

Date 6th April 2016
Consideration of an application from Stanley Town Council to designate a Neighbourhood Area for Stanley.



**Report of Stuart Timmiss, Head of Planning & Assets,
Regeneration and Economic Development to
Cabinet Portfolio Member for Regeneration and Economic
Development – Councillor Neil Foster
and Cabinet Portfolio Member for Neighbourhoods & Partnerships
- Councillor Brian Stephens**

Purpose

The purpose of this report is to consider the acceptability of an application which has been made to the County Council by Stanley Town Council to designate a Neighbourhood Area within its locality to be known as 'Stanley Neighbourhood Area' (the boundary of which includes the whole parish area and is shown on the map located at Appendix 1).

Background

This Neighbourhood Area application was submitted by Stanley Town Council on 16th October 2015. The resulting timescales for considering the application have been determined by the timing of the subsequent public consultation, including the publication and distribution of the Stanley Newsletter in January 2016, which has been undertaken by both the Town Council and the County Council.

The designation of a Neighbourhood Area is the first formal stage of the Neighbourhood Planning process. The application has been submitted with the intention of Stanley Town Council undertaking neighbourhood planning activity within the parish.

The proposed Neighbourhood Area falls wholly within the jurisdiction of Durham County and Stanley Town Council areas.

Consultation

The application in question has been subject to public consultation in accordance with the relevant regulations and the Council's Neighbourhood Planning Protocol. This included an article in the Stanley Town Council newsletter and the publication of the application for a four week period on the Durham County Council website. Representations were also invited from local ward Members of the County Council, adjoining parish councils, the relevant Area Action Partnership and Gateshead Council the adjoining local planning authority.

Representations were received from local ward Members. The matters raised were subsequently addressed by the Town Council and I do not consider that there are any outstanding issues that relate directly to the determination of

this neighbourhood area application. A summary of the issues raised and the Town Council's response are contained in Appendix 2. There have been no other objections received in respect of the application.

Issues for consideration

The key considerations in the determination of this type of application are whether;

- the application has been submitted by a 'Relevant Body'¹
- the appropriate information has been submitted which justifies and confirms the proposed boundaries²
- the specified area is considered by the County Council as an '*appropriate area to be designated as a Neighbourhood Area*'.
- the proposed Neighbourhood Area should be designated as a 'Business Area'³

The application has been submitted by the Town Council which meets the definition of a 'Relevant Body' for the area. The proposed area is located within the jurisdiction of the Town Council. The application is therefore valid in this respect.

The Town Council have confirmed that the boundary for the Neighbourhood Area will include the whole of the parish area. A statement which justifies the extent of the proposed area has been provided. It states that the Parish is an established, recognised and clearly defined area and that the Town Council being the elected statutory body is committed to ensuring that future development within the Parish reflects both the aspirations of the community and its economic well-being whilst at the same time ensuring that the unique character of its various settlements is preserved. It is therefore concluded that the appropriate information has been submitted.

Discussions have occurred between officers of the County Council's Spatial Policy Team and representatives of Stanley Town Council leading up to the submission of the application for the Stanley Neighbourhood Area. Consultation with the adjoining local councils has not raised any issues.

There is provision within the Localism Act that requires a Neighbourhood Area application to be considered in relation to other existing Neighbourhood Area boundaries. As no representations raising concerns have been received from neighbouring parishes it is considered that the designation of the area as proposed would not prejudice any subsequent Neighbourhood Area application by adjoining parishes.

¹ As defined by Section 61 G (2) Town and Country Planning Act (1990), inserted by para.2 Schedule 9 Localism Act 2011 (c.20)

² As defined by The Town & Country Planning, England The Neighbourhood Planning (General) Regulations 2012

³ As required by Section 61 H of the Localism Act 2011.

Having considered the representations received through the consultation period the County Council is satisfied that the area proposed is acceptable. The County Council does not consider that the area proposed would prejudice their interest in relation to the nature of developments that may be considered.

In light of the above no issues have been identified which would suggest that the boundaries proposed are inappropriate from a neighbourhood planning perspective. The application is therefore considered acceptable in this respect.

The proposed Neighbourhood Area is not wholly or predominantly business in nature and therefore it would be neither justifiable nor appropriate to designate it as a "Business Area".

Next steps

Upon the determination of this application there is a requirement for the Council to publicise its decision in the manner it adopted for the previous consultation as described above.

