

# WIRRAL COUNCIL

## CABINET

3<sup>RD</sup> FEBRUARY 2011

<b>SUBJECT:</b>	<b>NEIGHBOURHOOD PLANNING VANGUARDS – WIRRAL PROPOSAL</b>
<b>WARD/S AFFECTED:</b>	<b>HOYLAKE AND MEOLS, PRENTON</b>
<b>REPORT OF:</b>	<b>INTERIM DIRECTOR OF CORPORATE SERVICES</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR ANDREW HODSON REGENERATION AND PLANNING STRATEGY</b>
<b>KEY DECISION?</b>	<b>YES</b>

### 1.0 EXECUTIVE SUMMARY

- 1.1 The Government has announced a Neighbourhood Planning Vanguard as a pilot for proposals in the Localism Bill, which was introduced to Parliament in December 2010. Two community organisations in Wirral have expressed interest in preparing Neighbourhood Plans for their respective areas and the Council has been asked to endorse and assist in the bid for Vanguard status.
- 1.2 The Vanguard pilot will provide valuable experience in preparing locally-derived proposals, although at this pilot stage, any proposals must conform to existing national and local policy. The Government's objective is to promote new development and the Vanguard proposals may be judged by the Government on the extent to which they satisfy this national objective.

### 2.0 RECOMMENDATION/S

- 2.1 That Cabinet endorses the submission of two community organisations' (Devonshire Park Residents' Association and Hoylake Village Life) proposals for the Neighbourhood Planning Vanguard, which is promoted by the Department for Communities and Local Government.
- 2.2 That Cabinet agrees to officers assisting Devonshire Park Residents' Association and Hoylake Life in determining boundaries and preparing draft Neighbourhood Plans for the two potential pilot areas of Wirral.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 Cabinet is asked to endorse the two proposals put forward by community organisations in Wirral to the Neighbourhood Planning Vanguard, which is being promoted by the Government to gain experience and learn lessons from locally derived planning policy proposals.

### **4.0 BACKGROUND AND KEY ISSUES**

- 4.1 The Government introduced its Localism Bill on 13<sup>th</sup> December 2010. One of the bill's key provisions is the introduction of Neighbourhood Planning, whereby local communities can have more say in the planning of their local areas.
- 4.2 As this is an entirely new provision, the Government has invited parish councils and other neighbourhood organisations to submit projects to a pilot process, the Neighbourhood Planning Vanguard which will be supported by the Government with a grant of £20,000 per pilot Neighbourhood Plan/Order proposal.
- 4.3 Wirral Council has been asked by two community organisations to support the Neighbourhood Planning pilot. The two organisations are the Devonshire Park Residents' Association (representing an area within Prenton ward) and Hoylake Village Life (representing an area within Hoylake and Meols ward).
- 4.4 As a pilot project, on an untested approach to planning local neighbourhoods, there will be a number of lessons to be learned and experience gained, should other local communities wish to become more involved in shaping their neighbourhoods.
- 4.5 Most importantly, the limits to neighbourhood planning need to be explored. The Government sees the neighbourhood planning process as a means of encouraging communities to accept the new housing development that the country needs to provide. In that sense, the Government expects neighbourhood planning to be positive, encouraging new development and not restricting it. The Department for Communities and Local Government has made clear to officers that the purpose of neighbourhood planning is to enable an increase in the amount of development delivered, so that a plan that sought to deliver less would not teach the Government much about neighbourhood planning. Lifting the burden of planning controls could also allow minor household development to be permitted, through Neighbourhood Development Orders.
- 4.6 There will be restrictions on the types of development to be implemented through Neighbourhood Plans and Neighbourhood Development Orders. Major development such as power stations, waste facilities, water, chemical or industrial development or infrastructure is excluded, as is development that would require an Environmental Impact Assessment.
- 4.7 If Members wish to support the submission of the two projects to the Neighbourhood Planning Vanguard, officers will establish the objectives of the

community organisations, agree a boundary for the neighbourhood planning area and assist the groups to develop their proposals.

