

NORTH DORSET DISTRICT COUNCIL

Cabinet

Date of Meeting: 10 December 2012

REPORT TITLE: DESIGNATION OF THE BOURTON NEIGHBOURHOOD AREA

Portfolio Holder: Cllr David Walsh

Report Author: Sarah Jennings - Planning Policy Officer

Purpose of Report:	For Cabinet to designate the whole Bourton Parish Council area as a neighbourhood area.
---------------------------	---

Statutory Authority: Town and Country Planning Act 1990
Localism Act 2011
Neighbourhood Planning (General) Regulations 2012

Financial Implications: There are no additional costs directly associated with designating a neighbourhood area. However, in this financial year (2012/2013) the Government has made funds available for neighbourhood planning. On the designation of the Bourton Neighbourhood Area the District Council can apply for a £5,000 grant in the next aggregated claim period for designations (deadline 8 January 2013)

Consultations required/undertaken: Formal consultation on the neighbourhood area has been undertaken in accordance with Regulation 6 of The Neighbourhood Planning (General) Regulations 2012. The neighbourhood area application has been publicised on the Council's website and been brought to the attention of people who live, work and carry on business in the area.

There are no requirements under the above mentioned regulations to consult on the neighbourhood area again. However, any subsequent neighbourhood plan, neighbourhood development order or community right to build project will be subject to an independent examination and a referendum.

Recommendations: For Members to approve the designation of the whole Bourton Parish Council area as a neighbourhood area.

BACKGROUND AND REASON DECISION NEEDED

1. The Localism Act 2011 has given local communities new powers to participate in neighbourhood planning. Local communities who know and care for their local area can now plan for it, but importantly neighbourhood planning is about building sustainable communities and not stopping growth as they must be prepared to be in general conformity with the strategic elements of the adopted policies in the new style Local Plan.
2. The first step for any local community wanting to engage in neighbourhood planning, whether they want to prepare a neighbourhood plan, neighbourhood development order or participate in a community right to build project, is to designate a neighbourhood area.
3. On 23 April 2012 Mike Withers on behalf of Bourton Parish Council contacted the Planning Policy Team to discuss the opportunities and benefits of preparing a neighbourhood plan for Bourton. A meeting was subsequently arranged and on 18 May when Trevor Warrick, Planning Policy Manager and Sarah Jennings, Planning Policy Officer answered specific questions raised.
4. The questions focussed on the following key areas.
 - The progress of the new style Local Plan and the emerging strategic policies.
 - The weight that could be given to the Bourton Village Design Statement¹ that had been adopted as a Supplementary Planning Document in September 2011.
 - The Village Hall Committee and the interest they had expressed in the community right to build initiative.
 - The possible need for Environmental Impact Assessments.
 - The settlement boundary of the village and the parish boundary.
5. In response the Bourton Parish Council representatives were given a brief update on the progress of the new style Local Plan and the proposed revisions to the spatial strategy. In summary it was explained that emerging policies were likely to remove village sustainability rankings, settlement boundaries and housing allocations and that local communities would be encouraged to prepare neighbourhood plans to enable growth where rural exceptions policies were not sufficient.
6. They were also reassured that the evidence gathered as part of the Bourton Village Design Statement and the design guidelines proposed were key building blocks in the neighbourhood planning process.
7. Officers explained that a local community could prepare a neighbourhood plan whilst at the same time as undertaking a community right to build project, but if both plans were trying to address similar issues it may be more efficient and less confusing for the local community if just a single plan was produced.
8. Environmental Impact Assessments were discussed and it was explained that they may be necessary for particular sites but would be a requirement under the planning application process rather than through the neighbourhood planning process. However, neighbourhood plans and community right to build projects

¹ <http://www.dorsetforyou.com/401884>

are subject to sustainability appraisal and more information on this topic was provided and can also be found on our website².