Conclusion

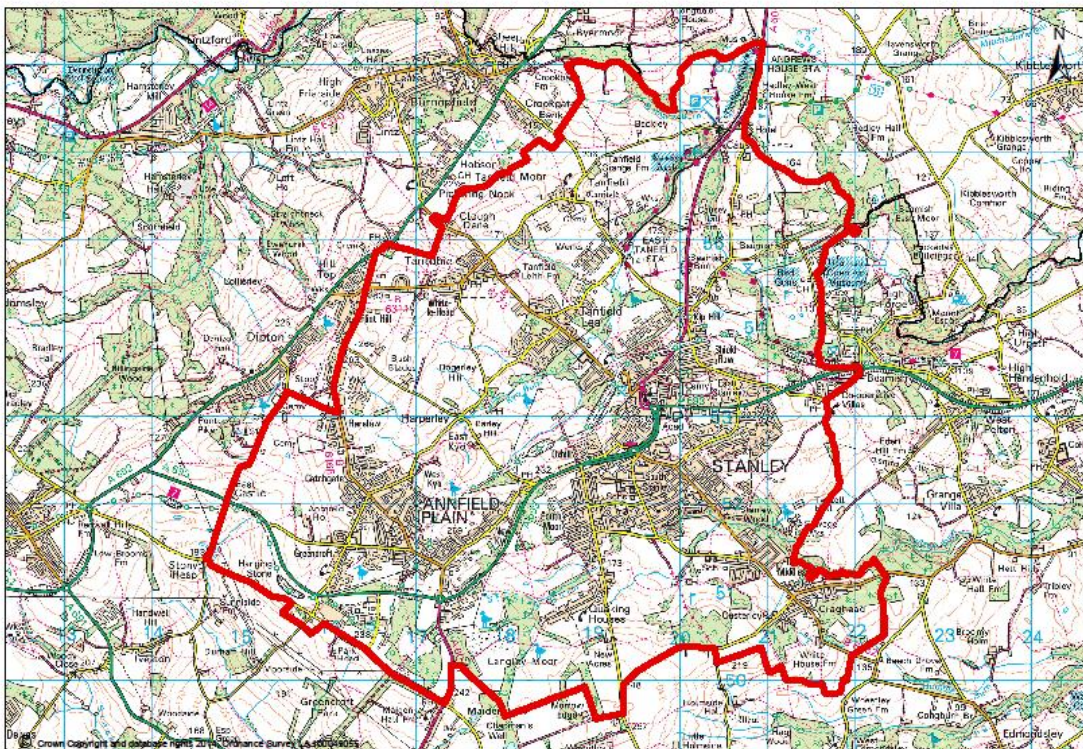
The application has been considered in accordance with the four key considerations outlined above as well as those raised through the consultation and is considered to be appropriate in all respects.

Recommendation

That the Neighbourhood Area to be known as the 'Stanley Neighbourhood Area' as submitted is granted approval and the appropriate publicity be carried out.

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Appendix 1: The Proposed boundaries of the Stanley Neighbourhood Area (Red Line)



Appendix 2: Summary of representations received and responses made to these

Is the process and any forum to be supported by a professional planner or planning consultant?

TC response: This has not been decided by Council. If the Council does decide to develop a Neighbourhood Plan, it is inevitable that some professional support will be required. The level of support has not been considered as yet.

DCC view: This issue is related to resources and as such does not impact upon the acceptability of the area designation.

What evidence of need do the Town Council have to support its ambitions to produce a neighbourhood plan for the area?

TC response: I am not aware that a Parish Council is required to produce any evidence of need to apply for designation as a neighbourhood planning area. The requirement to produce an evidence base would come as any plan was being developed.

DCC view: This issue does not impact upon the acceptability of the area designation given that the proposal does not exclude any part of the parish.

Specifically what policies in the proposed County Durham Plan do STC intend to include in the neighbourhood plan?

TC response: You obviously have better information about the emerging County Durham Plan than I do as you Chair the Planning Committee. I've not had the benefit of being involved in the development of the plan. However, my understanding of Neighbourhood Plans is that they should augment rather than replace Local Plans. As far as I am aware, they cannot replace strategic policies of a Local Plan, nor would STC wish to.

DCC view: This issue does not impact upon the acceptability of the area designation given that the whole of the parish area is included in the proposed boundary.

What specific areas of the existing proposed County Durham Plan do STC or the wider public have issues with?

TC response: STC have not stated that they have any specific issues with the emerging Local Plan because it has not been considered by the Council at this stage. They have expressed dissatisfaction with a number of individual applications over a period of time and applied for designation because they wanted to have the ability to influence policy making in the future.

DCC view: This issue does not impact upon the acceptability of the area designation. Given the whole of the parish area is included no part of the parish is disadvantaged. Any tensions would be picked up and addressed through the actual plan preparation process

Have the Town Council considered testing the public's appetite to produce such a plan through the current consultation before making an application to DCC to produce such a plan?

TC response: The current consultation exercise uses open-ended questioning, very similar to many early engagement exercises I have seen used for Neighbourhood Planning and contains a specific question about development.

