

<b>Report of:</b>	<b>Corporate Director</b>
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<b>Portfolio Leader:</b>	<b>Economic Development and Planning</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Report Track:</b>	<b>Cabinet: 20/11/14</b>

**CABINET**  
**20 NOVEMBER 2014**  
**DESIGNATION OF HEDNESFORD TOWN COUNCIL AREA AS A  
NEIGHBOURHOOD AREA**

**1 Purpose of Report**

- 1.1 To note the representations made during public consultation on a proposal to designate Hednesford Town Council area as a neighbourhood area and to agree to this designation and its wider notification.

**2 Recommendations**

- 2.1 That Cabinet note the summary of responses in appendix 1 made to the public consultation on a proposal to designate Hednesford Town Council area as a neighbourhood area;
- 2.2 That Cabinet agree to the designation of Hednesford Town Council area as a neighbourhood area pursuant to Section 61G of the Town and Country Planning Act 1990 ( as amended) and that the decision is notified on the Council website and within the local area as soon as possible after the final decision has been made.

**3 Key Issues and Reasons for Recommendation**

- 3.1 Hednesford Town Council has applied to the District Council under Section 61G of the Town and Country Planning Act 1990 for designation of the whole of the Town Council area as a neighbourhood area.
- 3.2 Under the Neighbourhood Planning (General) Regulations 2012 the District Council, acting as Local Planning Authority, has publicised the application for eight weeks in order to allow representations to be made prior to a decision being made. The eight week consultation period was chosen instead of the statutory six week minimum period due to the consultation being run during the

school holiday period in order to ensure that people going on vacation had time to respond.

3.3 Responses received are set out in appendix 1 and are all supportive.

#### **4 Relationship to Corporate Priorities**

4.1 The designation will help facilitate local expression in Hednesford on aspects of the Council's priorities which have development implications.

#### **5 Report Detail**

5.1 The Localism Act 2011 and National Planning Policy Framework (NPPF) have introduced new procedures aimed at encouraging neighbourhood planning.

5.2 These include Neighbourhood Plans prepared by a Parish Council, Town Council or Neighbourhood Forum for a particular neighbourhood area (made under the Town and Country Planning Act 1990 (as amended) and Neighbourhood Development Orders made by a local planning authority (under the Town and Country Planning Act 1990) through which Parish Councils, Town Councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development. Further details of procedure are provided in the report to Cabinet of 20 September 2012.

5.3 Hednesford Town Council has indicated that it is considering making a neighbourhood development plan but is not at present considering making a neighbourhood development order.

5.4 Under the Neighbourhood Planning (General) Regulations 2012 the District Council is required to publicise the application for at least six weeks in order to allow representations to be made prior to a decision being made.

5.5 On 20 September 2012 Cabinet delegated to the Head of Planning and Regeneration the power to publicise any future application for designation as a Neighbourhood Area following completion of an application form, with the outcome of the consultation reported to Cabinet for a decision. In adherence with this decision the Council ran a public consultation from Monday 21 July 2014 for eight weeks until Sunday 14 September to seek the views of the local community on Hednesford Town Council's application to become a Neighbourhood Area.

5.6 The Council published the consultation on the Council website at [www.cannockchasedc.gov.uk/planningpolicy](http://www.cannockchasedc.gov.uk/planningpolicy) as required by Part 2 Section 6 of the Neighbourhood Planning (General) Regulations 2012. This information included a copy of the area application (the correspondence between the Town Council and District Council and a map of the proposed area), information on the application process/ how to make a representation, and the dates of the

consultation; as required by the regulations. This information was also made available in the Planning Room at the Civic Centre in Cannock.

