

**SOLIHULL METROPOLITAN BOROUGH COUNCIL**

<b>Report to:</b>	Cabinet Member for Managed Growth
<b>Meeting date:</b>	18 July 2017
<b>Subject/Report Title:</b>	<b>APPLICATIONS FOR THE DESIGNATION OF SEPARATE NEIGHBOURHOOD AREAS BY BALSALL PARISH COUNCIL AND BERKSWELL PARISH COUNCIL</b>
<b>Report from:</b>	Assistant Director - Growth and Development
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<b>Wards affected:</b>	<input type="checkbox"/> All Wards <input type="checkbox"/> Bickenhill <input type="checkbox"/> Castle Bromwich <input type="checkbox"/> Dorridge/Hockley Heath <input type="checkbox"/> Kingshurst/Fordbridge <input type="checkbox"/> Lyndon <input type="checkbox"/> Olton <input type="checkbox"/> Shirley South <input type="checkbox"/> Silhill <input type="checkbox"/> St Alphege <input type="checkbox"/> Blythe <input type="checkbox"/> Chelmsley Wood <input type="checkbox"/> Elmdon <input type="checkbox"/> Knowle <input checked="" type="checkbox"/> Meriden <input type="checkbox"/> Shirley East <input type="checkbox"/> Shirley West <input type="checkbox"/> Smith's Wood
<b>Public/Private report:</b>	Public
<b>Exempt by virtue of Paragraph:</b>	N/A

<b>1. Purpose of Report</b>
1.1 To consider the applications made by Balsall and Berkswell Parish Councils and agree to designate the Parishes as separate Neighbourhood Areas.
<b>2. Decision(s) Recommended</b>
2.1 Recommendation 1: To designate the Neighbourhood Area as submitted by Balsall Parish Council, attached as Appendix 1 to this report.
2.2 Recommendation 2: To designate the Neighbourhood Area as submitted by

### 3. Background

3.1 Members will be aware that a Neighbourhood Development Plan (NDP) is a community led plan which sets out policies to guide the future use and development of land within a specified Neighbourhood Area. The scope and content of plans will be defined by local communities; however, they must meet certain 'basic conditions'. In particular, plans must contribute to the achievement of sustainable development and be in general conformity with the strategic policies of the Development Plan for the area.

3.2 The regulatory process for preparation of a NDP can be summarised as follows:

Key Stage / Process	Action
1. Neighbourhood Area Designation	Parish/Town Council or Neighbourhood Forum apply to Solihull Council for Area designation and the Council formally designate.
2. Pre-Submission Consultation	Six week consultation on draft Neighbourhood Plan undertaken by the local community.
3. Submission	Neighbourhood Plan formally submitted to Solihull Council.
4. Technical Compliance Check	Local planning authority check that all regulatory procedures have been followed.
5. Publication	Six week consultation undertaken by Solihull Council.
6. Examination	Solihull Council send Neighbourhood Plan to independent Examination.
7. Plan Proposal Decision	Solihull Council considers examiners report, including any recommended modifications and if satisfied with the Plan proposal, proceed to referendum.
8. Referendum	Organised and funded by Solihull Council. Where 50% or more of those voting are in favour of the draft Neighbourhood Plan, it must be 'made' by the local authority and it then forms part of the statutory Development Plan.

3.3 The Council has already designated 6 Neighbourhood Areas in the Borough:

- Hampton-in-Arden
- Cheswick Green
- Meriden
- Knowle, Dorridge & Bentley Heath
- Dickens Heath

- Hockley Heath

#### **4. Balsall and Berkswell Neighbourhood Area Applications**

##### Context

- 4.1 Members will recall that a joint Neighbourhood Area designation covering Balsall and Berkswell parishes was withdrawn in April 2017.
- 4.2 Balsall and Berkswell Parish Councils have now submitted separate applications to Solihull Council to designate the parishes as individual Neighbourhood Areas. The applications are the first formal stage in the process of preparing independent NDPs for each parish.
- 4.3 Balsall Application
- 4.4 The application proposes to designate the whole of Balsall parish as a Neighbourhood Area. The application, including a map of the area is attached at Appendix 1.
- 4.5 As defined in Section 61G(2) of the Town and Country Planning Act 1990, Balsall Parish Council is the 'relevant body' to prepare a NDP for the proposed area. The Parish Council considers that the area is appropriate for designation as it includes the whole of the civil parish of Balsall.
- 4.6 Berkswell Application
- 4.7 The application proposes to designate the whole of Berkswell parish as a Neighbourhood Area. The application, including a map of the area is attached at Appendix 2.
- 4.8 As defined in Section 61G (2) of the Town and Country Planning Act 1990, Berkswell Parish Council is the 'relevant body' to prepare a NDP for the proposed area. The Parish Council considers that the area is appropriate for designation as it includes the whole of the civil parish of Berkswell.

