

# Cherwell District Council

## Executive

2 December 2013

<p style="text-align: center;"><b>Neighbourhood Planning: Applications for Designation as Neighbourhood Areas – Merton and Deddington Parishes</b></p>
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### Report of Head of Strategic Planning and the Economy

This report is public

#### Purpose of report

To approve the designation of Neighbourhood Planning Areas at Merton and Deddington Parishes and to update members on progress made in the preparation of Neighbourhood Plans.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the formal designation of two further Neighbourhood Areas under Section 61G of the Town and Country Planning Act 1990 (as amended):
  - a. Merton Neighbourhood Area
  - b. Deddington Neighbourhood Area
- 1.2 To authorise the Head of Strategic Planning and the Economy to issue Notifications of Decisions pursuant to recommendation (1) and to the conclusions in section 2 of this report.

#### 2.0 Introduction

- 2.1 Neighbourhood planning was introduced by the Localism Act 2011 as a new, local tier to the planning system. Neighbourhood planning is optional but allows communities to come together through a local Parish Council or Neighbourhood Forum and have direct involvement in the land-use planning of their local area.
- 2.2 Neighbourhood Development Plans provide scope for local communities to develop their own planning policies. If they conform with the Local Plan, are supported by the Local Planning Authority and successful at referendum, they are adopted as part of the statutory Development Plan and must be considered, where material, in the determination of applications for planning permission. Alternatively, Neighbourhood Development Orders can be prepared which grant planning

permission for development that complies with the Order or Community Right to Build Orders can be produced to give permission for small-scale, site-specific developments by a community group.

- 2.3 Under Schedule 4B of the Town and Country Planning Act 1990 (as amended), Local planning authorities have a statutory duty to *“give such advice or assistance to parish councils and designated Neighbourhood Forums as in all the circumstances, they consider appropriate for the purpose of or in connection with facilitating the preparation of Neighbourhood Development Plans”*.
- 2.4 Four Parish Councils have already had their administrative areas approved as designated Neighbourhood Areas. Adderbury, Bloxham, Hook Norton and Stratton Audley Parish Councils have made a start on preparing Neighbourhood Development Plans, and are at various stages of preparation as outlined later in this report. No plans have yet been submitted to Cherwell District Council for independent examination.
- 2.5 Merton and Deddington Parish Councils have made applications for Area Designations which are now presented before Members for determination.

## **3.0 Report Details**

### **Applications to be Determined**

- 3.1 The applications by the Parish Councils and the representations received are appended to this report and considered below.

#### **Merton**

- 3.2 Merton Parish Council has established a Neighbourhood Planning Steering Group, and a communications strategy. The Group has held meetings, and produced a scoping document outlining the key activities involved in the preparation of a Neighbourhood Plan; and identifying local issues and concerns.
- 3.3 A formal application was made by the Parish Council for its area to become a Neighbourhood Area on 14 June 2013 (**Appendix A**). The application was consulted on between 3 August 2013 and 13 September 2013. The application was placed on the Council website, advertised in the Bicester Advertiser by way of public notice and notification letters were sent to relevant consultees registered on the Council's Local Plan database. Public notices were also provided to the Parish Council to display.
- 3.4 Merton Parish is centred on the village of Merton, located in a largely rural area. The village is approximately 5 miles to the south of Bicester close to junction 9 of the M40. A small area of the Parish and part of the village fall within the designated Green Belt, where development would only be permitted in exceptional circumstances. There are no constraints or local planning policies that in themselves prevent the designation of the Neighbourhood Area.
- 3.5 In total seven responses (including 'no comments') were received during the consultation from the Canal & River Trust, Environment Agency, Highways Agency, Natural England, Network Rail, English Heritage, Terry Bird – Chairman of Merton

Parish Council and Steering Committee and Timothy Hallchurch – Chairman,  
Oxfordshire County Council

