
Report to: Cabinet **Date of Meeting:** 12 September 2013

Subject: **Approval of the Formby and Little Altcar Neighbourhood Plan area**

Report of: Director of Built Environment **Wards Affected:** Harington, Ravenmeols

Is this a Key Decision? Yes **Is it included in the Forward Plan?** Yes

Exempt/Confidential No

Purpose/Summary

To ask Cabinet to approve an application by Formby Parish Council to have a Neighbourhood Plan area designated.

Recommendation

That Cabinet approves that the application for the combined area of Formby and Little Altcar parishes to be designated as a single Neighbourhood Plan area under Regulation 7 of the Neighbourhood Planning (General) Regulations 2012.

How does the decision contribute to the Council’s Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity	√		
3	Environmental Sustainability	√		
4	Health and Well-Being	√		
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities	√		
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

Reasons for the Recommendation:

The Council is required to determine applications for the designation of Neighbourhood Plan areas under the provisions of Part 2 of the Neighbourhood Planning (General) Regulations 2012.

What will it cost and how will it be financed?

(A) Revenue Costs

There is no specific budget set aside for Neighbourhood Planning. The Local Planning Authority can claim £5,000 for each Neighbourhood Plan area designated from the CLG. Other costs arising from the statutory requirement to support the preparation of Neighbourhood Plans will be met from within the 2013/14 Planning Department's (Planning Policy) Revenue budget.

(B) Capital Costs

None

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal Incorporated into the report		
Human Resources None		
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

Planning Services (the Local Planning Authority) has a statutory duty to provide assistance to groups proposing to prepare a Neighbourhood Plan. This must not deflect from the preparation of the Sefton Local Plan.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD 2515/2013) has been consulted and notes the additional revenue costs and funding available from CLG.

Head of Corporate Legal Services (LD1820) has been consulted and has no any comments to make on the report.

Are there any other options available for consideration?

No, it is a statutory requirement to determine applications for the designation of a Neighbourhood Plan area.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet meeting on 18th September, 2013

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Background Papers:

The following papers are available for inspection by contacting the above officer and on the web at www.sefton.gov/neighbourhoodplanning .

- *Application by Formby Parish Council for the designation of a Neighbourhood Plan area for Formby parish.*
- *Minute of Little Altcar Parish Council agreeing to collaborate with Formby Parish Council so that the Neighbourhood Plan includes the whole of Formby and thus includes both Parish Council areas.*

1. Introduction/Background

- 1.1 In March Formby Parish Council submitted an application to have Formby parish designated as a Neighbourhood Plan area. The application included a brief statement indicating why they consider the boundary is appropriate and the topics the Plan will cover. This is appended to the report.
- 1.2 This is the first application that Sefton Council has received, and the designation of a Neighbourhood Plan area is the first step to preparing a Neighbourhood Plan in parished areas. In other areas, a Neighbourhood Forum has to be established first or concurrently with the application to designate a Neighbourhood Plan area.
- 1.3 In parished areas, Neighbourhood Plans are prepared by Parish Councils, supported by the Council through Planning Services. This new tier of plan-making was introduced by the Localism Act 2011.
- 1.4 If adopted, and following a successful referendum of the local community, the Council must approve the Neighbourhood Plan as part of the Development Plan / Local Plan. Its policies would supersede any relevant policies in the Council's emerging Local Plan. The Neighbourhood Plan would be used to determine planning applications in the Neighbourhood Plan area. The Neighbourhood Plan does not have to cover all the same topics as the Local Plan, but should be consistent with its strategic policies. It can contain a limited range of policies or be more wide-ranging.
- 1.5 Planning Committee received initial training on Neighbourhood Planning in July and August 2012 and further training in August 2013. Presentations were also given to all Area Committees about this new tier of planning during autumn 2012, and to the 10 Parishes, individual Parish Councils and other groups potentially interested in preparing a Neighbourhood Plan on demand.
- 1.6 Council approved a 'scheme of delegation' for Neighbourhood Planning in January 2013 (Minute 83). The report indicated that the decision to designate a Neighbourhood Plan should be taken by Cabinet if the proposal relates to a 'key decision'. This applies to this application which now relates to 'the whole of Formby' because it could affect a significant number of people living or working in two or more wards.

