

<b>Subject:</b>	<b>Designation of Neighbourhood Area – Rottingdean Parish</b>		
<b>Date of Meeting:</b>	<b>Economic Development &amp; Culture Committee 7 March 2013</b>		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Rebecca Fry</b>	<b>Tel: 29-3773</b>
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<b>Ward(s) affected:</b>	<b>Rottingdean Coastal</b>		

**FOR GENERAL RELEASE.****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The purpose of this report is to designate Rottingdean Parish as a Neighbourhood Area. The designation of a neighbourhood area is part of the neighbourhood planning provisions introduced by the Localism Act 2011. It is one of the first stages in producing a neighbourhood development plan (for the purposes of this report these are referred to as neighbourhood plans).

**2. RECOMMENDATIONS:**

- 2.1 That the committee approve the designation of Rottingdean Parish Neighbourhood Area.

**3. BACKGROUND:**

- 3.1 Through the Localism Act 2011 which introduced “neighbourhood planning”, the Government has attempted to give local communities more power to influence the future of the places in which they live. A key element of neighbourhood planning is the ability to produce neighbourhood plans. Neighbourhood planning is optional, not compulsory, however if a neighbourhood plan is prepared it must be in line with national policy and respective Local Planning Authority local planning policies. They should therefore promote sustainable development. A Neighbourhood Plan enables a community to set out planning policies in relation to the development and use of land in a particular neighbourhood area. Once adopted, a neighbourhood plan will be used by the Local Planning Authority, together with other respective policies and plans, to help determine planning applications for the Neighbourhood Plan area. In order to have such influence in the planning system neighbourhood plans must go through a statutory process. Only bodies that meet specified requirements can produce a neighbourhood plan. A parish council is the relevant body to undertake neighbourhood planning within its area (section 61F and 61G of the Town and Country Planning Act 1990).

- 3.2 The first stage in producing a neighbourhood plan is to designate the neighbourhood area in accordance with the Neighbourhood Planning (General) Regulations 2012, and as set out in sections 61F to 61I of the Town and Country Planning Act 1990 and Parts 2 and 3 of the Regulations. An application for designation must be submitted to the Local Planning Authority(s) by a relevant body, namely a parish council or a neighbourhood forum in an area without a parish council. The Local Planning Authority determines whether or not a proposed neighbourhood area is an appropriate area for designation. In general a proposed area should be considered appropriate except where it has been submitted by a non qualifying body or where it overlaps with another neighbourhood area. Should the latter arise, the Local Planning Authority must seek to secure that some or all of the specified area forms part of one or more neighbourhood areas (the Local Planning Authority has powers to modify existing neighbourhood area designations).
- 3.3 The Government sets out the benefits of neighbourhood plans in a respective Impact Assessment (DCLG, March 2012). It states “The empowerment of neighbourhood communities will lead to community ownership of plans and plans that better reflect the wishes of local communities. It is hoped that this will lead to behavioural change in such a way as to make local communities more predisposed to accept development. As a result, it is anticipated that greater community engagement, coupled with an appropriate sharing in the benefits (including financial benefits) of development, could lead to an increase in development.... . that is in-line with local needs” It is also considered it will create greater certainty for applicants and reduce the number of planning appeals.

#### **4.0 Proposal**

- 4.1 Rottingdean Parish Council wishes to take advantage of the new neighbourhood planning procedures and is therefore seeking, as the ‘relevant body’, the designation of a neighbourhood area (please see Appendices 2 and 3). The application under consideration seeks to designate the whole of the parish as a neighbourhood area. Some of the area lies within the South Downs National Park for which the South Downs National Park Authority is the Local Planning Authority. The Parish Council has therefore also submitted an identical application to the South Downs National Park Authority. The Committee’s decision can only relate to the part of the proposed neighbourhood area that lies outside the National Park. However for information and to facilitate consistency, at the time of writing, National Park Authority officers are recommending designation of the Neighbourhood Area.
- 4.2 Under section 61H of the 1990 Act whenever a local planning authority exercises powers under section 61G to designate an area as a neighbourhood area, consideration must be given as to whether the authority should designate the area concerned as a business area. Designation as a business area can only be done if the authority considers that the area is wholly or predominantly business in nature [section 61H(3)]. In this case the specified area is not considered to meet this requirement and cannot therefore be designated as a business area.