DCC view: Ultimately it is for the Town Council to decide whether they wish to undertake neighbourhood planning. Forthcoming consultation will inform the scope and content of the plan and ultimately therefore what type of planning activity is appropriate and which parts of the area it is applicable to. Whether consultation is appropriate before submission of a formal area designation application is made varies between areas depending upon how much consultation has been done in the past/ how well a local council is abreast of local issues. The fact that such consultation has not been undertaken prior to the submission of the application does not affect the acceptability of the application particularly given it includes the whole of the parish area.

What is the allocated budget for the production of the neighbourhood plan and how much officer time has been allocated to the project?

TC response: No specific budget has been allocated in the draft budgets being considered by Council at next week's budget setting meeting. I do not believe that the intention of the Council is to immediately after designation

begin the preparation of a full scale plan but rather to get more involved in the emerging local plan and then use Neighbourhood Planning to plug any perceived gaps in that process.

DCC view: This is a resource/ management issue and therefore not a matter which affects the acceptability of the area proposal.

Obviously I have some concerns on why the Town Council are embarking on the production of such a plan now, when the County Durham Plan hasn't been finalised (Any neighbourhood plan would need to conform with this document). I also have concerns that the wider public may not have any major issues with the existing proposals and this exercise could end up costing taxpayers significant amounts of money. I would have hoped that if there were issues with the proposals within the County Plan STC at a much lower cost, could have fed into the exercise with any concerns members may have and these issues be taken on board by DCC.

TC response: I don't think as I stated above that the Town Council has any desire to rush this process. I would certainly never advise the Town Council to put forward a Neighbourhood Plan prior to the publication of the Local Plan because of the precedence rules. Pragmatically, if there is likely to be any conflict in policy you want 'your' plan to have precedence.

DCC view: There is no expiry date in respect to a Neighbourhood Area designation. DCC will liaise with the Town Council to ensure that any potential conflicts are identified and addressed and provide clarity on how the plans fit together.

I am a big supporter of any work that will support additional investment into our Town but this needs to be properly thought through, with professional support and at a reasonable cost to the community. I also agree that a lot of planning issues can be dealt with better locally having worked in a professional capacity for the past 10 years supporting local communities and town and parish Councils throughout County Durham exploring neighbourhood planning and community led plans.

TC response: I agree with everything you say here. Given that Durham is such a large unitary authority, there is a risk that local opinion about strategic matters like planning and highways can be lost trying to balance the needs of the whole County against any given locality. I can assure you that the Town Council has no intention of rushing a Neighbourhood Plan, or developing a plan that does not attempt to balance local views with the overarching policies of the Durham County plan. I can also say that if the new local plan adequately addresses every valid concern that the Council or residents may have, then they may decide there is no need to develop a plan. However, the ability to have that conversation with the County Council (and the duty to co-operate which is triggered by the designation guarantees that the dialogue will take place) is worth the designating the area for.

DCC view: This is a view and does not specifically relate to the proposed area

I also have reservations on the production of a single plan covering the entire area as proposed, are there any intentions to create a series of policies covering individual settlements?

TC response: There is a recognition by the Town Council that this Parish comprises a number of discrete settlements and I do not think there is any risk whatsoever that my members would want to homogenise the parish at all – rather any plan that STC developed would almost certainly be seeking to preserve the character of the individual settlements that make up the Parish – it is actually this particular matter, i.e. Preserving the unique character of our settlements that would be the most likely area for local policies. I have been contacted by a number of residents concerned about the risks of conurbation and design of new developments not complementing the existing buildings.

DCC View: The area designation sets the boundaries within which the Town Council can undertake neighbourhood planning. The geographical scope of any neighbourhood planning activity (plan or NDO) will be determined by the issues. The proposal does not preclude the plan area from being sub divided or policies having a more specific geographical focus. Therefore it is not considered that the proposed boundary prejudices any future decisions of the structure or coverage of neighbourhood planning activity within the parish boundary.

Appendix 3: Implications

Finance – Upon designation the County Council will be eligible to seek Neighbourhood Plan Grant from DCLG to support neighbourhood plan preparation in this area.

Staffing – The Spatial Policy Team will be required to provide support to forthcoming neighbourhood planning activity within the designated Neighbourhood Area.

Equality and Diversity – Equality and Diversity will be an integral part of policy development in any forthcoming Neighbourhood Plan. An Equality Impact Assessment is not required in respect to the consideration of this application.

Risk- None identified

Consultation – No further consultation is required in respect to this matter although the Council will be required to publicise its decision.

Procurement – None.

Disability Discrimination Act – None.

Legal Implications – The application has been determined in accordance with the relevant regulations.