

CABINET

Wray-with-Botton Neighbourhood Plan Response to Draft Neighbourhood Plan Consultation

Individual Cabinet Member Decision (Councillor Hanson)

Report of Chief Officer (Regeneration and Planning)

PURPOSE OF REPORT				
To request endorsement of the City Council's response to the draft Wray-with-Botton Neighbourhood Plan.				
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>	Referral from Cabinet Member
Date of notice of forthcoming key decision	N/A			
This report is public				

RECOMMENDATION OF THE CHIEF OFFICER (REGENERATION & PLANNING)

- a. To endorse the content of the City Council response to the draft Wray-with-Botton Neighbourhood Plan, as set out in Appendix A of this Report, and submit the response to Wray-with-Botton Parish Council in order to inform the next iteration of their Neighbourhood Plan.

1.0 INTRODUCTION

- 1.1 Neighbourhood planning is promoted via the 2011 Localism Act as a method for communities to address planning matters at a very local level through the preparation of a neighbourhood plan. Such a plan can allow the community to plan positively for future growth allowing them to identify how and where new development should be promoted and tackle a range of planning issues which are pertinent to their area.
- 1.2 The preparation of a neighbourhood plan involves consultation with the local community and a range of other stakeholders, be examined by an independent examiner to test its soundness and robustness and finally needs to be ratified by a local referendum.
- 1.3 Once completed, a neighbourhood plan becomes part of the local development plan for the district and is a material consideration in the decision-making process.

2.0 BACKGROUND

- 2.1 Wray-with-Botton are one of eight areas within the district which have been designated for the purposes of Neighbourhood Planning. This designation was made by the Parish Council and was approved by the City Council in March 2015.

- 2.2 Since the point of designation Wray-with-Botton Parish Council have been working on the preparation of a Neighbourhood Plan for their area which seeks to tackle a range of planning issues, in particular the delivery of housing within their area. The Parish Council have been assisted by external planning consultation for elements of the work which have provided planning support and advice in the preparation of their Neighbourhood Plan.
- 2.3 The Council, as part of the Neighbourhood Plan Protocol, offer assistance and support to Neighbourhood Plan groups. In relation to Wray-with-Botton, a number of meetings have taken place since the area designation to assist with the preparation of the plan.
- 2.4 On 30 September 2017 Wray-with-Botton Parish Council commenced a six week consultation period on a draft Neighbourhood Plan in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.5 Officers of the Planning and Housing Policy Team have prepared a response to the draft Neighbourhood Plan which sets out a range of concerns with the content of the draft document, the key concerns are summarised in Section 3 of this report and the response is set out in full at Appendix A.
- 2.6 Given the draft nature of the Neighbourhood Plan it is hoped that the issues which are set out in the Council's response are given full consideration and are addressed by the Parish Council in preparing a final version of the Neighbourhood Plan. In order to address these concerns the Council's response makes the offer of further meetings and further support to ensure that these concerns are satisfactorily addressed.

3.0 SUMMARY OF THE RESPONSE

- 3.1 The draft Wray-with-Botton Neighbourhood Plan raises a number of issues, particularly in relation to its compatibility with both national planning policy and local policy contained within the adopted and emerging local plan.

Duplication of Policy and Parity of Approach

- 3.2 A number of the policies contained in the draft Neighbourhood Plan merely seek to replicate the approaches taken in the adopted and/or emerging Development Management DPD.
- 3.3 It is important for clarity and consistency that Neighbourhood Plans do not seek to merely duplicate and copy existing guidance at a higher level given the Government's approach that the duplication of policy is unnecessary and confusing to users of the local plan.
- 3.4 Wray-with-Botton sits within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) which is a key driver for many elements of the Neighbourhood Plan, particularly in the relation to determining how new development will be delivered.
- 3.5 It is important for the decision-making process that there is a parity of approach achieved for both AONBs, to ensure that consistent decisions are made between the Arnside and Silverdale and Forest of Bowland AONBs. It is therefore important that the matters of parity are well consistent within the NP.
- 3.6 As a result, the response from the Council suggests that such policies should either be deleted from the plan (with reliance placed on national planning policy or district-wide policy) or further consideration be given to how policies can be made more locally bespoke to the Wray-with-Botton. Furthermore it will be important that the preparation of the Wray-with-Botton Neighbourhood Plan, which sits with the Forest of Bowland AONB, provides a consistent approach to that being prepared for the Arnside and Silverdale AONB to ensure parity in the decision-making process.

