

POLICY AND RESOURCES COMMITTEE – 18 JUNE 2018

PART I - DELEGATED

7. BATCHWORTH NEIGHBOURHOOD AREA DESIGNATION APPLICATION (DCES)

1 Summary

- 1.1 To consider whether the Council should designate the area submitted by Batchworth Community Council as a Neighbourhood Area.

2 Details

- 2.1 An application to designate Batchworth parished area as a Neighbourhood Area was submitted to Three Rivers District Council by Batchworth Community Council. Add in here the details of the reason for the report

- 2.2 To be considered valid, applications for Neighbourhood Areas need to fulfil the requirements set out in Part 2, Regulation 5 of the Neighbourhood Planning (General) Regulations 2012. The requirements are:

- *a map which identifies the area to which the area application relates;*
- *a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and*
- *a statement that the organisation or body making the area application is a relevant body for the purposes of Section 61G of the 1990 Act (Town and County Planning Act 1990 as amended by the Localism Act 2011).*

- 2.3 Section 61G(2) of the 1990 Town and County Planning Act (amended by Schedule 9, Part 1 of the Localism Act 2011) defines a “relevant body” as:

- *(a) a parish council, or*
- *(b) an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that, for this purpose, the specified area is designated as a neighbourhood area).*

- 2.4 The application submitted by Batchworth Community Council meets the above requirements and is considered valid. A copy of the application is attached as Appendix 1 and 2 to this report and provides the following information:

- a map identifying the area to which the area application relates (Appendix 1);
- a statement explaining why Batchworth parished area is considered appropriate for designation as a Neighbourhood Area (Appendix 2); and
- a statement confirming that Batchworth Community Council is a relevant body for the purposes of Section 61G of the 1990 Act (Appendix 2).

- 2.5 On receipt of a valid Neighbourhood Area Application Part 2, Regulation 6 of the Neighbourhood Planning (General) Regulations 2012 requires the Council to publicise the application and undertake a public consultation for a minimum of six weeks.

- 2.6 To meet this requirement a six week period of public consultation was undertaken between 06 April 2018 and 18 May 2018. To bring the application and consultation to the attention of those who *'live, work or carry on business'* in the proposed Neighbourhood Area the following steps were taken:
- Details of the application, consultation period and how to make written representations were published on the Three Rivers District Council website;
 - Copies of the application, along with details of the consultation period and how to make written representations, were made available at Rickmansworth Library and Three Rivers House;
 - Details of the application, consultation period and how to make written representations were published in the Watford Observer on 06 April 2018; and
 - Representatives of the local residents' associations and chamber of commerce were contacted and informed about the consultation details.
- 2.7 Officers consider that these steps have satisfied the publication and consultation requirements of Regulation 6 of the Neighbourhood Planning (General) Regulations 2012.
- 2.8 Despite the steps undertaken to bring the application to the attention of those who live and work in Batchworth parished area, only 1 comment was received during the consultation period. The comment set out planning policy on Neighbourhood Plans in general, making the point that a Neighbourhood Plan couldn't propose less development than the Local Plan for the area. The response can be found in Appendix 3.

3 Options and Reasons for Recommendations

- 3.1 Applications for Neighbourhood Areas must satisfy a number of criteria set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) to be approved. These criteria are examined further below.
- 3.2 The following paragraphs of the 1990 Act set out the area criteria that should be used when considering applications submitted by Parish Councils.
- Section 61G(3a)
The specified area - In the case of an application by a parish council, must be one that consists of or includes the whole or any part of the area of the Council
- Section 61G (4a)
In determining an application the authority must have regard to – the desirability of designating the whole of the area of a parish council as a neighbourhood area.
- 3.3 The area proposed consists of the whole of Batchworth Community Council's area. Officers therefore consider that the application meets the area criteria set out in the 1990 Act as outlined above.
- 3.4 When determining an application, Members should consider whether the area proposed is an 'appropriate' area for designation as per Section 61G(5c) of the 1990 Act. The proposed area covers all or part of several established settlements (Batchworth, Moor Park, and Rickmansworth) and has clearly defined and

understood boundaries. The proposed area is consistent with the recently formed Batchworth Community Council area. Officers therefore consider the area proposed by Batchworth Community Council to be appropriate for designation.

- 3.5 Were members to decide to refuse the Area application because it was considered that the area applied for is not appropriate for designation, the 1990 Act requires the Authority to exercise its power of designation so that *'some or all of the specified area forms part of one of more areas designated (or to be designated) as neighbourhood areas'* (Section 61G(5c)). The Planning Authority is required to either;
- exercise its power of designation by designating the area proposed as the 'Batchworth Neighbourhood Area'; or
 - refuse the application and set out reasons for refusal (Section 61G (5c) and (9)). Following a refusal, the Planning Authority must exercise its power of designation by designating at least part of the proposed area as a neighbourhood area or areas.

3.6 Next Steps

- 3.7 If the proposed Neighbourhood Area is designated, details must be published, as soon as possible following the decision, on the Council's website and in such other manner that is likely to bring the decision to designate to the attention of people living, working and carrying on business in the Area as detailed in Part 2 Regulation 7 of the Neighbourhood Planning (General) Regulations 2012.
- 3.8 Should the decision be taken not to designate a Neighbourhood Area, the Council is required to publish a document setting out the decision and the reasons for making that decision on the Council's website and in such other manner that is likely to bring the decision to the attention of people living, working and carrying on business in the Area. This should be done as soon as possible following the decision, as set out in Part 2, Regulation 7.
- 3.9 If the application for a Neighbourhood Area is approved, Batchworth Community Council will be able to produce a Neighbourhood Plan that can, following a referendum, be adopted as part of the statutory development plan for the designated Neighbourhood Area (Batchworth parished area).
- 3.10 To become part of the statutory development plan, a Neighbourhood Plan must receive a majority 'Yes' vote in a local referendum organised by the Local Planning Authority. To reach the referendum stage a Neighbourhood Plan needs to progress through several stages. Completed Neighbourhood Plans will be submitted to the Local Planning Authority who will need to be satisfied that the submitted plan complies with the strategic priorities of the local development plan (e.g. adopted Core Strategy). Following a period of public consultation, the submitted plan will be examined by an independent inspector who is required to ensure the plan meets a set of basic conditions and legal requirements. Following a successful examination, a submitted Neighbourhood Plan can continue to a Local Referendum and, if successful, be adopted as part of the development plan.

