

## Agenda Item 7

<b>Executive Member</b>	Sarah Seed
<b>Strategic Management Team Lead Officer</b>	Paul Feehily
<b>Author</b>	Jane Smith
<b>Telephone</b>	01306 879144
<b>Email</b>	jane.smith@molevalley.gov.uk
<b>Date</b>	16 June 2015

<b>Ward (s) affected</b>	Capel, Leigh & Newdigate, Leith Hill and Beare Green	<b>Key Decision</b>	No
--------------------------	--	---------------------	----

<b>Subject</b>	Capel Parish Council application for designation of Neighbourhood Area
----------------	--

### RECOMMENDATIONS

- a) That delegated powers are granted to the Corporate Head of Service for Planning to determine the application for designation of Capel Parish as a Neighbourhood Area, following consultation with the Executive Members for Planning, Community Engagement & Resident Services and Rural Economies & Cycling and Ward Members for Capel, Beare Green and Leith Hill.
- b) That a full report on the public consultation, views expressed and outcome of the application is submitted to the September meeting of the Executive.

### EXECUTIVE SUMMARY

Capel Parish Council has applied to MVDC for designation of Capel Parish as a Neighbourhood Area. This is the first step in the process of preparing a Neighbourhood Development Plan (NDP). The NDP would be prepared by the Parish Council and would set out planning policies for Capel Parish.

Under the Neighbourhood Planning Regulations, the Council is obliged to publicise the application as soon as possible after receipt, to those living, working and doing business in the Parish. The application then has to be determined within 8 weeks. This deadline was introduced in January 2015 and is a change to the process followed when previous Neighbourhood Area applications were considered.

Capel Parish Council's application was received on 15 May and will be published on

around 1 June.

Therefore, in order to meet the 8 week deadline, delegated powers are sought for the Corporate Head of Service for Planning to determine the application, in consultation with the relevant Executive Members (Planning, Community Engagement & Resident Services and Rural Economies & Cycling) and the Ward Members for Capel, Beare Green and Leith Hill.

## **CORPORATE PRIORITY OUTCOMES**

### **ENVIRONMENT: A highly attractive area with housing that meets local need**

Preparation of a Neighbourhood Development Plan is one means through which the local community can take responsibility for developing plans for how land is used in their own neighbourhood. They set out local priorities to guide development and protect the natural and built environment, within the framework of national and local strategic policies.

### **PROSPERITY: A vibrant local economy with thriving towns and villages**

Where relevant, Neighbourhood Development Plans can include land use planning policies geared towards helping rural communities and businesses thrive.

### **COMMUNITY WELLBEING: Active communities and support for those who need it**

Neighbourhood Development Plans are developed by the local community. The process includes extensive community engagement and has the potential to foster community spirit through agreement of local land use planning priorities.

## **The Executive has the authority to determine the Recommendations**

## **1. BACKGROUND**

### Neighbourhood Development Plans

- 1.1. A Neighbourhood Development Plan (NDP) sets out planning policies for a specific Neighbourhood Area. It is prepared by the Parish Council in parished areas.
- 1.2. At present, four communities within Mole Valley are preparing NDPs: Westcott, Bookham, Ashted and Ockley. Additional communities could choose to prepare an NDP at any time. The Council is obliged to be proactive and constructively engage with communities preparing, or considering preparing, an NDP and take key decisions in a timely manner.

- 1.3. Capel Parish Council has resolved to start the process of preparing an NDP. They have submitted their application for designation of Capel Parish as a Neighbourhood Area, which is the first step in the process.
- 1.4. Capel's application follows community engagement within the Parish, including at the annual Parish Meeting. They propose to establish a Steering Group with Parish Councillors and community representatives from the three communities within the Parish (Beare Green, Capel and Coldharbour). While the Council is considering this application, the Steering Group will continue to focus on community engagement to identify the issues which the NDP will focus on. This will include preparing consultation materials, setting up a website and holding public meetings in each village.

#### Designation of a Neighbourhood Area

- 1.5. The procedure for preparing an NDP is set out in the Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (as amended). The first stage is to apply to the Local Planning Authority for designation of the Neighbourhood Area. This is the geographical area which will be covered by the NDP.
- 1.6. As soon as possible after an application is received, the LPA is obliged to publicise it on the Council's website and in such other manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the application relates. Representations are invited. The application must be publicised for a period of at least four weeks in the case of a Parish Council application relating to the whole Parish.
- 1.7. Once the publication period is over, the LPA has to consider any representations received and decide whether to designate the Neighbourhood Area. The decision that has to be taken is whether the Parish boundary is the appropriate area for the NDP. The LPA can approve the boundary as proposed, seek modifications with the Parish Council's consent or refuse the application and seek to agree an alternative boundary.

