

# **Executive Committee**

## **13 September 2016**

### **Chickerell Neighbourhood Plan - Area Designation**

#### **For Decision**

#### **Portfolio Holder(s)**

Cllr I Gardner, Planning

#### **Senior Leadership Team Contact:**

S Hill, Strategic Director

**Report Author:** D Turner, Planning Officer

#### **Statutory Authority**

The procedures for agreeing neighbourhood forums and plan areas are prescribed in the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004 as amended, and the Neighbourhood Planning (General) Regulations 2012.

#### **Purpose of Report**

1. To consider the responses to public consultation and to designate the Chickerell neighbourhood plan area.

#### **Officer Recommendations**

2. That the neighbourhood plan area following the parish boundary of Chickerell as proposed by Chickerell Town Council, be designated.

#### **Reason for Decision**

3. To respond to a request from Chickerell Town Council for the designation of a Neighbourhood Plan area. A decision is required by the Executive Committee as the Neighbourhood Plan area submitted by Chickerell Town Council does not fall within the remit of the delegated approval process agreed by Executive Committee in July 2012.

#### **Background and Reason Decision Needed**

4. Neighbourhood planning was introduced through the 2011 Localism Act to enable local communities to be more actively involved in planning for their area. The neighbourhood area is the geographical area which is used as a basis for each neighbourhood plan, and within which neighbourhood development orders and community right to build orders can be made.

5. Executive Committee agreed the method for processing neighbourhood area applications on 19 June 2012 including the circumstances under which a delegated decision could be made. These circumstances are where:
  - The boundary follows a parish boundary line;
  - There is not a significant level of businesses operating in the area (such as a major industrial estate or town centre);
  - The area does not overlap with an existing neighbourhood area;
  - The community functions as a relatively self-contained neighbourhood unit, without undue reliance on a much wider population, or facilities in a neighbouring area;
  - Local plan allocations (including defined development boundaries) in the area do not extend beyond the proposed area; and
  - there have been no significant issues raised through the consultation process.
  
6. Although the neighbourhood area being applied for follows the boundary of Chickerell parish and does not overlap with any other designated neighbourhood areas, the decision on the neighbourhood area is considered to fall outside the criteria where a delegated decision could be made. The designation of the area has been referred to Executive Committee for a decision for the following reasons:
  - There is a significant level of businesses operating in the area (as it includes the Granby Industrial Estate, Link Park and Lynch Lane );
  - Chickerell is closely linked with surrounding areas including parts of Weymouth both for additional housing, larger community facilities, education, and labour force for the industrial estates; and
  - The Defined Development Boundary (DDB) of Weymouth extends into Chickerell parish.
  
7. Section 61H of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, requires that when designating a neighbourhood area, a local planning authority should consider whether the area concerned should be designated as a business area. If a business area is designated, local businesses would have the opportunity to be more involved in the formation of the neighbourhood plan and would get an opportunity to vote (alongside registered electors) in the later referendum on whether the neighbourhood plan should come into force. However, this section of the Act also makes it clear that a neighbourhood area should only be designated as a business area if it is “wholly or predominantly business in nature”. Although Chickerell neighbourhood area contains the largest industrial estate within the Local Plan area, it also includes areas of residential development and significant areas of open countryside. On that basis it is not considered appropriate to designate the neighbourhood area as a business area.
  
- Chickerell Neighbourhood Area Application**
8. Chickerell Town Council, as the qualifying body, submitted an application for a neighbourhood plan area designation on 20th June 2016. Currently the area submitted to be designated as a Neighbourhood Plan area includes the whole of the parish of Chickerell.

