpose:**

Elstead Parish Council and Peper Harow Parish Meeting intend to prepare a neighbourhood development plan (known as a Neighbourhood Plan) for Elstead and Weyburn. Under the neighbourhood planning legislation the first stage of the process is for the Parish Council to apply to Waverley for the Borough Council to agree the neighbourhood area that their neighbourhood plan should cover. This report considers the neighbourhood area application from Elstead Parish Council.

---

### **How this report relates to the Council's Corporate Priorities:**

The neighbourhood area application does not have a direct relationship with the corporate priorities. However, the neighbourhood plan is likely to contribute towards the corporate priorities of providing more affordable housing, protecting the environment and understanding our residents' needs.

### **Financial Implications:**

There are no financial and resource implications arising from the neighbourhood area applications, other than minimal officer time and the cost of advertising each application. Once a neighbourhood area is designated then Waverley Borough Council can claim for Government grant funding of £5,000.

However, there will be financial and resource implications for the Council in meeting their other duties under the neighbourhood planning legislation. The Council has a duty to support communities preparing neighbourhood plans, including advising and assisting Town and Parish Councils in preparing their plan, publicising the submitted plan, and arranging (and paying for) the examination and referendum. The Council can claim Government funding to help meet these costs (in addition to the £5,000 once the area has been designated). A £5,000 grant can be claimed when the Council publicises the neighbourhood plan prior to examination and then another £20,000 can be claimed once the examination is successfully completed and the examiner recommends that the neighbourhood plan can proceed to the referendum stage.

### **Legal Implications:**

The Council is required to determine the neighbourhood area applications in accordance with the Localism Act 2011 and the Neighbourhood Planning (General)

Regulations 2012. The Council must designate a valid neighbourhood area on application; although it can refuse to designate an area applied for if it considers that the area is not appropriate. In such instances, reasons must be given and the Council must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas.

The area application is not affected by the amendments to the Neighbourhood Planning (General) Regulations that came into force on 9<sup>th</sup> February 2015 relating to the time it should take to determine the area applications. This is because the application was first publicised prior to this date.

Although previous neighbourhood area reports were taken to the Executive and then to Council for a final decision, new national planning guidance states that decisions on neighbourhood planning should be taken by a Council's Executive, although the Executive can delegate responsibility for these decisions to a committee or other authority.

## **1.0 Introduction**

- 1.1 The Localism Act 2011 allows local communities to shape the future of their own communities by planning where and what type of new development will take place in their local areas and what it should look like. A neighbourhood plan can include allocations for development such as housing and employment as well as policies for managing specific types of development. Once it is approved and comes into force it becomes part of the development plan and takes precedence over the non strategic policies in the local plan for making decisions on planning applications for that neighbourhood.
- 1.2 In Waverley a neighbourhood plan can only be prepared by a Town or Parish Council. Under the legislation the first stage of preparing a neighbourhood plan is for the Town or Parish Council to apply to Waverley Borough Council to designate the neighbourhood area that they propose their neighbourhood plan will cover. Once it has been agreed then the neighbourhood plan can be prepared.
- 1.3 Elstead Parish Council and Peper Harow Parish Meeting have resolved to prepare a neighbourhood plan for the civil parish of Elstead and for Weyburn and Elstead has applied to Waverley for the Borough Council to agree the neighbourhood area it wishes the plan to cover. Weyburn mainly lies within the civil parish of Peper Harow. Weyburn includes Tanshire Park; which is a modern business park and Weyburn Works; which is a former engineering works that is now vacant and derelict. Weyburn adjoins the Elstead Parish on its north-eastern boundary. This area applied for also includes the stretch of Shackelford Road outside Elstead civil parish that runs up to Somerset Bridge that connects Weyburn to Elstead village centre
- 1.4 The neighbourhood area application is attached as Annexe 1.