- 5.7 In addition the Council also placed public notices and a copy of the map in a range of other locations to bring the application to the attention of people who live and work in the local area, including:-
- Pye Green Community Centre, Bradbury Lane
  - Hednesford Library, Market Street
  - Market Street (opposite end to library)
  - Festival Shops, Pye Green Road
- 5.8 The Council contacted Hednesford Town Council, Local Councillors, the Council Portfolio Leader, Cannock Chase Area of Outstanding Natural Beauty Unit, the Friends of Hednesford Park, Chase Chamber of Commerce and Hednesford Traders Association to make them aware of the consultation. The Council ran the consultation using existing staff resources and equipment.
- 5.9 The Council received 2 responses supporting the application for the Hednesford Town Council area to be designated as a Neighbourhood Area. These are provided as appendix 1. No objections were received in response to the consultation.
- 5.10 Based on the results of the consultation Cabinet are required to make a decision on whether the Hednesford Town Council area should be designated as a Neighbourhood Area. The results of consultation demonstrate support for the designation and the recommendation made to Cabinet at 2.2 reflects this position.
- 5.11 Regulation 7 of the Neighbourhood Planning (General) Regulations 2012 then requires the Council to publish the results of the decision making process as soon as possible after the final decision has been made on the Council website and within the local area. The information will either set out the details of the new Neighbourhood Area or the reasons for refusal.
- 5.12 Once an area is designated as a Neighbourhood Area then the Town Council can use the neighbourhood planning powers to establish general planning policies for the development and use of land in a neighbourhood. These are described legally as 'neighbourhood development plans. Local Councils continue to produce development plans to set the strategic context within which neighbourhood development plans will sit. Neighbourhood development plans have to meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy). The conditions are:
1. they must have regard to national planning policy
  2. they must be in general conformity with strategic policies in the development plan

3. for the local area
  4. they must be compatible with EU obligations and human rights requirements.
- 5.13 An independent qualified person then checks that a neighbourhood development plan appropriately meets the conditions before it can be voted on in a local referendum. This is to make sure that referendums only take place when proposals are workable and of a decent quality. Proposed neighbourhood development plans or orders need to gain the approval of a majority of voters of the neighbourhood to come into force. If proposals pass the referendum, the local planning authority is under a legal duty to bring them into force.
- 5.14 The process for producing a Neighbourhood Plan can be summarised as follows:
- a. Define the Neighbourhood
  - b. Designate the Neighbourhood Forum if not Parish Council
  - c. The District Council as local planning authority provides support in agreeing the area, the forum and provides general guidance and advice as to the shape and content of the Plan
  - d. Plan prepared with community engagement
  - e. District Council planners will check the Plan to see whether it is in line with the strategic objectives of the Local Plan
  - f. Examination by Independent Examiner
  - g. Examiners Report
  - h. Plan modifications
  - i. Referendum
  - j. Adoption by District Council
- 5.15 Hednesford Town Council has committed to producing a Neighbourhood Plan following the application for designation of the Neighbourhood Area. Production of the plan will mainly fall upon the Town Council, but the District Council has a duty to assist and may spend money in officer time. The responsibility for the independent examination and the referendum, however, falls upon the District Council.
- 5.16 The DCLG have stated that they will make funding available to Councils for the cost of providing support and advice to local groups which are progressing neighbourhood plans and to go towards the cost of examination and referendum. Since May 2013, the government has run a £10.8 million, 2-year programme to support communities to progress their neighbourhood development plans and neighbourhood development orders. The programme offers hands-on, practical support and grants of up to £7,000 per neighbourhood area. This detail is set out in the 20 September 2014 Cabinet report.

- 5.17 On the 20 August 2014 Locality made an announcement, on behalf of the Department of Communities and Local Government (DCLG), that the grant programme has proven extremely popular and no new applications for funding are being accepted at the current time. Locality is a community owned organization that has been commissioned by the DCLG to provide support and grants to assist local communities with the Neighbourhood Plan process. As it is nearing the end of the grant programme the remaining funds are being withheld to ensure that existing commitments can be funded. A new support programme is likely to be available from April 2015, and it may be possible for areas to submit grant applications just prior to that date. Details of the future support for neighbourhood planning are being worked up by the DCLG and further details should be made available later in the year.

## **6 Implications**

### **6.1 Financial**

There are no direct financial implications for the Council as a result of this report in respect of the decision on whether to designate Hednesford as a Neighbourhood Area; any staff time and other associated costs will be contained within approved Planning budgets.