- 3.6 There were no issues raised directly with regard to the boundary of the proposed Neighbourhood Area.
- 3.7 Natural England as a statutory consultee on neighbourhood plans has advised that any proposal in the proposed Neighbourhood Area should seek to protect the Wendlebury Meads and Mansmoor Closes Site of Special Scientific Interest (SSSI), which contain a large diversity of plants in a variety of hay meadows vegetation communities. General advice on producing Neighbourhood Plans is also provided. Neighbourhood Plans may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits to the local community.
- 3.8 Network Rail has advised that there are level crossings in the area which could be affected by development proposals and that the neighbourhood planning authority will need to consult with Network Rail. Traffic Assessments will need to be prepared in consultation with the Network Rail Level Crossings Team.
- 3.9 English Heritage has no objection and has provided some general advice in preparing Neighbourhood Plans.
- 3.10 The Highways Agency and the Canal and & Rivers Trust (Formerly British Waterways) have no comments to make, and there was no response from the Environment Agency.
- 3.11 Conclusion: It is considered that the Parish boundary represents a coherent, consistent and appropriate boundary for the proposed Neighbourhood Area. The issues raised above are ones to be considered during plan preparation and do not prevent designation.

### **Deddington**

- 3.12 Deddington Parish Council has expressed an interest in preparing a Neighbourhood Plan. A formal application by the Parish Council for the Parish to become a Neighbourhood Area was made on 1 August 2013 (**Appendix B**). It was formally consulted upon between 8<sup>th</sup> August 2013 and 19 September 2013. The Area Application was placed on the Council's website, advertised in the Banbury Guardian by way of a public notice and notification letters were sent to relevant consultees registered on the Council's Local Plan database. Public notices were also provided to the Parish Council to display.
- 3.13 A neighbourhood plan working group has been established. Information has been placed on the Parish Council's website inviting people's views, and encouraging residents to get involved by joining consultation working groups to discuss issues of importance to the Parish.
- 3.14 Deddington Parish Council area is largely rural centred upon the village of Deddington with two smaller villages to the East and west, Clifton and Hempton. Deddington is located 6 miles south of Banbury and is accessible from the M 40. Although classified as a village Deddington has a town centre with a market place. Six responses were received from the following:

- The Highways Agency – no comments on the proposed designation
- Natural England – The LPA and Parish Council should have regard to the Bestmoor SSSI. The site consists of semi-alluvial meadow on the flood plain of the River Cherwell. The site contains several plants species associated with alluvial meadows. General advice is also provided.
- English Heritage – No objections. English heritage is able to offer support and advise Parish council on proposed changes to nationally important heritage assets and their settings; such as inputting to the preparation of conservation area appraisals and undertaking historic characterization surveys. Information on English heritage website contains useful information.
- Oxfordshire County Council – The County Council supports the neighbourhood plan preparation process, and has no comments to make.
- Network Rail – There are two level crossings at Chiswell Farm and Abernathy along the railway line which runs in the vicinity of the proposal. Should proposals within the neighbourhood area result in a material increase in volume of traffic then Network Rail should be notified.
- One response from a local resident who supports the application and considers the Neighbourhood Plan to be an excellent way of getting the whole community involved in the planning process.

3.15 Conclusion: There is general support for the designation of the area. It is considered that the Parish boundary represents a coherent, consistent and appropriate boundary for the proposed Neighbourhood Area and that the consultation responses received do not prevent the proposed designation.

### **Update on the preparation of other Neighbourhood Plans in Cherwell District**

#### **Adderbury**

3.16 Adderbury Parish Council have produced a draft neighbourhood Plan for consultation, and placed it on the Parish Council website. Public meetings were held in November 2012 and February 2013. A steering committee has been formed to manage the preparation process. To inform the Plan a resident's household survey was carried out.

#### **Bloxham**

3.17 Bloxham Parish Council have established a Neighbourhood Plan steering committee and working groups looking at different issues which affect the Parish. Public participation and consultation activities have been taking place, including the holding of meetings and exhibitions. Issues papers on different topic areas have also been produced, and are available for viewing on the Parish Council's website. Comments and views have been invited from local residents, interested groups and organizations, which can be made online.