4 Policy/Budget Reference and Implications

- 4.1 The recommendations in this report are within the Council's agreed policy and budgets as set out in the Economic and Sustainable Development Service Plan.

5 Financial Implications

5.1 None specific. The costs associated with publishing details of and consulting on applications for a Neighbourhood Area are included within the Local Plan budget.

6 Legal Implications

6.1 The Town and County Planning Act 1990 (as amended by the Localism Act 2011) and The Neighbourhood Planning (General) Regulations 2012 set out the requirements and procedures for the designation of Neighbourhood Areas. The 1990 Act places a duty on the Council to designate Neighbourhood Areas. Additionally the Council has a statutory duty to provide advice and assistance (not financial) as deemed appropriate to Parish Councils in the preparation of Neighbourhood Plans.

7 Equal Opportunities Implications

7.1 Relevance Test

| | |
|--|---|
| Has a relevance test been completed for Equality Impact? | No No proposed change to current policy of service |
| Did the relevance test conclude a full impact assessment was required? | No |

7.2 Impact Assessment

7.3 It is not envisaged that there will be any detrimental impact on groups within equality categories.

8 Staffing Implications

8.1 Matters relating to Neighbourhood Planning are dealt with in house by Officers in the Local Plans Team.

9 Environmental Implications

9.1 None specific.

10 Community Safety Implications

10.1 None specific.

11 Public Health implications

11.1 None Specific.

12 Customer Services Centre Implications

12.1 The Customer Service Centre has been briefed to advise on whom to contact regarding requests for information on Neighbourhood Planning.

13 Communications and Website Implications

13.1 Information about Neighbourhood Planning is available on the Council’s website.

14 Risk Management and Health & Safety Implications

14.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council’s duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

14.2 The subject of this report is covered by the Economic and Sustainable Development service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

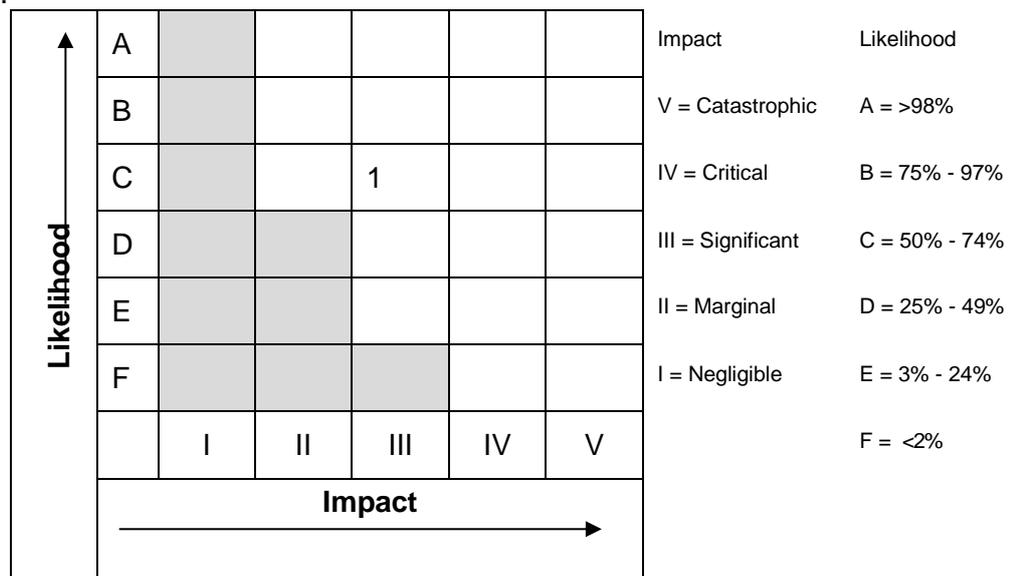
14.3 There are no risks to the Council in agreeing the recommendation.

14.4 The following table gives the risks that would exist if the recommendation is rejected, together with a scored assessment of their impact and likelihood:

| Description of Risk | | Impact | Likelihood |
|---------------------|--|--------|------------|
| 1 | The recommendation is rejected and the Council fails to identify an appropriate area to be designated as a Neighbourhood Area. This would conflict with Government legislation and leave the Council open to legal challenge | III | C |

14.5 Of the risks detailed above none is already managed within a service plan.

14.6 The above risks are plotted on the matrix below depending on the scored assessments of impact and likelihood, detailed definitions of which are included in the risk management strategy. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood are plotted in the shaded area of the matrix. The remaining risks require a treatment plan.



14.7 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of treatment plans are reviewed by the Audit Committee annually.

15 Recommendation

15.1 That the Policy and Resources Committee approves the application submitted by Batchworth Community Council for a Neighbourhood Area covering the whole Batchworth parished area.

Report prepared by: Marko Kalik, Senior Planning Officer

APPENDICES / ATTACHMENTS

Appendix 1 Batchworth Neighbourhood Area Map

Appendix 2 Batchworth Neighbourhood Area Designation Application

Appendix 3 Consultee response