- 4.3 In determining an application the Local Planning Authority must have regard to the desirability of designating the whole of the area of a Parish Council as a Neighbourhood Area.
- 4.4 Regard must be given to any representations received during the consultation period. Whilst some representations were received raising queries, none raised objections to the designation of the Rottingdean Parish Neighbourhood Area or its boundary (please see Appendix 1).
- 4.5 One representation from a member of the public raises a lack of clarity over the boundary of the National Park on the submitted application map. However the purpose of the map is to identify the Neighbourhood Area in accordance with the legislation. It is considered that this has been fulfilled and the point raised does not therefore prejudice the determination of this application. Officers consider that the application meets the requirements of the Regulations and that it is appropriate to make the requested designation. It should be noted that the designation of a neighbourhood area alone will not affect planning decisions. It will however enable Rottingdean Parish Council to prepare a Neighbourhood Plan which, subject to meeting certain requirements, will carry similar planning weight as the adopted Local Plan.
- 4.6 The determination of this application should be judged on the appropriateness of the proposed area / boundary and compliance with legislation and cannot take into account financial implications. The following is therefore for information. The Department of Communities and Local Government (DCLG) currently has funding available to Local Planning Authorities which can be applied for upon designation of a neighbourhood area. The funding available to the Local Planning Authority at this stage is £5,000 in recognition of the officer time supporting and advising the community in taking forward a neighbourhood plan. It is proposed, subject to designation, that an application for funding be submitted. Should the bid for £5,000 be successful it is anticipated £1,000 will be set aside to facilitate the statutory consultation phase to be carried out by Rottingdean Parish Council should it wish to progress a neighbourhood plan to formal submission stage.
- 4.7 DCLG funding will also be available to Local Planning Authorities in the next financial year, enabling up to £30,000 per scheme (including the £5,000 detailed above) to be obtained, in recognition of the other significant costs to be incurred by Local Planning Authorities in the making of a neighbourhood plan. For example, the Local Planning Authority is responsible for setting up and paying for an independent examination and, where the plan is compliant, a local referendum. The first part of this additional funding (£5,000) would be paid when the Local Planning Authority publicises the neighbourhood plan prior to examination. The final part (£20,000) would be paid upon successful completion of the neighbourhood planning examination.

## **5. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 5.1 Upon receipt of an application for the designation of a neighbourhood area the City Council is required to publicise the proposed designation for a minimum of 6 weeks and consider specified matters before determining the application.

- 5.2 In respect of this application the minimum 6 week period was extended in order to take account of the Christmas period. The application was advertised on the City Council's and the South Downs National Park Authority's respective websites from 26 November 2012 to 21 January 2013 and notices were displayed within the area including the Parish notice board. Notification of this application was emailed to those who are on the email circulation list for the weekly planning application list. Twenty three internal council teams were also consulted (full details can be found in the application folder).
- 5.3 Responses submitted to Brighton & Hove City Council during the consultation on the application for the designation of Rottingdean Parish Neighbourhood Area are provided in Appendix 1.

## **6. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 6.1 A high level estimate of a cost of a referendum in Rottingdean Parish is approximately £10k but it is not clear at this stage what the total additional cost of supporting this process would be. The CLG Impact assessment estimates costs to local planning authorities of between £20k and £86k per plan with more plans being towards the lower end of the range. As stated in paragraphs 4.6 and 4.7 funding of £30k is potentially available from the CLG. Therefore it is possible that this will not be sufficient to cover the additional costs of supporting this process. In addition the CLG estimate that the cost of keeping the plan under review would be 70% of the original cost, every ten years. If costs arise which cannot be met from the CLG funding or managed within the existing Planning budgets then additional funding will need to be identified.

*Finance Officer Consulted: Jeff Coates*

*Date: 22/01/13*

### 6.2 Legal Implications:

The legislation relating to the designation of a neighbourhood area is referred to in the report and the recommended designation of Rottingdean Parish as a neighbourhood area is in compliance with the same.

It is not considered that any adverse human rights implications arise from the report.

*Lawyer Consulted:*

*Name Hilary Woodward*

*Date: 24/1/13*

### Equalities Implications:

- 6.3 There are no implications arising from this report.

### Sustainability Implications:

- 6.4 There are no implications arising from this report.

Crime & Disorder Implications:

- 6.5 There are no implications arising from this report.

Risk and Opportunity Management Implications:

- 6.6 There are no implications arising from this report.

Public Health Implications:

- 6.7 There are no implications arising from this report.

Corporate / Citywide Implications:

- 6.8 This is a statutory procedure enabling a local community to take advantage of the non compulsory Neighbourhood Planning system. The city council has a duty to support communities wishing to undertake Neighbourhood Planning, the principle of which is considered to be consistent with the council's priorities. It is also consistent with the objectives of the Sustainable Community Strategy and Neighbourhood Governance. The emerging City Plan makes clear support will be given to communities for neighbourhood planning, reflecting the council's aspirations and the new statutory duties. The designation of a Neighbourhood Area itself is not felt to affect other services, agencies and the city as a whole. Whilst it enables the production of a Neighbourhood Development Plan the effects of which will be assessed when any such plan is determined.

**7. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 7.1 This is a statutory procedure therefore non designation or the seeking of an alternative boundary without justification could lead to legal challenges. It is not considered there are any reasons to justify an alternative option.

**8. REASONS FOR REPORT RECOMMENDATIONS**

- 8.1 After considering all relevant matters, highlighted in this report, it is considered the specified area is an 'appropriate area to be designated as a Neighbourhood Area'. Indeed there are no identified valid reasons to refuse this designation. It is therefore recommended the designation of the Rottingdean Parish Neighbourhood Area be approved.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Responses submitted to Brighton & Hove City Council during the consultation on the application for the designation of Rottingdean Parish Neighbourhood Area.
2. Application form submitted by Rottingdean Parish Council seeking designation of Neighbourhood Area
3. Map of Neighbourhood Area submitted by Rottingdean Parish Council and forms part of the application

### **Documents in Members' Rooms**

None

### **Background Documents**

1. [The Localism Act 2011](#)
2. [The Neighbourhood Planning \(General\) Regulations 2012](#)
3. [Localism Act : Neighbourhood Plans and Community Right to Build - Impact Assessment \(DCLG, March 2012\)](#)