9. Finally, the unique situation of Bourton and its settlement boundary were discussed. Due to historic parish boundaries a small area of the village (Mill Lane and the southern end of Silton Road) are within the settlement boundary of the village but are in fact located in the neighbouring parished area of Silton. It was suggested that Bourton may wish to explore the possibility of either preparing a joint neighbourhood plan with Silton or including part of the Silton parished area in their neighbourhood area application.
10. On 20 August 2012 Bourton Parish Council submitted their application to designate a neighbourhood area. Following discussions with Silton Parish Meeting Bourton Parish Council decided not to prepare a joint neighbourhood plan or include part of Silton Parish in their neighbourhood area application.

Legal requirements

11. The Neighbourhood Planning Regulations came into force on 6 April 2012. These regulations indicate what needs to be included in an application for designation of a neighbourhood area, how a neighbourhood area application should be publicised and how a designated neighbourhood area should be publicised.

Application for designation of a neighbourhood area

12. Bourton Parish Council in accordance with Regulation 5 submitted a map which identified the whole of the Bourton Parish Council administrative area as the area to which the application relates. They also submitted a statement explaining why they considered this area as the most appropriate area for a neighbourhood area and confirmed that they were the “relevant body” for the purposes of section 61(G) of the 1990 Act (inserted by paragraph 2 of Schedule 9 to the Localism Act 2011) to make this application (Appendix 1).

13. The details submitted were correct and valid.

Publicising neighbourhood areas

14. The regulations require councils to publicise any applications received for the designation of a neighbourhood area. Regulation 6 sets out these requirements and states that -

“As soon as possible after receiving an area application from a relevant body, a local planning authority must publicise the following on their 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 area application relates –

- a) *a copy of the area application;*
- b) *details of how to make representations; and*
- c) *the date by which those representations must be received, being not less than 6 weeks from the date on which the area application is first publicised.”*

² <http://www.levett-therivel.co.uk/DIYSA.pdf>

15. The neighbourhood area application from Bourton Parish Council was received on 28 August 2012 and in accordance with the regulations was publicised on our website <http://www.dorsetforyou.com/neighbourhoodareaapplications/north>
16. To ensure that the application was brought to the attention of people who live, work and carry on business in the area a copy of the neighbourhood area application, with details on how to make a representation and the deadline for comments, was also:
- Posted on the official noticeboard at the Council offices in Blandford.
 - Posted on the Parish noticeboard in Bourton.
 - Sent to all of the surrounding parishes and adjoining authorities.
 - Sent to the Community Partnership for the area - Three Rivers Partnership.
 - Sent to Dorset County Council.
 - Displayed on the public noticeboard in all libraries in the District.
 - Sent to the District Councillors representing the area and those that represent adjoining areas.
 - Sent to the County Council Members for the area.
17. An advertisement was also placed in the 21 September 2012 edition of the Blackmore Vale Magazine. The deadline for representations, 2 November 2012, was 6 weeks from the date of this printed advertisement.

Representations received

18. One representation was received in response to the neighbourhood area application. This was from Andy Foyne (Spatial Policy Manager) at South Somerset District Council, an adjoining local planning authority. He thanked the Council for notifying him of the neighbourhood area application and confirmed that he had no objection to the designation of the neighbourhood area as identified on the map supplied.

Determining neighbourhood areas

19. Under Section 61(G) of the 1990 Act in determining an application for a neighbourhood area the authority must have regard to the desirability of designating the whole of the area of a parish council as a neighbourhood area.
20. The neighbourhood area application submitted by Bourton Parish Council covers the whole of the parished area of Bourton.
21. Section 61(G) also requires the authority to have regard to the desirability of maintaining existing boundaries of areas already designated as neighbourhood areas.
22. To date only one other neighbourhood area has been designated. This is the Gillingham Neighbourhood Area³ that was designated on 20 August 2012. Both neighbourhood areas are in the north of the District, but are separated by the largely rural parished area of Silton.
23. Under Section 61(H) of the 1990 Act whenever a local planning authority exercise their powers under Section 61(G) to designate an area as a neighbourhood area they must also consider whether they should designate the area concerned as a

³ <http://www.dorsetforyou.com/media.jsp?mediaid=176122&filetype=pdf>

business area. A business area is an area that is wholly or predominately business in nature.