#### **Hook Norton**

3.18 The Hook Norton Neighbourhood Plan is underway. A sustainability appraisal scoping report was produced and consulted upon. A pre-submission draft has been

published for consultation and is available for comment from 18 November 2013 to 6 January 2014. The steering group has previously undertaken consultation with the local community via drop in sessions, a resident survey questionnaire, and invited on line comments. Comments have been taken into account in the formulation of the draft Plan.

### **Stratton Audley**

- 3.19 The Parish Council organized a neighbourhood plan launch event in April 2013 and formed a steering committee. A work programme was established, and key issues of concern have been identified, and can be viewed on the Parish Council website.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The Parish Councils of Merton and Deddington have made applications for the designation of their administrative areas as Neighbourhood Areas for the purposes of preparing Neighbourhood Development Plans. Each application has been publicised and a number of representations (summarised in section 2) below have been received. None of the comments made raised are considered to warrant the refusal of the applications and it is considered that in each case designation would be coherent, consistent and appropriate.

## **5.0 Consultation**

Cllr Michael Gibbard

Regular briefing

## **6.0 Alternative Options and Reasons for Rejection**

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To approve the designation of the Neighbourhood Plans

Option 2: To refuse and amend the designation of the Neighbourhood Areas providing reasons why

Option 3: To defer consideration

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 Designations of Neighbourhood Areas would qualify the Council for financial assistance from the Government.

Local Planning Authorities can claim for up twenty area designations (£100,000) in each financial year 2013/14 and 2014/15. The overall limit for designation payments in each year has been set at £5m which will pay for up to 1000 areas to be designated.

Payments will be staged as follows:

1. The first payment of £5,000 will be made following designation of a neighbourhood area. For authorities designating several neighbourhood areas, each local planning authority can claim up to a maximum of £100,000 for area designations, in 2013/14. However, there is an overall cap of £5m.
2. The second payment of £5,000 will be made when the local planning authority publicises the neighbourhood plan prior to examination. There is no cap in 2013/14 or 2014/15.
3. The third payment of £20,000 will be made on successful completion of the neighbourhood planning examination. This is to cover costs for that examination and any other further steps that may be needed for the neighbourhood plan to come into legal force, including referendum. However, the payment is not dependent on pursuing the referendum route if both parties agree the neighbourhood plan could be taken forward as part of the local plan or as a supplementary planning document). There is no cap in 2013/14 or 2014/15.

Comments checked by:

Tim Madden, Head of Interim Head of Finance and Procurement, 0300 0030 1606, tim.madden@cherwellandsouthnorthants.gov.uk

### **Legal Implications**

- 7.2 The determination of the applications is a requirement of the Town and Country Planning Act 1990 (as amended) and associated regulations.

As soon as possible after publicising an area application for six weeks the Council is required to make a formal decision on whether to accept or refuse an area designation for a Neighbourhood Plan.

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687, nigel.bell@cherwell-dc.gov.uk

### **Risk Management**

- 7.3 Decisions can be legally challenged.

Rejecting a Neighbourhood Area application should only be carried out in justifiable circumstances.

Decisions on Neighbourhood Planning may affect the ability of Parish Councils to qualify for a proportion of future Community Infrastructure Levy (CIL).

Comments checked by:

Claire Taylor, Corporate Performance Manager, 01295 221563, Claire.taylor@cherwellandsouthnorthants.gov.uk

## **8.0 Decision Information**

## Key Decision

**Financial Threshold Met:** No

**Community Impact Threshold Met:** Noo

## Wards Affected

Deddington, Otmoor

## Links to Corporate Plan and Policy Framework

- Accessible, Value for Money Council
- District of Opportunity
- Safe and Healthy
- Cleaner Greener

## Lead Councillor

Councillor Michael Gibbard  
Lead Member for Planning

## Document Information

Appendix No	Title
A	Merton Neighbourhood Area Application
B	Deddington Neighbourhood Area Application
Background Papers	
None	
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