#### Application Timescales

- 1.8. Under amended Neighbourhood Planning Regulations published in January 2015, new statutory time limits were introduced for Neighbourhood Area applications. MVDC is obliged to determine Capel's application by 20 July; 8 weeks from the date it was published for public comment.
- 1.9. The application was received on 15 May and published for public consultation on 1 June, with a response deadline of 29 June. Publicity included a mailshot to all households and businesses with addresses in the Parish, a website article and social media updates, a Press Release and notification of other interested parties whose details are held on the Council's Planning Policy consultation database. Capel Parish Council has also updated their own website with information about the Neighbourhood Development Plan and a link to the public consultation.
- 1.10. Taking into account the need for officers to consider views expressed during the

publicity period before preparing a report, the first Executive meeting to which the application could be reported is 29 September. This would fail to meet the eight week statutory time limit by a considerable margin.

1.11. With this in mind, delegated powers are sought for the Corporate Head of Service for Planning to determine Capel's application, in consultation with the following Members who are most directly interested in the proposal:

- Executive Members for Planning, Community Engagement & Resident Services and Rural Economies & Cycling;
- Ward Members for Capel, Beare Green and Leith Hill

1.12. This will enable MVDC to fulfil its obligation to engage constructively with local communities in preparing NDPs and take this key decision in a timely manner.

### Next Steps

1.13. A further report will be presented to Scrutiny Committee on 15 September and the Executive on 29 September, updating Members on:

- any issues raised during the public consultation on the Capel Neighbourhood Area;
- the outcome of the application; and
- the way forward for preparation of an NDP for Capel.

### **Financial Implications**

1.14. No financial implications have been identified.

### **Legal Implications**

1.15. The Neighbourhood Planning (General) Regulations 2012 require the Council to make a determination, subject to certain procedural requirements, and Council's Executive is able to delegate authority to discharge the Council's duties with respect to this aspect of neighbourhood planning.

## **2. OPTIONS**

2.1. There are two alternative options:

### **Option 1 (Recommended option):**

- a) That delegated powers are granted to the Corporate Head of Service for Planning to determine the application for designation of Capel Parish as a Neighbourhood Area, following consultation with the Executive Members for Planning, Community Engagement & Resident Services and Rural Economies & Cycling and Ward Members for Capel, Beare Green and Leith Hill.

- b) That a full report on the public consultation, the views expressed and the outcome of the application is submitted to the September meeting of the Executive.

**Option 2:** That no delegated powers are granted and the application is determined by the Executive at the next available meeting.

- 2.2. Option 1 is the preferred option. This option is considered to strike the right balance between expediting the procedure in order to meet statutory timescales, while ensuring that elected Members have a direct input into the process.
- 2.3. A full report to the Executive meeting in September will outline any issues raised during public consultation and explain how a decision on the application was reached, in the interests of transparency.
- 2.4. Option 2 would prevent the Council from meeting statutory timescale for the determination of applications for new Neighbourhood Areas. Under the Regulations, no specific sanctions are identified for failing to meet these timescales. However, there would be clear reputational implications if the Council is perceived as failing to deliver decisions in a timely manner.
- 2.5. The whole NDP process relies on a positive and constructive relationship between the Council and Parish Councils. Meeting the statutory timetable for this first stage in the process will help to ensure that this constructive relationship is established at the outset. It will give the community clarity and ensure that they are able to press ahead with community engagement for the NDP, which they are keen to do before the summer break.

### **3. CORPORATE IMPLICATIONS**

**Monitoring Officer commentary** – The Monitoring Officer is satisfied that all relevant legal implications have been taken into account.

**S151 Officer commentary** – The s151 Officer confirms that all relevant financial risks and issues have been taken into account.

**Risk Implications** – If delegated powers are not granted, as recommended, the Council will be unable to fulfill its obligation to meet statutory timetable set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). This would undermine the Council's reputation with Capel Parish Council and prejudice the establishment of a positive and constructive relationship with those preparing the NDP.

**Equalities Implications** – There are no equalities implications arising as a direct consequence of this report.

**Employment Issues** – No employment issues have been identified.

**Sustainability Issues** – No sustainability issues have been identified.

**Consultation** – This proposal concerns procedural matters internal to the Council and has not been subject to prior consultation. A Press Release has been prepared. The Neighbourhood Planning page of the Council’s website will be updated and refreshed.

#### **4. BACKGROUND PAPERS**

4.1. There are no background papers to this report.