

Report to: Cabinet

Date of Meeting: 8 January 2020

Public Document: Yes

Exemption: None

Review date for release None



Subject: Whimble Neighbourhood Area

Purpose of report: This report explains that an application has been received to amend the extent of the Whimble Neighbourhood Area so that it follows the Parish boundary and includes the (previously excluded) strategic site to the west. The neighbourhood plan will not be able to amend or supercede the strategic policies set out for this area in the Local Plan or Cranbrook Plan (once adopted). Legislation has changed since the original Neighbourhood Area was designated so that Members no longer have the ability to refuse a designation covering the whole Parish (unless exceptional circumstances apply) but the constitution requires the application to be brought before them. As a result, this report is brought before Cabinet for information only.

Recommendation:

1. That Members note the application to extend the Whimble Neighbourhood Area.
2. That the date of designation of the revised Whimble Neighbourhood Area is 8 January 2020.

Reason for recommendation: Members are required to consider applications for designation of neighbourhood areas containing strategic land allocations. Members are unable to refuse to designate the area unless specified exceptions apply, which they do not in this case.

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Financial implications: There are no apparent financial implications from the recommendations of this report.

Legal implications: Regulation 5A of the Neighbourhood Planning (General) Regulations 2012 as inserted by SI 2016/873 sets out the requirement for the local planning authority to designate the validly applied for whole area of a parish council as a neighbourhood area and that the publicity requirements of Regulations 6 and 6A do not apply. There are no other legal implications arising from this report for noting.

Equalities impact: Low Impact

Extending the neighbourhood area will ensure that everyone in the Parish is able to participate in the neighbourhood planning process. The Neighbourhood Plan will go through wide consultation with the community and be advertised in a variety of formats to increase accessibility. Neighbourhood planning is designed to be inclusive, and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

Climate change:	Low Impact
Risk:	Medium Risk
	There is a risk that the Neighbourhood Plan could fail the referendum if a majority of the community vote against it.
Links to background information:	<ul style="list-style-type: none"> • Localism Act 2011 • Neighbourhood Planning Regulations 2012 • Neighbourhood Planning (General) (Amendment) Regulations 2015 • Neighbourhood Planning Roadmap Guide • EDDC Local Plan 2013-2031
Link to Council Plan:	Neighbourhood planning helps to deliver the priorities identified in the Council plan by: Encouraging communities to be outstanding; Developing an outstanding local economy; Delivering and promoting our outstanding environment

Report in full

1.0 The Revised Whimble Neighbourhood Area

1.1 Designating a neighbourhood area is the first stage in the neighbourhood planning process. Once an area is designated, the local community can commence producing a neighbourhood plan, or neighbourhood development order, for that area. Whimble Neighbourhood Area was designated on 6th April 2016, with EDDC refusing to designate the whole parish but, instead, agreeing a reduced area. Cabinet resolved that the reasons for this were as follows:

- 1. The development of the strategic eastern expansion area at Cranbrook will have implications that impact upon a wider sphere of influence than Whimble parish. It is not appropriate for such a site or sites to be planned by, and for, the community with a referendum which involves only Whimble residents.*
- 2. That the inclusion of the Cranbrook Expansion area with the Neighbourhood Plan might conflict with the priorities identified in the Cranbrook Masterplan, delaying the delivery of a much-needed framework for the future growth of the Town with possible impacts upon the ability of the Council to demonstrate a 5-year housing land supply in the future.*
- 3. There is a distinct difference in the nature and character of the Parish between the existing village of Whimble, the extensive rural area to the south of the parish and the significant new development to the west of the parish. It is unlikely that a single approach or set of planning policies could comprehensively address such a diversity of issues.*
- 4. Parishes with adopted Neighbourhood Plans would be able to claim up to 25% of CIL receipts to fund local infrastructure which could significantly reduce the CIL receipts of the Local Planning Authority and undermine the ability of the District and*

County Councils to deliver key infrastructure to which they are already committed and which are needed for the strategic developments.

- 1.3 The Neighbourhood Planning (General) Regulations 2012 (as amended by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 and others) specify what a local authority must do on receipt of a valid application to designate a Parish Boundary as a neighbourhood area for the purposes of neighbourhood planning.
- 1.4 Whimple Parish Council have submitted a new application to extend their Neighbourhood Area to cover the whole of their Parish. This application is attached for Members information. Once the revised area is designated, the local community are keen to commence producing their Plan.
- 1.5 EDDC, as the local planning authority has established that the application is valid, having been proposed by a qualifying body for neighbourhood planning (the Parish Council) and including the required statement and plan of the proposed neighbourhood area. Previously Regulation 6 required that prior to making a designation, the local planning authority should undertake a consultation on the designation and should also carry out other publicity to bring the area application to the attention of people living, working and carrying out business in the area in the area prior to making a decision on whether to allocate all or part of the area. However, following the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 coming into force on 1 October 2016, the requirement to publicise and invite representations on applications for designation which consist of the full Parish area no longer applies.
- 1.5 The amended legislation means that EDDC, as Local Planning Authority, can no longer refuse to designate a whole Parish, even where it contains a strategic site. The Government Guidance (<https://www.gov.uk/guidance/neighbourhood-planning--2#designating-a-neighbourhood-area>) states that:

“Where a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, the local planning authority must designate the whole of the area applied for. This includes where a parish applies to extend its existing neighbourhood area to its parish boundary. Exceptions to this are where the area applied for:

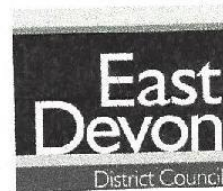
- has already been designated as a neighbourhood area which extends beyond the parish boundary; or*
- forms part of another application that has not yet been determined.”*

These exceptions do not apply in this case.