2. The application

- 2.1 The original proposal for the designation of a Neighbourhood Plan area only covered Formby parish. In accordance with the Neighbourhood Planning (General) Regulations 2012, the application and plan of the proposed Neighbourhood Plan area were advertised on both Sefton Council's and Formby Parish Council's websites and on Sefton Council's website. Seven responses were received (see section 3 below for a summary of the comments and our response).
- 2.2 The application, including the statutory statement about why the Neighbourhood Plan area is considered to be appropriate, and why the Parish Council is an

appropriate body to prepare a plan in accordance with the requirements of Section 61F(5) of the Localism Act 2011 is appended to this report.

2.3 The Neighbourhood Plan is proposed to include policies covering:

- Safety and security
- The local economy
- The environment
- Health and well-being.

2.4 No further information about what the Plan will cover is yet available, although it is understood that it will include policies and proposals relating to traffic, existing and proposed employment sites, and the village centre. There are currently no proposals to include issues relating to the provision of housing.

3. Consultation responses

3.1 Seven responses were received. Five were from local residents who felt that the Neighbourhood Plan should cover both parishes, although this was not the proposed Neighbourhood Plan area. One also indicated that they thought it was a good idea the Neighbourhood Plan was being prepared by the church (this respondent was under the misapprehension that the Plan was the responsibility of the Church).

3.2 United Utilities also commented on the proposal. They also considered that the Neighbourhood Plan should cover both parishes, in part because the Formby Waste Water Treatment Works is located in Little Altcar. Any expansion to the WwTW to support the Neighbourhood Plan's plans for growth would be dependent on another Neighbourhood Plan area which may not benefit from the change. In addition, areas of the Neighbourhood Plan area are served by private wastewater treatment facilities, which must be taken into account when drafting policies for the Neighbourhood Plan.

3.3 The final comment was from Turley Associates, the agents acting for the developers of the 'Liverpool Road' site, which is also located in Little Altcar. This is one of the proposed housing allocations in the Local Plan Preferred Option document which we are currently consulting on until 27th September. A planning application was submitted for housing on this site on 26th July, 2013.

3.4 Turley Associates object to the proposal on the following grounds:

- Prematurity, as the Neighbourhood Plan would be unable to be positively prepared to meet the development needs of the area and be aligned with the strategic needs and priorities of the wider local area and be in general conformity with strategic policies in the Sefton Local Plan;
- Aims and objectives – of the 4 themes to be included in the Plan, only the 'local economy' relates to spatial planning; notably there is no reference to housing or other forms of development. Consequently, they do not see how it can 'positively and proactively' plan for new development or how it will conform with

the emerging Local Plan which identifies Formby as one of the main settlements in Sefton and a location for future growth.

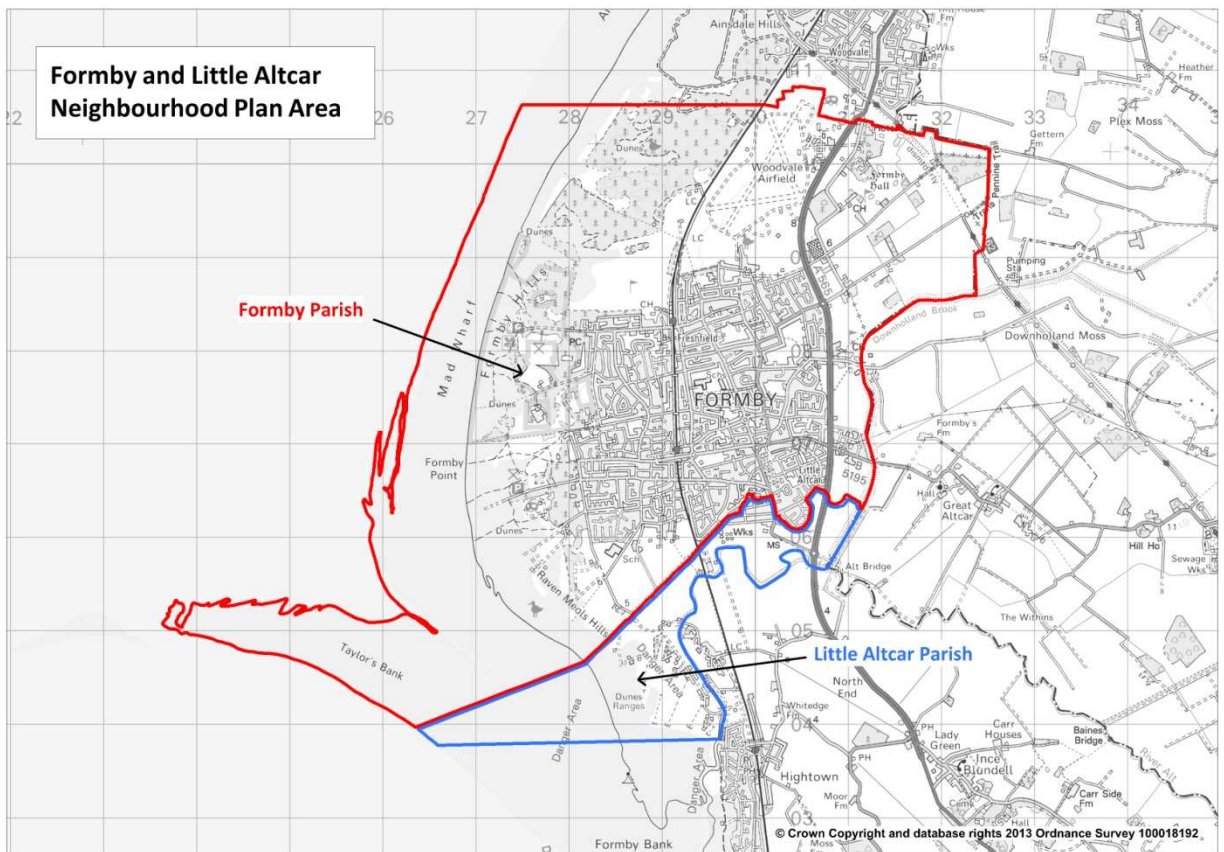
- The Plan area should also cover Little Altcar parish.