- 1.5 The neighbourhood area application is valid as it includes:
- a statement explaining why the proposed neighbourhood area is appropriate,
  - a map identifying the proposed area to be covered and
  - a statement that the body making the application is a relevant body.
- 1.6 The legislation allows for neighbourhood plans to cover an area that extends beyond the civil parish boundary of one parish council. The supporting statement for the area application from Elstead Parish Council states that due to its location on the boundary of Elstead, any development on the former engineering works at Weyburn would have an impact on the village's facilities and infrastructure. Furthermore Weyburn Works was once a successful engineering facility and offered employment to 300 to 400 local people up to about seven years ago.
- 1.7 The area application includes written confirmation from Peper Harow Parish meeting that they have agreed formally to work together on a joint neighbourhood plan to cover Weyburn. The application also includes a copy of the memorandum of understanding between the two parish councils which states that any decisions pertaining to that part of the plan which is in Peper Harow shall be agreed by Peper Harow Meeting before being passed on to the Elstead and Weyburn Neighbourhood Plan team. Furthermore the Weyburn area has its own working group which at least 75% will be made up of Peper Harow residents in recognition of it being part of that Parish (see Annexe 2). They have stated that Peper Harow Parish wished to remain autonomous and not "lumped" together with Elstead. However, being smaller in terms of population, Peper Harow Parish do not feel that they have the resources at the moment to write their own neighbourhood plan. The draft terms of reference for the Neighbourhood Plan Steering Group also state that it will only be quorate when at least one member is a Peper Harow representative (Annexe 3).
- 1.8 Elstead Parish Council has also stated that the partnership approach to prepare the neighbourhood plan followed a consultation with local businesses and residents to identify the boundary area to be included. It was agreed by a majority to include Weyburn with Elstead in the neighbourhood area. Furthermore,

## **2.0 Consultation**

- 2.1 Before Waverley Borough Council can formally determine the neighbourhood area application it is required under the neighbourhood planning regulations to consult on the application proposals for six weeks. This is so comments on the proposed neighbourhood area can be made for the Council to consider.
- 2.2 The Council therefore:
- advertised the area application on its website;
  - publicised it in the Surrey Advertiser and the Herald; and

- wrote to statutory consultees, chambers of commerce, and adjoining parish councils to inform them that they can comment on the area application proposals.

- 2.3 The period for comments on the application ended on 9<sup>th</sup> March 2015.
- 2.4 Responses have been received from two Elstead residents but only one of them comments on the proposed neighbourhood area itself. This respondent agrees with the proposed area because any development in Weyburn would have a significant impact on the Elstead's resources and infrastructure.
- 2.5 Both respondents comment on potential development at Weyburn. One questions whether there is any benefit to be gained for the village from development. In his view development will increase pressure on local facilities and parking is needed in a central village location which should be provided by the developers. The other respondent comments that the development of one bedroom flats would be inappropriate as they would not meet demand, attract the wrong type of resident and increase traffic and parking.
- 2.6 Natural England has also commented but their response neither supports nor objects to the area application. Instead they have offered some general advice on matters to be considered when preparing a neighbourhood plan.

### **3.0 Consideration of an Area Application**

- 3.1 Under the Localism Act 2011 Waverley Borough Council can only consider whether the area for which the neighbourhood area application is made is appropriate for the purposes of preparing a neighbourhood development plan. The legislation states that in parished areas, the Council must have regard to the desirability of designating the whole of the area of a Parish or Town Council as a neighbourhood area. Where only a part of a Parish Council's area is proposed for designation, it is helpful for the reasons for this to be explained in the supporting statement.
- 3.2 National planning policy guidance states that the Council should aim to designate the area applied for, although it can refuse to designate the area applied for if it considers the area is not appropriate, giving reasons. However, some or all of the area applied for must form part of a designated neighbourhood area. The following are the main issues to be considered.

#### **a) Is the neighbourhood area that the neighbourhood plan is proposed to cover appropriate?**

- 3.3 It is considered appropriate that a neighbourhood plan prepared by Elstead Parish Council should cover the whole of the civil parish area of Elstead. Elstead is a settlement with a number of facilities and services. The adopted Waverly Borough Local Plan 2002 identifies it as a settlement under Policy RD1 and the Waverley Settlement Hierarchy Factual Update 2012 categorises it as a community with local services.

