

**Wednesday 19 November 2014**

**Planning & Development Committee**

**West Horndon Neighbourhood Plan Area**

*Report of:* Gordon Glenday, Head of Planning and Development

*Wards Affected:* Herongate, Ingrave & West Horndon

*This report is:* Public

**1. Executive Summary**

- 1.1 The Localism Act 2011 grants parishes and community groups powers to draw up Neighbourhood Plans. The Neighbourhood Planning (General) Regulations (2012) set out that Brentwood Borough Council, as Local Planning Authority, has responsibility for determining applications for Neighbourhood Plan areas.
- 1.2 In February 2014 the Council received an application from West Horndon Parish Council to consider West Horndon parish as a Neighbourhood Plan area. The Borough Council consulted on the proposed area for a period of six weeks between May and July 2014
- 1.3 This report seeks approval to designate West Horndon parish as a neighbourhood plan area, as set out in **Appendix A**.

**2. Recommendation**

- 2.1 That the West Horndon Neighbourhood Plan area be approved.**

**3. Introduction and Background**

- 3.1 The Localism Act 2011 grants parishes and community groups powers to draw up Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders.
- 3.2 Brentwood Borough Council, as Local Planning Authority, has responsibility for determining applications for Neighbourhood Plan areas,

designating Neighbourhood Forums and other duties in connection with neighbourhood planning.

- 3.3 A Neighbourhood Plan enables local communities (i.e. parish council or neighbourhood forum) to draw up planning policies for the development and use of land in their area. This would set a vision for the future and can cover things like where development should take place and what it should look like. Once adopted, the neighbourhood plan will form part of the Borough Local Development Plan and be a material consideration in determining planning applications.
- 3.4 Neighbourhood Planning Regulations (March 2012) specify roles and responsibilities for local planning authorities and the parish councils and neighbourhood forums who prepare the plans or orders. These Regulations require neighbourhood plans to conform to strategic policies in the Local Development Plan and national policy. Communities can not use neighbourhood planning to block development by stipulating a lower level of development than set out in the Local Development Plan, but they can use neighbourhood planning to influence the type, design, location and mix of new development or propose a higher level of development.
- 3.5 In light of the Borough Council's role as local planning authority, the Council has published a guidance note on its website; "Neighbourhood Planning in Brentwood Borough". This sets out the protocol for how the Council intends to respond to requests to prepare neighbourhood plans or orders, as well as sources for further information.
- 3.6 To date there has been one Neighbourhood Plan area approved by the Council. The Doddinghurst Neighbourhood Plan is currently being prepared by Doddinghurst Parish Council. The area was approved at Policy and Resources Board on 14 December 2012 following consultation and a successful joint application by the Borough Council and Parish Council in response to the Government's neighbourhood planning vanguard scheme.
- 3.7 In February 2014 the Council received an application from West Horndon Parish Council to consider West Horndon parish as a Neighbourhood Plan area. The application letter and map of the parish can be found in **Appendix A and B** respectively. The Borough Council consulted on the proposed area for a period of six weeks between May to July 2014. This immediately followed May local elections and the preceding pre-election period. Details of the consultation can be found in Chapter 6 of this report. A report setting out consultation responses and proposed actions is set out in **Appendix C**.

#### **4. Issue, Options and Analysis of Options**

- 4.1 The Council is required to determine the application from West Horndon Parish Council in light of consultation responses received. Consideration of responses help to inform whether to approve the area as proposed, i.e. the whole of West Horndon parish.
- 4.2 The Council has a statutory discretion to consider whether the area applied for is appropriate for designation and so must have regard to the desirability of designating the whole parish. An alternative option might be to propose that a smaller area be approved if consultation responses supported this approach.
- 4.3 Consultation responses showed broad support for the whole parish to be designated as a Neighbourhood Plan area.

#### **5. Reasons for Recommendation**

- 5.1 It is recommended that the Neighbourhood Plan area as proposed by West Horndon Parish Council, to include the entire parish, be approved in order that the Parish Council can continue work to prepare the plan. Formal approval is required in order that work continue to the next stages.
- 5.2 Responses received from residents and stakeholders to the consultation showed broad support for the whole parish to be designated as a Neighbourhood Plan area. There was strong local resident support.
- 5.3 Given the level of support, the fact that the Parish Council oversee the entire proposed area, and emerging strategy in the Borough Council's Local Development Plan, it seems appropriate to approve the entire parish as a Neighbourhood Plan area.

#### **6. Consultation**

- 6.1 Public consultation on the proposed area took place for six weeks between 29 May and 10 July 2014.
- 6.2 The Neighbourhood Planning Regulations stipulate a minimum consultation period of six weeks. This is reflected in the Council's published guidance note "Neighbourhood Planning in Brentwood Borough" and in the adopted Brentwood Statement of Community Involvement (December 2012).