24. The parished area of Bourton is predominantly residential and rural in nature and does not need to be designated as a business area.
25. Finally, under Section 61(O) local planning authorities must also have regard to any guidance issued by the Secretary of State. To date and to the best of officers' knowledge no further guidance has been issued.

Next step – Publicise designation

26. If Members decide to approve the designation of the whole of the parished area of Bourton as a neighbourhood area then under Regulation 7 the designated neighbourhood area will also need to be publicised.
27. This is to be completed as soon as possible after the designation and needs to be published on our website. A specific page has been prepared for designated neighbourhood areas⁴ and the general map showing designated areas will need to be updated.
28. The Council are also responsible for bringing the designation to the attention of people who live, work or carry on business in the neighbourhood area and as such a map clearly showing the name of the designated neighbourhood area and the relevant body who applied for the designation (Appendix 2) will be sent to all of those people previously consulted and listed in Paragraph 16.

Funding to support neighbourhood planning

29. In August 2012 the Government announced that for 2012/2013 there would be an unringfenced payment of up to £30,000 for neighbourhood planning schemes and that this would be paid in two stages.
30. The first payment of £5,000 is made following the designation of a neighbourhood area recognising the officer time supporting and advising the community in taking forward a neighbourhood plan.
31. The second payment of £25,000 is made on successful completion of the neighbourhood planning examination. This larger payment is to cover the costs for the examination and any further steps that may be needed for the neighbourhood plan to come into legal force, including referendum.
32. For DCLG to manage this fund they invite local authorities to submit aggregate claims for payment at three points during the financial year. The first deadline was 7 October for designations and/or successful independent examinations up to 30 September 2012. The Council applied for the designation funding of £5,000 for the Gillingham Neighbourhood Area that was approved by Cabinet on 20 August 2012.
33. If Members approve the Bourton Neighbourhood Area a second application for the £5,000 designation funding can be applied for as this falls within the 1 October to 31 December 2012 claim period. The deadline for this claim is 8 January 2013.
34. If any further neighbourhood area applications are received the final claim period in 2012/2013 is 1 January to 15 March 2013 with a deadline for claims being 22 March 2013.

⁴ <http://www.dorsetforyou.com/406093>

35. To date and to the best of officers' knowledge the Government have yet to confirm any funding for the next financial year (2013/2014).

OPTIONS

36. The options for Members are:

- a) Approve the designation of the whole of Bourton Parish as a neighbourhood area.
- b) Refuse the designation of the whole of the Bourton Parish as a neighbourhood area (on the basis that this is not an appropriate area to be designated) and designate part of the parish as a neighbourhood area.

COSTS

37. There are no additional costs directly associated with designating a neighbourhood area.

DIVERSITY AND CUSTOMER FOCUS

30. There are no diversity or customer focus issues arising directly from this report.

HUMAN RIGHTS IMPLICATIONS

31. None relating directly to this report.

CLIMATE CHANGE IMPLICATIONS

32. None relating directly to this report.

RISK MANAGEMENT

33. There are no significant risks associated with the designation of the Bourton Neighbourhood Area, provided that the application was submitted and the designation was made in accordance with the relevant legislation. The advice of Legal Services has been sought to ensure that the relevant legislation has been complied with.

RECOMMENDATION AND REASON

34. For Members to agree to the designation of the whole Bourton Parish Council area as a neighbourhood area and recommend it is taken to Cabinet for formal adoption.

Author: Sarah Jennings, Planning Policy Officer

Date: 20 November 2012