3.5 The application has been considered by Planning Committee on 21st August, 2013 who resolved that Cabinet should approve the application, and by the Central Area Committee on 4th September. Any comments made will be included in an update report.

4. Response to the comments received as a result of the consultation

4.1 In determining the application the Council must, in accordance with Section 61G of the Localism Act 2011, consider the ‘desirability’ of designating the whole or part of the area as a Neighbourhood Plan area. In a letter to another LPA, Nick Boles MP, the Planning Minister stated that the Plan area should have “coherent, consistent and appropriate” boundaries.

4.2 LPAs cannot require a Neighbourhood Plan to cover a larger area, particularly if this includes land in another parish without the other parishes’ consent, but it can exclude certain areas if this can be justified. However, any changes would be subject to judicial review.



4.3 As the above plan shows, a Neighbourhood Plan which meets the Planning Minister’s criteria can only be achieved if the Neighbourhood Plan covers both Formby and Little Altcar parishes, as it would be inappropriate for the plan to exclude the Little Altcar area. Partly this is because Little Altcar contains the

Powerhouse site (which is included in the SHLAA, part of the Local Plan's evidence base), as well as two of the Local Plan's Preferred Option's proposed housing allocations for Formby (including the 'Liverpool Road site' which is the subject of a current planning application) and two 'reserve' housing sites, all of which will impact on the services and facilities in the rest of Formby. Little Altcar also contains the Formby waste water treatment works, and the main (southern) entrance to Formby.

- 4.4 This view coincides with the consultation responses that the Neighbourhood Plan area should cover the whole of Formby. Consequently, Formby Parish Council was encouraged by planning officers to discuss with Little Altcar Parish Council whether they could prepare a joint plan. This would not only make sure that the Neighbourhood Plan covered the whole settlement, but would also enable residents of Little Altcar to take part in the referendum which is held before the Neighbourhood Plan becomes part of the statutory Development Plan for Sefton.
- 4.5 Following discussions between the two parish councils, Little Altcar Parish Council resolved in June that it "should collaborate with Formby Parish Council and that the Neighbourhood Plan should include the whole of Formby and thus include both Parish Council areas".
- 4.6 Formby Parish Council has subsequently confirmed, at an extraordinary meeting on 6th August, 2013 that the application should be amended "to include the whole of Formby i.e. to include the parished area of Little Altcar", and has submitted a revised plan showing both parishes being included in the proposed Neighbourhood Plan area, as shown on the above plan.
- 4.7 To date most Neighbourhood Plans have been prepared after a Core Strategy or Local Plan has been adopted. However, this is not essential. Three Neighbourhood Plans, at Slaugham (Sussex), Tatten Hall and Winsford (both Cheshire), are about to be examined having been produced in advance of their relevant Core Strategy or Local Plan. The key thing is that the Neighbourhood Plan needs to comply with the strategic content of the Local Plan, and must propose the same amount of development as the Local Plan, or more. Consequently, the Head of Planning Services does not agree that the preparation of a Neighbourhood Plan for Formby is necessarily premature, provided these requirements are met. The Neighbourhood Plan could progress in tandem with our emerging Local Plan.
- 4.8 It is not possible to say precisely what the Neighbourhood Plan will cover at present (see paragraphs 2.3 and 2.4 above). There is no requirement for Neighbourhood Plans to include housing, nor is there any provision in the Regulations for a Neighbourhood Plan area to be rejected because of its proposed content. Where a proposed Neighbourhood Plan only proposes to cover non-spatial elements or is aspirational in content, LPAs are advised to suggest that a different form of guidance e.g. a Parish Plan, Design Statement, Supplementary Planning Document (SPD) or some other document is produced instead.