9. The proposal has been subject to the required consultation, held from the 8th July to 5th August 2016, a period of four weeks. At the close of consultation seven responses had been received, one of which raised concerns about the area designated however no clear objections were raised. The responses are included in full in Appendix A.
10. Five of the consultation responses were received from statutory consultees (Dorset County Council, Highways England, Historic England and two responses from Natural England). These responses sought to support the area application, sought to draw the Neighbourhood Planning group's attention towards any local constraints and confirmed interest in continuing to be involved in the preparation of the Neighbourhood Plan going forward.
11. Two of the responses were received from members of the public. The first recognised the benefits of having a neighbourhood plan but raised concerns around how the designation would relate to the adjoining areas of Weymouth, suggesting that the areas west of Lanehouse Rocks Road should have been transferred to Weymouth and Portland Borough. Overall the response is positive about the whole of Chickerell being included in the neighbourhood plan area designation, provided that there is close liaison with Weymouth, and with residents especially in Westham, Wyke and Lanehouse.
12. The second response commented on the extent of the Chickerell Town Council area and expressed disappointment that the application did not include a more in depth proposal relating the neighbourhood plan. There is no requirement for a qualifying body to include detail of their neighbourhood plan proposals in their area application. No other comments were made in relation to the area designation.

### **Conclusion**

13. As a valid application has been received from Chickerell, the Council must designate a neighbourhood area. If councillors consider that the area proposed by Chickerell Town Council is not appropriate, an alternative area must be designated and clear reasons given for differing from the requested area.
14. Generally, in parished areas, the parish boundary is considered to be the most appropriate boundary for a neighbourhood area. However, provision is made for groups of parishes or other areas to be designated as a neighbourhood area if consent is gained from the parish councils to be included.

### **Implications**

15. Planning decisions are made in accordance with the adopted development plan, unless material considerations indicate otherwise. Neighbourhood plans form part of the development plan for the area they cover, alongside the adopted West Dorset, Weymouth & Portland Joint Local Plan.
16. The first stage in the production of a neighbourhood plan is the designation of the neighbourhood area. Chickerell Town Council have requested the

designation of their neighbourhood area to start the process of producing a neighbourhood plan for the parish.

### **Corporate Plan**

17. Designating the Chickerell Neighbourhood Area is considered to contribute towards Corporate Plan Priority C1. *Creating a planning framework which balances environmental protection with meeting community and economic needs.*

### **Financial**

18. There are not considered to be any financial implications as a result of designating the Chickerell Neighbourhood Area. The Council does however have a duty to advise and assist neighbourhood plan groups in the production of their neighbourhood plan although this does not place a financial duty on the authority.
19. When a Neighbourhood Plan is submitted, successful at examination and a date for a referendum is set, the Council becomes eligible for a grant of £20,000.

### **Equalities**

20. There are not considered to be any equalities issues as a result of this decision. The examination of the final version of the neighbourhood plan, once produced, will consider whether the neighbourhood plan would breach, or otherwise be incompatible with any of the Convention rights within the meaning of the Human Rights Act 1998.

### **Environmental**

21. Environmental considerations are taken into account in preparing a neighbourhood plan and SEA screening is required as part of the process.

### **Economic Development**

22. A neighbourhood plan must be set up for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area.

### **Risk Management (including Health & Safety)**

23. No risks identified for this stage. Neighbourhood plans will become part of the development plan and therefore will have a significant influence on future planning decisions.

### **Human Resources**

24. On going support for the production of the neighbourhood plan will be provided by the Spatial Policy and Implementation teams with support from other teams within the council as required.

### **Consultation and Engagement**

25. The neighbourhood area designation has been subject to a four week consultation period in accordance with statutory requirements as set out earlier in this report. Seven consultation responses were received with no major issues being raised. The consultation responses are included in full in Appendix A.

## **Appendices**

Appendix 1: Map

Appendix 2: Chickerell Area Designation Consultation responses received.

## **Background Papers**

Chickerell Town Council Neighbourhood Plan area designation - submission document.

Committee report on neighbourhood planning procedures

<http://www.dorsetforyou.com/media.jsp?mediaid=173638&filetype=pdf>

and related minutes

<http://www.dorsetforyou.com/media.jsp?mediaid=174287&filetype=pdf>

## **Footnote**

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

**Report Author:** Debbie Turner

**Telephone:** 01305 838 456

**Email:** [D.turner@dorset.gov.uk](mailto:D.turner@dorset.gov.uk)