## **5.0 RELEVANT RISKS**

- 5.1 The principal risk for the pilot proposals is that the bid for Neighbourhood Planning Vanguard status is rejected by the Government, due to over-subscription or that the two Wirral projects are not seen by the Government as fulfilling their objectives for the project. This may be because the promoting organisations fail to satisfy the Government's terms of reference for promoting organisations, or that the organisations' objectives are not positive enough about new development.
- 5.2 The Council's cost liability at this stage should be restricted to the cost of running a referendum on the final Neighbourhood Plan, if the pilots are taken forward. The £20,000 grant to each pilot Neighbourhood will only be payable by the Government if the pilot proposals are taken forward. If the pilots are not taken forward by the Government, then there is no liability on the Council for the £20,000.
- 5.3 The longer-term cost and resource implications of the Neighbourhood Planning proposals of the Localism Bill are not yet fully quantified. It is a function of the pilot project to establish the implications of the Government's approach.

## **6.0 OTHER OPTIONS CONSIDERED**

- 6.1 No other options have been considered, as this report sets out a response to proposals that have been called for by the Government and responded to by local community organisations, in accordance with the Government's proposals in its Neighbourhood Planning Vanguard pilot scheme.

## **7.0 CONSULTATION**

- 7.1 As indicated in 4.7 above, if Members wish to support the submission of the two projects to the Neighbourhood Planning Vanguard, officers will establish the objectives of the community organisations and assist the groups to develop their proposals. This will include facilitating consultation with local people and organisations through the appropriate Area Forums. Additional and targeted support will be provided as appropriate to ensure engagement with the widest possible number of local residents through the use of existing communications mechanisms.

## **8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 8.1 The emphasis in the Localism Bill is on Neighbourhood Planning proposals being promoted by parish councils or community organisations. Although only two community organisations have come forward with proposals at this pilot stage, it is highly likely that other local communities in Wirral will want to promote neighbourhood planning in their areas.

- 8.2 If the Neighbourhood Planning process is developed further and other areas within Wirral submit proposals, there will be issues arising from a lack of the necessary skills in some community organisations. Whilst some organisations known to the Council will have access to the skills and experience necessary to prepare complex planning documents and strategies, other organisations will not have the necessary skills within their membership, or the resources to 'buy-in' those skills.
- 8.3 Whilst the Government is offering £20,000 per pilot to fund the necessary technical work required to prepare a Neighbourhood Plan and the Government is willing to fund more proposals, there will in time be a limit to the funding available for subsequent bids. Addressing voluntary sector capacity is clearly an issue to be addressed through the pilot process.

## **9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 9.1 At the pilot stage, the Government will make £20,000 available to assist each of the two local community organisations in Wirral in developing their proposals, if the pilot proposals are accepted by the Government. If the neighbourhood planning proposals remain in the Localism Bill through to its enactment, there could then be significant financial and staffing implications for the Council, integrating the new plans into the development plan system.
- 9.2 Although the Government intends that the costs of Neighbourhood Plans and Neighbourhood Development Orders will be covered by charges placed on new development arising from the plans and orders, this will only be activated if those plans lead to new development being granted planning permission. If no development is allowed by the Neighbourhood Development Plans and Orders, then no income will be delivered.
- 9.3 Even where development will come forward, the Council has the responsibility of holding a local referendum, to validate each of the Neighbourhood Plans and Orders. These costs are to be borne in advance of any income arising from charges on new development. No budgetary provision is yet made for such referenda.

## **10.0 LEGAL IMPLICATIONS**

- 10.1 The pilot proposals for Neighbourhood Development Plans and Orders must be brought forward in the context of currently adopted Council strategies. These include the Regional Strategy, Unitary Development Plan and Sustainable Community Strategy. In due course, the Unitary Development Plan will be replaced by the Local Development Framework and the Government intends to revoke all Regional Strategies through other provisions in the Localism Bill.
- 10.2 Once the Localism Bill has received the Royal Assent (expected in late 2011) and its provisions enacted, any Neighbourhood Plans and Orders will have to be prepared in accordance with Regulations arising from the Localism Act and in conformity with the Local Development Framework. These Regulations may

vary the current understanding of the powers available under the proposed Neighbourhood Plans and Orders.