- 4.9 In Sefton, the emerging Local Plan is proposing to allocate sites for housing in both parishes to meet identified needs, as well as land for a Business Park in Formby parish. If the Parish Councils decided they wanted to include housing as a topic, the role of the Neighbourhood Plan would be either allocate more or alternate sites to those prepared in the emerging Local Plan, or it could include, for example, policies about what they want the proposed housing and employment development to look like, what open space and other facilities should be provided, and what priorities any potential Community Infrastructure Levy (CIL) payments would be for the area. If a Neighbourhood Plan is in place, Parish Councils receive 25% of any CIL raised.
- 4.10 The Neighbourhood Plan should not replicate the contents of the Local Plan and do not have to be mini-Local Plans. As stated previously, it must be consistent with the strategic content of the (emerging) Local Plan. Officers need to ensure that this is addressed as the Neighbourhood Plan becomes more detailed and more advanced.

5. Other Neighbourhood Plans in the offing

- 5.1 Melling Parish Council has also resolved to produce a Neighbourhood Plan for their area, although the application has not yet been submitted.

6. Next steps

- 6.1 The Council must publish on its website its decision on whether it has approved or rejected the application to have the Neighbourhood Plan area designated as soon as possible after the decision has been taken, together with a map of the approved area and the names of the organisations promoting the Neighbourhood Development Plan. The approval of the Neighbourhood Plan area means that no other Neighbourhood Plans can be progressed in Formby.
- 6.2 Once the Neighbourhood Plan area has been approved, the Local Planning Authority can claim the first £5,000 from the CLG towards the costs of supporting communities preparing a Neighbourhood Plan.

7. Conclusions

- 7.1 As the proposed Neighbourhood Plan area now covers the whole of Formby (i.e. both Formby and Little Altcar parishes), it is recommended that Cabinet approves that the combined area of Formby and Little Altcar parishes as a single Neighbourhood Plan area under Regulation 7 of the Neighbourhood Planning (General) Regulations 2012.

APPENDIX - Formby Parish Council Neighbourhood Plan application



Application from: Formby Parish Council

Subject: Application for Designated Area Status
For the purposes of creating a
Neighbourhood Development Plan
For the Parish of Formby

Contents:

- 1 Map identifying the boundaries of the Parish of Formby
-The area to which this application relates (*included in the main report above*).
- 2 A statement explaining why the area confined within Formby Parish Boundary is considered appropriate to be designated as a Neighbourhood Area.
- 3 A statement that the organisation making the area application is a relevant and / or qualifying body for the purposes of the Localism Act 2011.

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2. Statement explaining why the area confined within the Formby Parish Boundary is considered appropriate to be designated as a Neighbourhood Area.

Formby Parish Council operates within the confines of the Formby Parish Boundaries, as shown on the enclosed map.

The area as illustrated on the map is considered appropriate to be designated as “The Formby Parish Neighbourhood Area” since it is already administered by Formby Parish Council.

The chief aim of the Formby Parish Council is to create a Neighbourhood Development Plan, based on consultation with key local interest groups and a wide cross section of residents, which will ensure, through planning guidance and in conjunction with Sefton MBC’s Local Plan, the parish develops in such a manner as to protect Formby’s natural environment and maintain its attractiveness to encourage the tourist economy, whilst providing for the needs of residents and building a viable economic future.

The Plan will cover the following themes, to include all or any related areas:

- Safety and Security
- Local Economy
- Environment
- Health and Wellbeing

3. Statement explaining why Formby Parish Council is considered to be an appropriate body to prepare a Neighbourhood Area.

Formby and Little Altcar Parish Councils are ‘qualifying bodies’ for preparing a Neighbourhood Plan under the provisions of Section 61E(6) and 61F(1) and (2) of the Localism Act 2011.