- 6.3 The Council consulted all West Horndon residents whose contact details were on the Local Development Plan consultation database (those who requested to be kept informed of Plan preparation and/or those who made representations to the Draft Local Plan Preferred Options consultation). In addition, the Council consulted prescribed bodies under the Duty to Cooperate (including neighbouring authorities), key stakeholders, and in addition to West Horndon residents an email notification was sent to all those who have requested to be kept informed of Local Development Plan progress and related documents. Information about the consultation, the application letter from West Horndon Parish Council, and a map of the proposed area were published on the Council's website.
- 6.4 A total of 23 responses were received to the consultation. A report setting out full responses, summary of main issues, and proposed actions is set out in **Appendix C**.
- 6.5 Responses were received from the following:
- 9 responses from statutory bodies
  - 8 responses from local residents
  - 3 responses from neighbouring local authorities (including Essex County Council)
  - 2 responses from planning agents on behalf of local landowners
  - 1 response from a local interest group.
- 6.6 Responses showed broad support for the entire parish to be designated as a Neighbourhood Plan area. There was strong local resident support for the area. One objection was received to the proposal. This was from a local resident within the parish but outside West Horndon village boundary. Several key stakeholders, including national bodies, neighbouring authorities and the County Council, provided advice on things that the Parish Council will need to consider as part of preparing a Neighbourhood Plan. This information will be shared with the Parish Council as part of publishing this report.

## **7. References to Corporate Plan**

- 7.1 Adopted Neighbourhood Plans will form part of the Council's Local Development Plan, a key priority in the Council's Corporate Plan chapter "A Prosperous Borough".

## **8. Implications**

### **Financial Implications**

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8.1 Neighbourhood Planning Regulations require Local Planning Authorities to bear the costs of examination and referendum of neighbourhood plans or orders.

8.2 In light of this responsibility the Department for Communities and Local Government (DCLG) provide grant funding to Local Planning Authorities; the Neighbourhood Planning Grant scheme. This enables the Council to retrospectively claim set amounts of funding at the following stages of Neighbourhood Plan preparation:

- The first payment of £5,000 is made following designation of a neighbourhood area, recognising the officer time supporting and advising the community in taking forward a neighbourhood plan.
- The second payment of £5,000 is made when the local planning authority publicises the neighbourhood plan prior to examination. This will contribute towards the costs of the examination as well as other staff costs incurred at this stage.
- The third payment of £20,000 is made on successful completion of the neighbourhood planning examination. This is to cover costs for that examination and any other further steps that may be needed for the neighbourhood plan to come into legal force, including referendum. However, the payment is not dependent on pursuing the referendum route if both parties agree on a different approach at that point (for example, if both parties agree, the neighbourhood plan could be taken forward as part of the local plan or as a supplementary planning document).

8.3 Resolving to agree the West Horndon Neighbourhood Plan area would enable the Borough Council to claim this first grant of £5,000. DCLG has recently confirmed that the Neighbourhood Planning Grant scheme will be extended to 2015/16.

### **Legal Implications**

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8.4 The Localism Act 2011 (Part 6, Chapter 3, Sections 116-121 and Schedule 9 and 10) inserted amendments into the Town and Country Planning Act 1990 to enable Neighbourhood Planning with effect from 15

November 2011. The Neighbourhood Planning (General) Regulations 2012 (SI2012 No. 637) make provision in connection with proposals made. If the application is approved, then Regulation 7(1) requires the designation to be publicised. If the application is refused, reasons must be given under the Act and the decision must also be published.

- 8.5 The Borough Council has a statutory discretion to consider whether the area applied for is an appropriate area for designation. It must have regard to the desirability of designating the whole of the area of a Parish Council as a Neighbourhood Area. There is also a statutory requirement to consider whether the authority should designate the area as a business area. The power to designate an area as business area is, however, only exercisable if the Council consider that the area is wholly or predominantly business in nature.
- 8.6 The Government has recently consulted on proposed changes to limit the amount of time Local Planning Authorities have to determine Neighbourhood Plan area applications.
- 8.7 Once adopted, neighbourhood plans will be part of the statutory Local Development Plan and a material consideration in determining planning applications.

### **Other Implications**

- 8.8 The Council will need to continue assisting West Horndon Parish Council in preparation of their Neighbourhood Plan.

## **9. Background Papers**

- 9.1 Neighbourhood Planning in Brentwood Borough (February 2013)
- 9.2 Local Plan 2015-2030 Preferred Options for Consultation (July 2013)

## **10. Appendices to this report**

Appendix A - West Horndon Parish Council Neighbourhood Plan area application

Appendix B - Map of proposed West Horndon Neighbourhood Plan area (parish)

Appendix C - Consultation responses to the West Horndon Neighbourhood Plan area and proposed actions.

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