## **11.0 EQUALITIES IMPLICATIONS**

11.1 There are no specific implications in this report for equal opportunities, including women, ethnic minorities or the elderly.

11.2 An Equality Impact Assessment (EIA) is not required as the proposed Neighbourhood Plans or Neighbourhood Development Orders are being prepared by external community organisations. It is a condition of the Department for Communities and Local Government that any Plan or Order will not contravene any national legislation, including the European Convention on Human Rights.

## **12.0 CARBON REDUCTION IMPLICATIONS**

12.1 Neighbourhood Plan proposals must be in conformity with national policy, which includes the promotion of sustainable development. As the Neighbourhood Plans have to also be in conformity with the Council's development plan (principally the emerging Local Development Framework Core Strategy), which is being prepared in a context of sustainable development, then the Neighbourhood Plans should achieve carbon reduction.

## **13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

13.1 The Council is at Regulation 25 stage with its Local Development Framework Core Strategy, analysing responses to the recent public consultation on its Preferred Options. The Core Strategy will be published in late spring 2011, prior to its being examined by a Planning Inspector in autumn 2011.

13.2 It is not yet clear from the Government's proposals whether or not a Neighbourhood Plan should rely upon a policy in the Council's Local Development Framework, or whether the Neighbourhood Plan can develop its own policies, which are in conformity with the Local Development Framework but not inextricably linked. The exact relationship between the Neighbourhood Plan and the Local Development Framework is an issue for consideration in the context of the Vanguard pilot. The Department for Communities and Local Government has advised officers that a Neighbourhood Development Order can permit development that is not envisaged in the Local Development Framework as long as it is in general conformity with the strategic policies in the development plan and meets the other requirements such as conformity with European Directives.

13.3 What is clear however is that a Neighbourhood Plan prepared in advance of the adoption of the Core Strategy or the enactment of the Localism Bill will have less status than one prepared when both the Core Strategy is the adopted development plan for the Borough and the Localism Bill is enacted. The exact status is another issue to be addressed through the pilot process.

13.4 A Neighbourhood Plan will be subject to Sustainability Appraisal and consultation with the statutory agencies: Natural England, English Heritage and the Environment Agency. Wider consultation will be required as the Neighbourhood Plan preparation advances.

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## APPENDICES

None

## REFERENCE MATERIAL

- (i) Town and Country Planning Act 1990, The Stationery Office, 1990
- (ii) The Town and Country Planning (Local Development) (England) Regulations 2004, SI No. 2204, The Stationery Office, 26<sup>th</sup> August 2004
- (iii) The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, SI No. 1371, The Stationery Office, 19<sup>th</sup> May 2008
- (iv) The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009, SI No. 401, The Stationery Office, 25<sup>th</sup> February 2009
- (v) Neighbourhood Planning Vanguard scheme, Communities and Local Government, November 2010
- (vi) Localism Bill, UK Parliament, The Stationery Office, December 2010
- (vii) Localism Bill, Explanatory Notes, Communities and Local Government, December 2010
- (viii) Decentralisation and the Localism Bill: an essential guide, HM Government, December 2010
- (ix) Sustainable Communities Act: an invitation to inspire the Big Society, Rt Hon Greg Clark, Communities and Local Government, 15th December 2010
- (x) Planning in a Local Context, Steve Quartermain, Communities and Local Government, 15th December 2010
- (xi) The Localism Bill: Chief Planning Officer Letter, Steve Quartermain, Communities and Local Government, 15th December 2010
- (xii) Neighbourhood Planning Vanguard Community Infrastructure Levy Front Runners, Rt Hon Greg Clark, Communities and Local Government, 23<sup>rd</sup> December 2010
- (xiii) Localism Bill: Planning and Housing, Bill 126 of 2010-11, House of Commons Library Research Paper 11/03, January 2011
- (xiv) A plain English guide to the Localism Bill, Communities and Local Government, January 2011

- (xv) Supporting Communities and Neighbourhoods in Planning: Prospectus, Communities and Local Government, January 2011

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
None	