“A neighbourhood area can include land allocated in strategic policies as a strategic site. Where a proposed neighbourhood area includes such a site, those wishing to produce a neighbourhood plan or Order should discuss with the local planning authority the particular planning context and circumstances that may inform the local planning authority’s decision on the area it will designate.

A neighbourhood plan must be in general conformity with, and plan positively to support, the strategic policies of the development plan.”

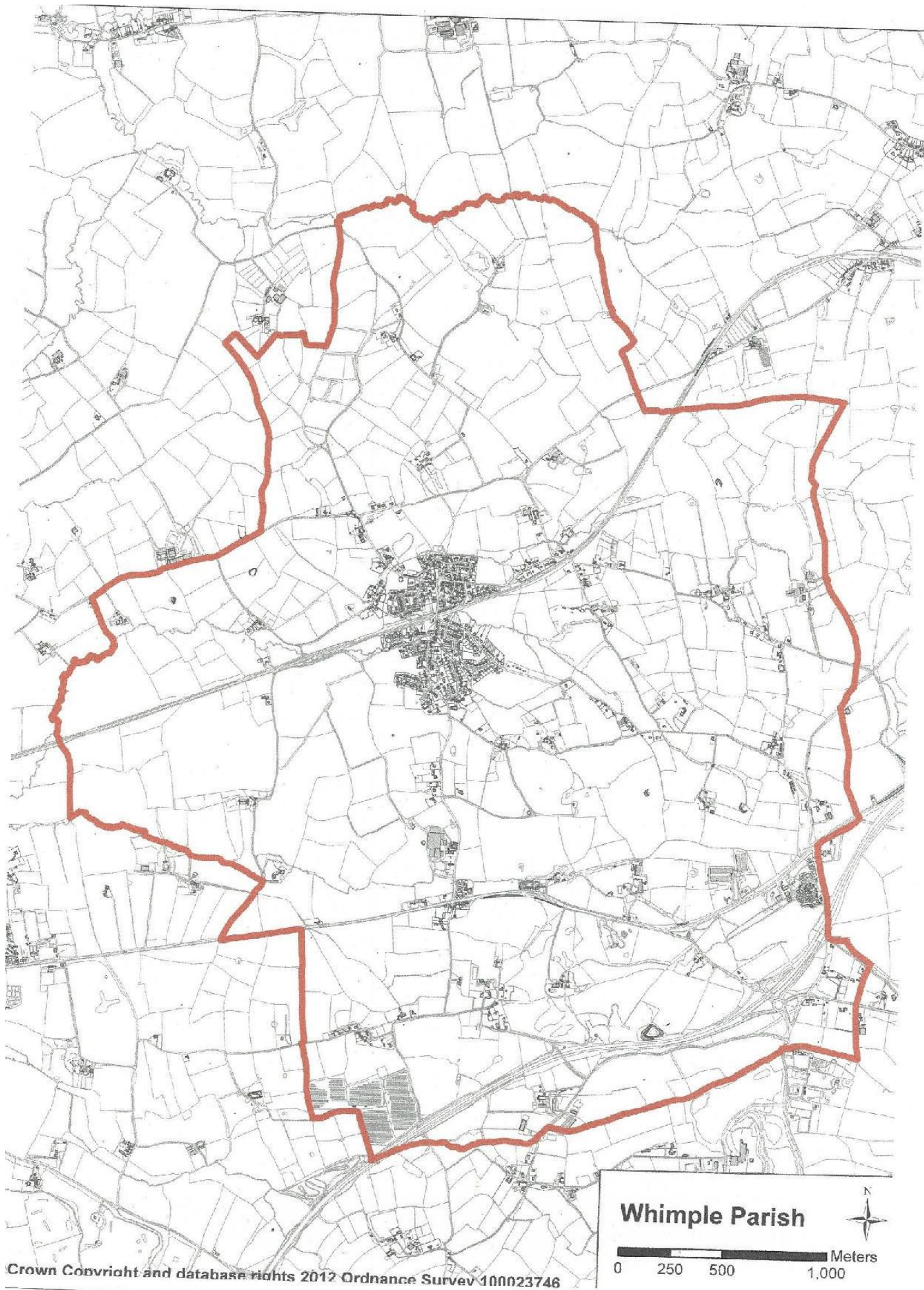
- 1.6 This report is on the Agenda because the constitution does not currently grant delegated authority in respect of designating neighbourhood areas containing strategic land allocations. Members, however, are unable to vary or refuse to designate the proposed neighbourhood area as none of the exceptions apply, and so are asked to note the application, with the revised designation taking effect from the date of this meeting.



Application for Designation of a Neighbourhood Area

This information is intended to assist the Local Planning Authority in making a decision but please note that further information may be required.

Which Town or Parish Council is applying to designate a neighbourhood area?	
Whimple Parish Council	
If more than one Town or Parish Council are working in partnership, please give details of all parties on a separate sheet. Please confirm that all the parishes listed agree to the application and give details of discussions which have taken place with a view to partnership working.	
Please confirm that the organisation/s or body/ies making the area application is a relevant body for the purposes of section 61G of the 1990 Act. Yes <input checked="" type="checkbox"/>	
Please append a map identifying the area to which the area application relates.	
Does the proposed neighbourhood area cover the whole Parish and not extend beyond it?	
YES	
Is this an amendment to an existing neighbourhood area?	
YES	
If the proposed neighbourhood area does not follow the Parish Boundary, and extend to cover the whole of the Parish, please explain why an alternative area is appropriate?	
N/A	
Signed	Dated 21.10.2019
Position	Organisation Whimple Parish Council
Chairman WPC	
http://www.legislation.gov.uk/uksi/2012/637/regulation/5A	



Whimple Parish



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