

**CABINET
24 MARCH 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: WALLINGTON NEIGHBOURHOOD PLAN

REPORT OF: THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

CURRENT COUNCIL PRIORITY: ATTRACTIVE AND THRIVING / PROSPER AND PROTECT

NEW COUNCIL PRIORITY: RESPOND TO CHALLENGES TO THE ENVIRONMENT / SUPPORT THE DELIVERY OF GOOD QUALITY AND AFFORDABLE HOMES

1. EXECUTIVE SUMMARY

- 1.1 This report outlines the application to designate a neighbourhood planning area for Wallington (part of Rushden and Wallington Parish) and seeks delegated authority to approve the neighbourhood planning area once public consultation has taken place and subject to no significant objections being received.

2. RECOMMENDATIONS

- 2.1. That Cabinet notes the application to designate a neighbourhood planning area for Wallington.
- 2.2. That, subject to no significant objections being received by March 25, Cabinet delegate authority to the Executive Member for Planning and Transport in consultation with the Service Director – Regulatory to designate the applied for neighbourhood planning area for Wallington.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To make a timely decision which allows Rushden and Wallington Parish Council to prepare a neighbourhood plan for Wallington.

4. ALTERNATIVE OPTIONS CONSIDERED

Alternative options for the neighbourhood planning area

- 4.1. Whilst it is usual for whole parish council areas to be designated as a neighbourhood planning area, the Parish Council have carefully considered the area which it considers is the most appropriate for neighbourhood planning purposes.

- 4.2. The District Council has the power to amend the area applied for prior to designating the neighbourhood planning area. This might include considering whether it is preferable to designate the whole of the parish council area or an alternate boundary within it. Officers consider that the area applied for by the Parish Council is an appropriate one for the purposes of neighbourhood planning and this option is not recommended.
- 4.3. Alternative options may be put as part of the public consultation.

Alternative options for this decision

- 4.4. Where Cabinet approval for a neighbourhood planning area is required, officers would normally allow the consultation period to run in its entirety and consider the responses prior to presenting a report. However, this application must be determined within 13 weeks of first being publicised. The next scheduled meeting of Cabinet in June would fall outside of this period which, in this case, expires on May 27 2020).
- 4.5. Cabinet could hold a special meeting prior to May 27 2020 to consider the application and consultation responses as opposed to delegating the decision to the Executive Member in consultation with the Service Director. This option is not currently recommended for the reasons set out in this report.
- 4.6. Alternately, Cabinet could make no decision and allow the 13-week period to expire at which point the area applied for is deemed 'approved' by default. However, this would not represent a pro-active approach to neighbourhood planning and this option is not recommended.
- 4.7. Should significant objections be received or alternative proposals put forward through the consultation be considered more appropriate a further decision would be required.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member for Planning and Transport, their Deputy and local ward member have been informed that the application to designate a neighbourhood planning area had been received.
- 5.2. Consultation with key stakeholders, including statutory consultees, adjoining Parish Councils and any local organisations, developers, landowners and individuals registered with an interest in Rushden and Wallington started on 26 February and will conclude on 25 March 2020.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a Key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. The Localism Act 2011 introduced formal neighbourhood planning. This includes the neighbourhood plan, which allows local communities to shape development in their area. If a neighbourhood plan is prepared, examined and receives a majority vote in a referendum it becomes part of the statutory development plan for that neighbourhood and is used when determining planning applications, alongside the district's local plan.

- 7.2. The Neighbourhood Planning Regulations 2012 set out the statutory process an organisation must follow when preparing a neighbourhood plan. The first stage in the process requires the relevant body to formally request that the local planning authority designate their proposed neighbourhood area.
- 7.3. The Neighbourhood Planning (General)(Amendment) Regulations 2015 have amended the way in which the local planning authority must determine an application for the designation of a neighbourhood planning area. Once a local planning authority has received an application, it must publicise it for not less than four weeks after the application is published on its website and invite comments. If appropriate, the local planning authority is also required to bring it to the attention of people who live, work or carry on business in the area. Once the application has been publicised, the local planning authority must determine the application within thirteen weeks.

8. RELEVANT CONSIDERATIONS

- 8.1. Rushden and Wallington Parish Council submitted an application to designate part of the parish around Wallington as a neighbourhood planning area in February 2020. The application and a map of the proposed neighbourhood planning area is attached as Appendix A.
- 8.2. For most Parish Councils there is a presumption that a whole parish council area will be designated as a neighbourhood planning area and such applications are approved under existing delegated powers. However, Parish Councils can choose a smaller more focussed area for neighbourhood planning.
- 8.3. The Parish Council in their application have set out the reasons for designating only part of the Wallington ward of the Parish as a neighbourhood planning area rather than the whole parished area. As the Parish Council has applied for a neighbourhood planning area which does not include the whole parish area, the application has been subject to public consultation.
- 8.4. Consultation for the neighbourhood planning area started on 26 February and will end on 25 March 2020. The application has been published on the Council's website and letters or emails have been sent to statutory consultees, adjoining Parish Councils and any local organisations, developers, landowners and individuals registered with an interest in Rushden and Wallington.
- 8.5. Local planning authorities must make a decision on a neighbourhood planning area within 13 weeks of first publicising the application. This timescale unfortunately does not allow a report to be considered at the next Cabinet which is scheduled for June 2020. In the interest of making a timely decision, approval is sought for the Executive Member for Planning and Transport and the Service Director – Regulatory to make a delegated decision to approve a neighbourhood planning area for Wallington.
- 8.6. At the time of writing this draft report, no representations have been received. An update will be included in the final report and a verbal update provided at Cabinet to inform the decision. At this stage, officers consider it unlikely that the proposal will generate significant opposition. A delegation of powers is sought to allow confirmation of the area should this prove to be the case.

9. LEGAL IMPLICATIONS

- 9.1. Under the Terms of Reference for Cabinet, the Constitution states that it may exercise the Council's functions as Local Planning Authority and receive reports on strategic planning matters, applications for, approval/designation, consultation/referendums revocations (or recommend revocation) of neighbourhood plans and orders, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).
- 9.2. The Localism Act 2011 provided a new statutory regime for neighbourhood planning. The Neighbourhood Planning (General) Regulations 2012 (as amended) make provisions in relation to that regime. It does amongst other things set out the Council's responsibility (as the Local Planning Authority) in assisting communities in the preparation of neighbourhood development areas, plans and order and to take plans through a process of examination and referendum.

10. FINANCIAL IMPLICATIONS

- 10.1. There are no new financial implications arising from this report.
- 10.2. Currently there is funding available for neighbourhood plans where a successful examiners report has been received and a date set for a referendum. The Government has not confirmed whether funding for neighbourhood planning will continue in 2020/21. If the Wallington Neighbourhood Plan progresses to an examination and a referendum in the future, there may be a financial implication for the District Council.

11. RISK IMPLICATIONS

- 11.1. Sustainable Development of the District and the Local Plan are both Corporate Risks.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1. There are no new human resource implications arising from the contents of this report.

15. APPENDICES

- 15.1. Appendix A – Application and map of the proposed Wallington neighbourhood planning area.

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

- 17.1. None