

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 04/11/2014

Title:

EWHURST AND WITLEY NEIGHBOURHOOD PLAN AREA APPLICATIONS

[Portfolio Holder: Cllr Brian Adams]

[Wards Affected: Ewhurst, Witley and Hambledon]

Summary and purpose:

Ewhurst and Witley Parish Councils intend to prepare neighbourhood development plans (known as Neighbourhood Plans). Under the neighbourhood planning legislation the first stage of the process is for each 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 applications.

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

The neighbourhood area applications do 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). £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 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.

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.

Introduction

1 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 should cover. Once it has been agreed then the neighbourhood plan can be prepared.
- 1.3 Ewhurst Parish Council and Witley Parish Council have each resolved to prepare a neighbourhood plan for their respective communities and have each applied to Waverley for the Borough Council to agree the neighbourhood area it wishes their plan to cover. Both applications were valid, as they included
 - 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.
- 1.4 The intention is that both the Ewhurst Neighbourhood Plan and the Witley Neighbourhood Plan cover the entire parish area. The neighbourhood area applications are attached as Annexe 1.

2 Consultation

- 2.1 Before Waverley Borough Council can determine the neighbourhood area applications it is required under the neighbourhood planning regulations to consult on the application proposals for 6 weeks to invite comments on the proposed area and consider the responses made.

2.2 For both neighbourhood area applications the Council:

- advertised the area application on its website;
- publicised it in the Surrey Advertiser (and for the Witley application 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:

- Ewhurst area application ended on 22 September 2014.
- Witley area application ended on 20 October 2014.

3 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 and that 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 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.

4 Ewhurst Area Application

4.1 As a result of the consultation two responses were received from Natural England and the Environment Agency. Natural England's response neither supported nor objected to the area application but instead offered some general advice on matters to be considered when preparing a neighbourhood plan.

4.2 The Environment Agency had no specific comments to make on the proposed plan boundary, but noted that there are a number of watercourses running through the area and also an area of flood zone. These will need to be considered as the plan develops. It offered advice through its leaflet 'Planning for the environment at the neighbourhood level.'

4.3 As the area application meets the requirements of the legislation and there are no representations that demonstrate that the area applied for is not appropriate for the purposes of a neighbourhood plan, it is recommended that Waverley Borough Council approves the area application.

5 Witley Area Application

- 5.1 As a result of the area application two responses were received. Natural England's response neither supported nor objected to the area application but instead offered some general advice on matters to be considered when preparing a neighbourhood plan. English Heritage wrote to say that they had no comments.
- 5.2 As the area application meets the requirements of the legislation and there are no representations that demonstrate that the area applied for is not 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:

1. approves the neighbourhood area application from Ewhurst Parish Council for the purposes of the Ewhurst Neighbourhood Plan; and
2. approves the neighbourhood area application from Witley Parish Council for the purposes of the Witley 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.

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