

Cherwell District Council

Executive

2 November 2015

<p>Neighbourhood Planning: Application for Designation as Neighbourhood Area – Weston on the Green Parish</p>
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Report of Head of Strategic Planning and the Economy

This report is public

Purpose of report

To consider an application to designate Weston-on-the-Green Parish as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the application to designate the Parish of Weston-on-the-Green as a neighbourhood area under Section 61G of the Town and Country Planning Act 1990 (as amended).
- 1.2 To authorise the Head of Strategic Planning and the Economy to issue a Notification of Decision pursuant to recommendation (1).

2.0 Introduction

- 2.1 On 29 July 2015, the Council received an application (Appendix 1) from Weston-on-the-Green Parish Council to designate a neighbourhood area. The application states that the Parish Council wishes to prepare a Neighbourhood Plan. The application is made under Section 61G of The Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended). Under Section 61G, Weston on the Green is a 'relevant body' for the purpose of making the application. The area applied for covers the entire parish.
- 2.2 Neighbourhood Development Plans allow 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 Neighbourhood planning is a community driven process and the first statutory step is defining and designating the neighbourhood area to which a neighbourhood development plan would apply. The Council as the local planning authority is required to formally determine such applications.
- 2.5 The District currently has seven designated neighbourhood areas: the parishes of Adderbury, Bloxham, Deddington, Hook Norton, Merton and Stratton Audley, and the multi-parished area of ‘Mid-Cherwell’. The Neighbourhood Plan for Hook Norton was approved by the Executive on 5 October 2015 and is to be presented to Council for adoption on 19 October 2015.

3.0 Report Details

- 3.1 The application by the Parish Council is presented at Appendix 1. The application was made in accordance with the Regulations and formally consulted upon from 8 September to 6 October 2015. The application was placed on the Council’s website, advertised in the Bicester Advertiser 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. The representations received are presented at Appendix 2.
- 3.2 The Council is now required to formally determine the application taking into account the representations received.

Requirements and Guidance

- 3.3 In determining applications under Section 61G(4) of the Town and Country Planning Act (as amended), the Council must have regard to:
 - a) the desirability of designating the whole of the area of a parish council as a neighbourhood area; and
 - b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas (designated areas must not overlap).
- 3.4 Under Section 61G(5), if
 - a) a valid application is made to the authority,
 - b) some or all of the specified area has not been designated as a neighbourhood area, and
 - c) the authority refuse the application because it considers that the specified area is not an appropriate area to be designated as a neighbourhood area,

the authority must exercise its power of designation so as to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas.

3.5 Planning Practice Guidance (PPG) advises that the following should be considered when deciding the boundaries of a neighbourhood area:

- village or settlement boundaries, which could reflect areas of planned expansion
- the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities
- the area where formal or informal networks of community based groups operate
- the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style
- whether the area forms all or part of a coherent estate either for businesses or residents
- whether the area is wholly or predominantly a business area
- whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway
- the natural setting or features in an area
- size of the population (living and working) in the area

The PPG states that electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents.

3.6 Under Section 61G (9) the Council should designate the proposed neighbourhood area unless there are valid or reasonable reasons not to. If the Council considers the area not to be appropriate it must issue a refusal notice, explaining why, and then designate a revised neighbourhood area to include some or all of the originally proposed area.

Representations

3.7 The application was advertised so that it would be brought to the attention of people who, live, work or carry on business in the area to which the application relates. A public notice was placed in the 10 September edition of the Bicester Advertiser. Letters or emails were sent to: District and relevant County Councillors; Oxfordshire County Council; contiguous Parish Councils; statutory stakeholders including the Highways England, Network Rail, Environment Agency, Natural England and Historic England; infrastructure providers including Thames Water, National Grid and Scottish and Southern Energy. Relevant consultees listed on the Council's Local Plan database made up of local members of the community and businesses that live or operate within the application area were also advised.

3.8 Seven responses to the application were received (Appendix 2), some raising no comments. These were from the Defence Infrastructure Organisation, Anglian Water, Natural England, Historic England, Scottish and Southern Energy Power Distribution, Highways England, and the Marine Management Organization. There were no comments objecting or suggesting that the proposed neighbourhood area would be inappropriate. The Ministry of Defence - Defence Infrastructure Organization points out that Weston on the Green is covered by statutory aerodrome safeguarding consultation zone surrounding RAF Weston on the Green. The

concern relates to all potential development in particular tall structures which could infringe air traffic operations. The organization has expressed a wish to be consulted on all proposed development within the area in the future.

Officer Consideration

- 3.9 Weston on the Green Parish Council area is largely rural centred upon the small village of Weston on the Green, about 4 miles southwest of Bicester and some 12 miles from Oxford. The Parish has an area of 1005 hectares. A large part of the village to the south is washed over by the Oxfordshire Green Belt. According to the Census, the parish had a population of 520 in 2001 and 523 in 2011. The Parish includes RAF Weston on the Green which is used for parachute training and for commercial sky-diving.
- 3.10 The proposed area falls wholly within the District Council's administrative area. The parish boundary represents an administratively coherent, consistent and appropriate boundary in land use planning terms for the proposed neighbourhood area. It is considered that the representations received do not prevent designation of the neighbourhood area and that the issues raised by the MOD are ones to be considered during plan preparation
- 3.11 Section 61H of the Act requires the Council to consider whether the area concerned should be designated as a 'business area'. This applies where an area is primarily or wholly business in nature. This does not apply here as the parish is predominantly rural in character with the village of Weston-on-the Green and the RAF airfield as the dominant features.
- 3.12 Having regard to statutory requirements, national guidance and the representations received, the proposed neighbourhood area is considered to an appropriate area upon which to base a neighbourhood plan.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The Parish Council of Weston-on-the Green has made an application for the designation of its administrative areas as a neighbourhood area for the purpose of preparing a Neighbourhood Development Plan. The application is valid, has been publicised and a number of representations have been received. None of the comments raised are considered to warrant the refusal of the application and it is considered that the proposed neighbourhood area would be coherent and appropriate.

5.0 Consultation

- 5.1 Cllr Michael Gibbard, Lead Member for Planning

6.0 Alternative Options and Reasons for Rejection

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

Option 1 To refuse and amend the designation of the neighbourhood area providing reasons why

Option 2 To defer consideration

7.0 Implications

Financial and Resource Implications

7.1 Work on assisting the neighbourhood planning process is to be met within existing budgets. Designation of a neighbourhood area qualifies the Council for support from the government's neighbourhood planning grant.

Comments checked by:

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Legal Implications

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

7.3 When a neighbourhood plan is finally made it becomes part of the statutory Development Plan for the area and must be considered in the determination of relevant applications for planning permission.

Comments checked by:

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Risk Management

7.4 Decisions can be legally challenged.

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

7.6 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:

Nigel Bell, Team Leader – Planning, 01295 221687

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8.0 Decision Information

Key Decision -

Financial Threshold Met No

Community Impact Threshold Met: No

Wards Affected

Kirtlington

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
Appendix 1 Appendix 2	Weston on the Green Neighbourhood Area Application Representations
Background Papers	
None	
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