Housing Delivery

- 3.7 The draft NP has sought to use a landscape capacity based approach toward the delivery of new development, this principle has also been used to develop the Arnside and Silverdale AONB DPD.
- 3.8 In order to achieve this, the Parish Council have appointed landscape consultant Alison Farmer to assess the landscape impacts of a range of sites on and within the settlement of Wray which has concluded that there are very limited opportunities for development within the NP area. The conclusions of the Alison Farmer work is not consistent with the wider landscaping work which has been done by the City Council via Arcadis, however it is recognised that the work undertaken by Alison Farmer provides more detailed assessed, particularly in relation to the designated landscape.
- 3.8 There remains concern that some of the conclusions reached are not consistent and do not effectively demonstrate land's suitability, availability and deliverability. This relates to sites which have been discounted from the site selection process and also sites which have been identified for potential development by the NP group, for example land at Hoskins Farm at the centre of the village.
- 3.9 It is clear that further assessment and evidence is required to ensure that the NP robustly deals with these matters and ensure that it can appropriately demonstrate why land has either been identified for development or discounted from the plan making process.

Local Green Space Designations

- 3.10 The Neighbourhood Plan seeks to identify a range of Local Green Spaces within their area. These designations are seeking to highlight areas of green space which are considered to be highly important and meet the specific criteria of Local Green Spaces as set out in national planning policy.
- 3.11 The City Council have undertaken this assessment at a district-wide level which has been prepared in line with a robust methodology which was prepared by the City Council and subject to public consultation. The assessment process also included a 'Call for Sites' which allowed members of the community to nominate sites which they felt should be designated as Local Green Spaces, all nominations were then assessed by an independent panel to whether they met the criteria to be designated as Local Green Spaces.
- 3.12 The NP has sought to identify two sites as Local Green Spaces, one of which is supported in the district-wide assessment (Wray School Fields) and one which is not supported by the district-wide assessment (Wray Flood Gardens). Further evidence is required from the NP group is required to justify why this area is demonstrably special in accordance with national planning policy.

4.0 OPTIONS AND OPTIONS ANALYSIS (including Risk Assessment)

- 4.1 The City Council have the option to provide comments highlighting concerns over the robustness and soundness of the draft plan at this stage, or to provide no comment and allow the plan to progress to the next stage (which is formal submission of the neighbourhood plan to the City Council to begin the examination process).
- 4.2 Given it is the duty of the City Council to provide advice and guidance to neighbourhood plan groups in order to give them the best opportunity of preparing a plan which will be found sound at examination, it is considered important that these issues are raised as soon as possible to ensure that the neighbourhood plan group are given the maximum opportunity to address these issues prior to the final submission to the City Council.

5. CONCLUSIONS

- 5.1 It is hoped that the response to the Wray-with-Botton Neighbourhood Plan will lead to a positive and proactive dialogue between the City Council and Parish Council over how these matters can be addressed. It is important to note however the responsibility for such engagement will be with the Parish Council as they seek to revise their Neighbourhood Plan.
- 5.2 In moving forward the City Council will continue to monitor the work undertaken by the Parish Council in the context of the preparation of the district-wide plan. This is particularly important in relation to housing delivery and Wray's status as a sustainable settlement within both adopted and emerging local plan policy. It is important that opportunities for housing growth in these settlements are explored in a positive and proactive manner.

