

NAME OF COMMITTEE	Resources
DATE	15th July 2014
REPORT TITLE	Application to designate a Neighbourhood Plan Area for the Bere Peninsula
Report of	Strategic Planning Officer
WARDS AFFECTED	Bere Ferrers

Summary of report:

The Bere Peninsula submitted an application to the Council to designate a plan area in respect of preparing a neighbourhood plan.

The application was advertised for six weeks between 13th May and 23rd June 2014 during which comments were invited about whether the plan area is appropriate.

The Council has not received any objections to the designation of the plan area proposed.

Financial implications:

The financial impact of the assessment should be cost neutral due to the Council being able to claim back any associated costs as detailed in section 4 and below.

Where applications for plan areas are successful, the Council can apply for financial support from the Government to recognise the authority's costs in assisting in the preparation of neighbourhood plans. The Council intends to submit an application in this respect in July 2014. More details are provided in Section 4.

RECOMMENDATIONS:

It is recommended that

1. Members approve the designation of the Bere Peninsula Plan Area for the purposes of preparing a Neighbourhood Plan.
2. Members support an application for financial support from central government to help cover the costs of the Local Authority associated with preparing a Neighbourhood Plan.

Officer contact:

Michelle Luscombe | Strategic Planning Officer
01822 813563

1. BACKGROUND

- 1.1 The Localism Act and National Planning Policy Framework (NPPF) both came into effect in 2012. These encourage and support communities to prepare plans for their area.
- 1.2 The Council has adopted a Community-Led Planning Protocol which provides clear information on the procedures that will guide the neighbourhood planning process following the designation of a plan area at the local level.
- 1.3 The first step in the neighbourhood planning process is to designate the area which the plan will cover which requires communities to make an application to the Borough Council. The application is subject to a six week period where those who live, work or carry out business in the area are invited to comment on whether the proposed area is appropriate. There are other opportunities in the neighbourhood planning process to put forward ideas about what the plan should contain.
- 1.4 This Committee report considers one application to designate a plan area in the Bere Peninsula for the purposes of preparing a Neighbourhood Plan. They are to be assessed against the following five criteria set out in the Neighbourhood Planning Protocol:

Criteria
1. The applicant is an appropriate body with responsibility for leading the plan process (i.e. a town or parish council)
2. Terms of Reference for the group have been prepared and signed by all members of the group
3. The proposed area is suitable and reasons have been adequately demonstrated if it does not follow the boundaries of existing parishes
4. The area does not overlap any other designated neighbourhood area
5. The plan area does not prejudice other neighbourhood areas coming forward in the future

2. ISSUES FOR CONSIDERATION

Bere Peninsula Plan Area

- 2.1 The Bere Peninsula Community Plan Group previously made an application to designate the area for the purposes of preparing a Community Plan. Following initial consultation, it was felt that preparing a neighbourhood plan would be more appropriate to respond to the needs and aspirations of the community. As such, this application has been made to formalise the designation as required by the 2012 Neighbourhood Planning Regulations.
- 2.2 Bere Ferrers Parish Council submitted an application to the Borough Council in May 2014 to designate the area that they intend their neighbourhood plan to cover. This area covers the extent of the parish boundary and can be viewed in Appendix A.

- 2.3 The application is accompanied by a Terms of Reference for the group that will be responsible for leading the process on the Bere Peninsula. This group has been endorsed by Bere Ferrers Parish Council. The Terms of Reference for the group can also be viewed in Appendix A.
- 2.4 The application has been displayed throughout the parish through the use of pink site notices and the opportunity to comment on the proposed designation has been publicised on the Parish Council website, and through an article in the Bere Link parish magazine.
- 2.5 The Council received five representations during the consultation period from NHS England, Natural England, South West Water, Network Rail and Calstock Parish Council (as a neighbouring parish to Bere Ferrers). None of these bodies object to the proposed plan area.
- 2.6 As such, it is considered that the plan area is appropriate and can be designated for the purposes of preparing a neighbourhood plan for the Bere Peninsula.

3. LEGAL IMPLICATIONS

- 3.1 The Localism Act, National Planning Policy Framework and West Devon's adopted Core Strategy all make provision for communities to prepare plans that influence planning and development in their area.
- 3.2 This application is also made in accordance with the Council's adopted Community-Led Planning Protocol.
- 3.3 The "*Town and Country Planning, England, Neighbourhood Planning (General) Regulations 2012*" set out the procedures which govern the processes of neighbourhood planning.

4. FINANCIAL IMPLICATIONS

- 4.1 The financial impact of the assessment should be cost neutral due to the Council being able to claim back any associated costs as detailed below.
- 4.2 Once neighbourhood plan areas are designated, the Council can apply for financial support from the Government to recognise the authority's costs in assisting in the preparation of Neighbourhood Plans. The Council intends to submit a bid in this respect in July 2014.
- 4.3 For member's information, the government has set out a programme of financial support for neighbourhood planning for 2014/15 for local authorities. The authority is able to claim for financial support for up to 20 designations during the financial year 2014/15. There are various payment stages to reflect the work involved. These are as follows:
- The first payment of £5,000 will be made following designation of a neighbourhood plan area.
 - A second payment of £5,000 will be made when the local planning authority publicises the neighbourhood plan prior to examination.

- The third payment of £20,000 will be made on successful completion of the examination and any other further steps that may be needed for the plan to come into legal force, including referendum.

4.4 The government has also made a separate funding stream available for communities to be able to access direct support or grant arrangements for up to £7,000 to help them produce their plan.

4.5 Whilst these are the current arrangements at the time this report was prepared, the arrangements may change in the future. The Committee will be advised at future meetings of any changes.

5. RISK MANAGEMENT

5.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	All
Statutory powers:	National Planning Policy Framework (NPPF) Localism Act 2011 Town and Country Planning, England Neighbourhood Planning (General) Regulations 2012
Considerations of equality and human rights:	This report seeks to ensure that communities are enabled to prepare community-led plans for their areas and that the process undertaken is fair, transparent and inclusive for everyone.
Biodiversity considerations:	There are no direct biodiversity implications arising from the report.
Sustainability considerations:	The designation will enable the community to prepare a plan to secure a sustainable future for the area.
Crime and disorder implications:	There are no proposals contained within this report which have direct crime and disorder implications to consider.
Background papers:	Community-Led Planning Protocol
Appendices attached:	Appendix A – Bere Peninsula Neighbourhood Plan – Application form, Map and Terms of Reference

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Lack of plan to guide local development initiatives on the Bere Peninsula.	If the plan area is not designated then the Bere Peninsula Community Plan Group cannot progress work on its plan. Without a plan in place, decisions relating to development in the Bere Peninsula will defer to national and Borough-level planning policy.	2	2	4	↑	Approve the designation of the plan area	Strategic Planning

Direction of travel symbols ↓ ↑ ⇄