However, as referred to in paragraph 5.15 there will be additional costs for the Council (assistance with the Neighbourhood Plan & additional costs of its independent examination and referendum) subject to the Neighbourhood being successfully delegated; these costs cannot be quantified at the moment.

Reference is also made to the availability of Grant monies to fund these additional costs, however there is currently uncertainty as to the amount of funding to be made available in 2015.

A further report will need to be submitted for consideration once the additional costs involved have been estimated and the availability of Grant funding has been further explored; any additional net costs falling upon the Council can then be estimated for consideration by Members.

### **6.2 Legal**

A local authority is required to designate a neighbourhood area if it receives a valid application and some or all of the parish council area has not yet been designated.

### **6.3 Human Resources**

Helping to facilitate neighbourhood planning processes will impose an additional human resource burden on the planning service. At present this can be managed within existing resources, however this will need to be kept under review.

**6.4 Section 17 (Crime Prevention) –**

There are no identified implications in respect of Section 17 (Crime prevention) arising from this report.

**6.5 Human Rights Act**

There are no identified implications in respect of the Human Rights Act 1998 arising from this report.

**6.6 Data Protection**

There are no identified implications in respect of the Data Protection Act arising from this report.

**6.7 Risk Management**

None identified.

**6.8 Equality & Diversity**

There are no identified implications in the report.

**7 Appendices to the Report**

Appendix 1            Responses to Public Consultation

**Previous Consideration**

Cabinet

20 September 2012

**Background Papers**

## Appendix 1 Responses to Public Consultation

Consultee	Response
Grahame Wiggin (Heath Hayes resident)	I am contacting you to <b>support</b> the application by Hednesford Town Council for land within the town to be designated a Neighbourhood Area.
Cannock Chase AONB Joint Committee – Ruth Hytch (AONB Officer)	<p>As you are aware, the AONB is a statutory designated area under the Countryside and Rights of Way Act 2000 (CROW). CROW places a duty on all public bodies (including Parish Councils) to “have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”. The provisions of the Act are:</p> <p><i>“(a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty,</i></p> <p><i>but if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a).”</i></p> <p>In addition, the National Planning Policy Framework (NPPF) clearly states the degree of protection which is to be afforded to National Parks and AONBs at paragraph 115.</p> <p><i>“115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.</i></p> <p>Therefore, as is the case with Local Plans, any Neighbourhood Plans including land within the AONB or adjoining it and having a potential impact, will need to recognise the importance of protecting the landscape and scenic beauty of Cannock Chase AONB.</p> <p>It is noted that Hednesford Parish Council wishes to produce a Neighbourhood Plan covering the whole of the Parish and that this includes a small part of the AONB covering the triangle of land running up from Pye Green to Broadhurst Green.</p> <p>In addition, the Parish and Neighbourhood Plan boundary is co-incident with that of the AONB in two locations, along the rear of</p>

the houses on Bradbury Lane and along Rawnsley Road.

Should the Neighbourhood Plan include matters concerning the development of housing on land west of Pye Green Road and associated SAC mitigation measures affecting the AONB (or the Hednesford Hills SSSI), these will also be relevant to the AONB Joint Committee. I am also interested in any Neighbourhood Plan related proposals concerning improved pedestrian and cycling access to the AONB.

**The production of a Neighbourhood Plan, alongside the Cannock Chase Local Plan, will enable the issues impacting upon the AONB to be considered in a comprehensive and detailed manner.** Whilst the application letter for the proposed plan area could have referred to importance of the AONB landscape in and adjoining the Parish, the inclusion of the area in plan is welcomed by the AONB Joint Committee.

Subject to approval of the proposed Plan area and the continued intent of the Parish Council to produce a Neighbourhood Plan, I look forward to future opportunities to comment on the policies and proposals for the area which are concerned with and impact on the AONB. I would be grateful, therefore, if you could confirm this interest to Hednesford Parish Council and request that the AONB Joint Committee is listed as a formal consultee on the intended plan.