3.4 It is also appropriate that a neighbourhood area that covers Elstead civil parish also includes Weyburn, which mainly lies within Peper Harow parish. Weyburn is developed land made up of Tanshire Park; a modern business park and Weyburn Works; the former engineering works. The land adjoins Elstead parish boundary and is about a mile by road to the heart of Elstead village. The Government encourages the effective use of land by re-using previously developed land in the National Planning Policy Framework (paragraph 17). Given its relationship to Elstead, the opportunity for redevelopment at Weyburn Works and the contribution that Tanshire Park makes to the local economy, it is agreed with Elstead and Peper Harow Parishes that any development in Weyburn would have an impact on Elstead's businesses and residents. It is therefore considered appropriate for the Elstead Neighbourhood area to include Weyburn.

3.5 Elstead and Peper Harow have formally agreed that Peper Harow will make any decision on Weyburn before the neighbourhood plan group does and that at least 75% of the Weyburn working group for the neighbourhood plan will be made up of Peper Harow residents. Therefore there is no reason to be concerned that Peper Harow, as the smaller of the two parishes in terms of population, will have a subordinate role in making decisions for land within their parish.

b) Is it appropriate that a neighbourhood area that includes Weyburn does not include the rest of Peper Harow, the parish that Weyburn lies within?

3.6 It is considered that the type and pattern of development that characterises the rest of Peper Harow outside of Weyburn is significantly different than the developed land that makes up Weyburn. There is little built form in this part of the parish which comprises mainly isolated farm buildings sporadically located within open countryside. There is also not a specific built-up centre of Peper Harow, although there is a small group of buildings centred on Peper Harow House. There is also new residential development on the former Shackleford Mushroom Farm. However, this site is on the edge of Shackleford and part of it lies within Guildford Borough Council, as does Shackleford itself.

3.7 Together with the planning designations (including the Green Belt and an Area of Outstanding Natural Beauty) that constrain development, the opportunity for development in the rest of Peper Harow is very limited. It is therefore considered that the omission of the rest of Peper Harow from the neighbourhood area will not be detrimental to the planning of either Peper Harow or Elstead.

3.8 Furthermore the inclusion of Weyburn in this proposed neighbourhood area will not stop the rest of Peper Harow preparing a neighbourhood plan in the future, provided that the neighbourhood area does not include Elstead civil parish or Weyburn. It is therefore considered appropriate that the neighbourhood area does not include the rest of the civil parish of Peper Harow outside of Weyburn.

c) Do the comments received on the area application demonstrate that the neighbourhood area is inappropriate?

- 3.9 The concerns of local residents regarding the impact of development in Elstead on local facilities and services, the contribution that developers should make to provide infrastructure that is needed and the appropriate type and size of new housing are important planning issues. However, these issues relate to any development that the neighbourhood plan itself may propose rather than the area that the neighbourhood plan is proposed to cover, which is the subject of this application.
- 3.10 The National Planning Policy Guidance (NPPG) states that when a neighbourhood area is designated a local planning authority should avoid pre-judging what a parish council may subsequently decide to put in its draft neighbourhood plan. It should not make assumptions about the neighbourhood plan that will emerge from developing, testing and consulting on the draft neighbourhood plan when designating a neighbourhood area. Elstead and Peper Harow parishes will be required to consult on the neighbourhood plan itself when it is being prepared.

#### Conclusion

- 3.11 As the area application meets the requirements of the legislation and that the area applied for is appropriate for the purposes of a neighbourhood plan, it is recommended that Waverley Borough Council approves the area application.

#### Recommendation

It is recommended that the Executive approves the neighbourhood area application from Elstead Parish Council for the purposes of the Elstead and Weyburn Neighbourhood Plan.

---

#### Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

---

#### CONTACT OFFICER:

**Name:** Matthew Ellis

**Telephone:** 01483 523297

**E-mail:** matthew.ellis@waverley.gov.uk