#### **5. Assessment of the Applications**

- 5.1 In accordance with the Neighbourhood Planning (General) Regulations 2012, both applications include: (a) a map which identifies the area to which the application relates; (b) a statement explaining why the area is considered appropriate to be designated; and (c) a statement that the organisation or body making the area application is a relevant body. The applications are therefore compliant with the regulations in this regard.
- 5.2 In determining an application for a Neighbourhood Area, Section 61G(5) of the Town and Country Planning Act 1990 requires the local planning authority to consider whether the proposed area is appropriate for designation. Local planning authorities must have regard to:
- (a) the desirability of designating the whole area of a parish council as a Neighbourhood Area, and
  - (b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas

- 5.3 A further consideration is whether the area concerned should be designated as a business area.
- 5.4 In this case, the applications have been made by the appropriate 'relevant bodies', which are the respective Parish Councils. None of the areas applied for are already designated as Neighbourhood Areas, the proposed areas would not overlap with each other and the designation of two separate Neighbourhood Areas would not affect any other designated Neighbourhood Areas in the Borough. The required information has been submitted and the applications are valid. Moreover, the areas are not wholly or predominantly business in nature such that they should be designated as business areas.
- 5.5 Additionally, the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, make clear that where a local planning authority receives a Neighbourhood Area application from a Parish Council and the area specified in the application consists of the whole of the Parish Council's area, the local planning authority must designate the area applied for.
- 5.6 Changes to the regulations mean that there is no longer a requirement for the Council to consult on applications for Neighbourhood Areas where the application is made by a Parish Council and the area applied for includes the whole of the parished area. Consequently, there are no third party comments to consider with regard to the applications to designate Balsall and Berkswell as separate Neighbourhood Areas.
- 5.7 Therefore, it is considered appropriate that the areas applied for by Balsall Parish Council and Berkswell Parish Council should be designated as separate Neighbourhood Areas.

## **6. Evaluation of Alternative Options**

- 6.1 The regulations make clear that where a Neighbourhood Area application is made by a Parish Council and the area specified in the application consists of the whole of the Parish Council's area, the local planning authority must designate the area applied for.
- 6.2 Therefore, there is no alternative option in this case.

## **7. Reasons for Recommending Preferred Option**

- 7.1 If the Council were to refuse the applications, this would be contrary to the Neighbourhood Planning Regulations and Government guidance.
- 7.2 In addition, given that joint working to prepare a single NDP for both parishes has been unsuccessful, the designation of two separate Neighbourhood Areas for Balsall and Berkswell parishes will allow both parish councils to prepare a NDP for their respective areas.

## **8. Scrutiny**

- 8.1 To date, there have been no scrutiny issues with regard to the designation of separate Neighbourhood Areas covering the parishes of Balsall and Berkswell.

## 9. Implications

### 9.1 Delivery of the Council's Priorities

The options/proposals in this report will contribute to the delivery of the following Council Priorities:

- Managed Growth (Shaping places with communities)
- Build Stronger Communities (Enabling communities to thrive – community development)

9.2 **Policy/Strategy Implications** - NDPs must be in 'general conformity' with the strategic policies of the Development Plan. Once a NDP is adopted, it forms part of the statutory Development Plan. This means that decisions on planning applications will have to be made in accordance with the adopted NDP as well as the Development Plan for the Borough, unless material considerations indicate otherwise.

9.3 **Meeting the duty to involve** - There is no requirement

9.4 **Financial Implications** - In February 2017 the Government provided an update on financial support for local planning authorities (LPAs) to fulfil their duty to support Neighbourhood Planning in 2017/2018. From April 2017 LPAs can claim £5000 for the first 5 designated Neighbourhood Areas only. As 6 Neighbourhood Areas have been designated in Solihull, the Council would not be eligible to claim financial support for any subsequent designations.

9.5 The staff time associated with providing support to areas undertaking neighbourhood planning will therefore be funded through the existing Policy and Spatial Planning budget. The Council is however required to organise and pay for the independent examination of a Neighbourhood Plan and any subsequent referendum. However, £20,000 can be claimed once a date has been set for a referendum following a successful examination.

9.6 **Legal implications** - Solihull MBC has a legal obligation to assist Parish / Town Councils and Neighbourhood Forums with the process of preparing NDPs, if requests come forward. Although the regulations do not require local planning authorities to give financial assistance to such groups, as outlined above, the Council is required to organise and pay for the independent examination of a plan and the referendum.

9.7 **Risk Implications** – None identified.

9.8 **Statutory Equality Duty** – A Fair Treatment Assessment is not required.

9.9 **Carbon Management/Environmental** – None identified.

9.10 **Partner Organisations** – There is no specific requirement to consult.

9.11 **Safeguarding/Corporate Parenting Implications** - None identified.

9.12 **Customer Impact** - None identified.

9.13 **Other implications** - None identified.

**10. List of Appendices Referred to**

10.1 Appendix 1 – Balsall Neighbourhood Area application.

10.2 Appendix 2 –Berkswell Neighbourhood Area application.

**11. Background Papers Used to Compile this Report**

11.1 None.

**12. List of Other Relevant Documents**

12.1 None.