RELATIONSHIP TO POLICY FRAMEWORK

Neighbourhood Planning contributes to the Council's corporate plan priorities, in particular, sustainable economic growth.

Once adopted, neighbourhood plans will form part of the Council's Lancaster District Local Plan.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

A neighbourhood plan will directly impact local communities. However, this impact will be subject to the plans focus e.g. housing, local facilities, open space etc. Equality and diversity and sustainability impact assessments will be required as part of the neighbourhood plan development process.

Neighbourhood planning provides rural communities with an opportunity to shape future development in their area, as well as helping to protect and conserve their heritage and environment (in line with the District's Local Plan and national planning policy guidance).

LEGAL IMPLICATIONS

The Council's Legal duties are set out within the body of this Report and within the relevant sections of the Localism Act 2011.

FINANCIAL IMPLICATIONS

As set out in the body of the report, to support the preparation of any neighbourhood plan Lancaster City Council has a duty to provide officer support to the community preparing the plan and as a result will also incur additional costs to cover; (1) various stages of publicity, (2) independent examination and (3) a referendum. The local planning authorities are able to claim monies from DCLG to offset the costs of undertaking this work. However, the DCLG have now updated and reviewed the arrangements for claiming financial support for neighbourhood plan, amending the levels of financial support offered and the stages where payment can be claimed.

A payment of £20,000 becomes eligible once the local authority have set a date for the referendum following a successful examination. As in previous applications, it would not be claimable if the Inspector did not endorse the Neighbourhood Plan. It should also be noted that since reporting on previous designations, as a result of the DCLG updates referred to above, the local authority will no longer be reimbursed should the Neighbourhood Plan group decide not to take a successful plan to referendum.

The cost of an independent examination is determined by the time spent on the matter by the independent inspector appointed by the Neighbourhood Plan group. The length of the

examination reflects the scale of the ambition of the plan, the complexity of the planning policy environment and the extent of support or objection received. Whilst it is therefore not possible to say at this stage what an examination would cost, a recent examination undertaken by another neighbouring authority cost a little under £4,000.

In relation to the referendum costs, these will vary greatly depending on the number of voters, the geography of the area and the number of polling stations required. To provide an illustration of the likely scale of the costs for a referendum for Wray-with-Botton the council's democratic service officers have advised that the estimated direct costs of holding a referendum in the Wray-with-Botton Parish Council area (comprising printing and posting of voting materials, the Poll Station day staff and count voters) would be in the region of £2,000.

Neighbourhood plan costs will vary greatly due to potential complexities (examination) and area covered (referendum) and so it cannot be guaranteed that all additional costs will be covered by the grant funding for any given application. However it is expected that this application, the seventh that Lancaster City Council has had to consider, is for a parish with a small population and, should the Examination prove not complex, then total direct costs are estimated to be in the region of £7,000-£9,000 (comprising £1,000 for publicity, £4,000-£6,000 for an Examination and £2,000 for a referendum) with the remaining grant covering existing staff resources / falling into General Balances.

To date support and advice for this and previous neighbourhood plan designation applications has been provided through the use of existing Regeneration and Planning staff resources and is expected to continue through 2017/2018, however support for other plans (if they come forward) will need to be reviewed at the designation stage as it will depend on the timings of such applications to some extent, i.e. if more than one came forward at the same time for example. Managing a referendum will also need the resources of democratic services officers, and although for Wray-with-Botton this is expected to be managed within existing staff resources, again, this would need to be reviewed on a case by case basis should further Neighbourhood Plans come forward in the future.

OTHER RESOURCE IMPLICATIONS

Human Resources:

Officer support has been put in place for neighbourhood planning, however, this may need to be re-considered if demand increases.

Information Services:

None.

Property:

None.

Open Spaces:

Wray-with-Botton Parish Council have included a number of open spaces within their neighbourhood plan which they consider to be worthy of protection.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments

BACKGROUND PAPERS

City Council Response to the draft Wray-with-Botton Neighbourhood Plan (Regulation 14).

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