

Subject:	Proposed Edenfield Neighbourhood Forum and Neighbourhood Planning Area	Status:	For Publication
Report to:	Cabinet	Date:	21 st February 2018
Report of:	Planning Manager	Portfolio Holder:	Regulatory Services
Key Decision:	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Yes/No	Attached: Yes/No
Biodiversity Impact Assessment	Required:	Yes/No	Attached: Yes/No
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1.	RECOMMENDATION(S)
1.1	That Cabinet note that the Planning Manager will be liaising with representatives of the proposed Forum for Eden Ward and that there will be implications for this on the production of the Local Plan.
1.2	That Member sign-off of the Forum application and subsequent sign-offs should be delegated to the Portfolio Holder in consultation with the Planning Manager. It is recommended that, provided it can be fitted in within the Committee cycle and legal time limits, that the pre-referendum Plan should be taken to Full Council for information. All minor amendments to the submission to be delegated to the Planning Manager in consultation with the Portfolio Holder.

2. PURPOSE OF REPORT

- 2.1 To inform Cabinet of a proposal to establish a Neighbourhood Forum for the Eden Ward and the implications of this for the Local Plan.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale's residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
 - **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
 - **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- Establishing an Area Forum that represents all the different settlements in the area could be problematic
 - The legislative requirements for responding to the application will place additional financial and staff costs on the Council though some additional Government funding is available

- Any subsequent Neighbourhood Plan that is produced will impact upon the preparation of the Local Plan

5. BACKGROUND AND OPTIONS

- 5.1 The Council consulted on a draft Local Plan for the Borough in the period July-October 2017. This included a proposal for a new housing allocation within the existing Green Belt in Edenfield (HS2:71 and Policy HS3). If taken forward this would be expected to deliver around 450 new houses. The proposals drew the largest number of responses to any specific site, with over 800 individuals and organisations commenting on this.
- 5.2 As a response to this a number of individuals in the Edenfield area have been investigating the option of producing a Neighbourhood Plan. This would allow them to establish and “own” the planning priorities for their area. If adopted, this would form the Development Plan for that area of the Borough. It must, according to legislation, however be in general conformity with the Local Plan and therefore cannot be used as a tool to resist all development.
- 5.3 As the area is not “parished”, it is a legal requirement that a Neighbourhood Forum be established. This would then become the body responsible for preparing the Neighbourhood Plan. The Forum must be designated formally by the Local Planning Authority and has to meet the conditions of The Town and Country Planning Act Paragraph 61F. These include:
- Having a written constitution
 - A minimum of 21 members and consist of people who live, or work there or is a Councillor (there should be at least one of each)
 - Include members from different parts of the neighbourhood Forum area

Designation as a Forum is valid for 5 years. Once a Forum is designated no further ones can be designated within their area of operation.

- 5.4 The Area that the Forum intends to cover has to be submitted separately to the Local Planning Authority for approval. Having considered a larger area (Eden Ward or Edenfield plus Irwell Vale) the Steering Committee has decided to recommend to their Membership that the area to be covered should be Edenfield (see map)
- 5.5 There have been two meetings between Council officers and representatives of the Group . These discussions have concentrated on ensuring that any submission is compliant with the legislation. Much of the discussion has related to ensuring that the membership is representative and the area covered appropriate, given that much of the focus of activity will be on Edenfield. This work is still currently ongoing.
- 5.6 Once final submissions have been made on behalf of the proposed Forum it will be necessary for the Council to undertake a formal 6 minimum week consultation exercise. This involves putting the documentation on the Council’s website and using any other appropriate measures to make residents and businesses aware of the proposal. Any views expressed have to inform the authority’s decision on whether to accept the application though the decision itself must be on whether the submission meets the legislative requirements. This must be issued within 13 weeks of the start of the consultation (ie.7 weeks from the end of a 6 week consultation)

Next stages

- 5.7 Assuming that a Neighbourhood Forum is declared, work on a Neighbourhood Plan can then commence. This would be prepared by the Forum and any professional advisors they choose

to appoint. The Local Planning Authority are however expected to take a “proactive and positive approach” to working with the group which includes sharing all relevant evidence base information and helping the group to resolve issues that could prevent the Plan being adopted.

- 5.8 The Authority then must assess whether the submitted Plan meets the basic legal requirements and then organise a 6 week public consultation. It must then make arrangements for an independent Examiner to consider the representations made. The Examiner then makes recommendations as to whether the Plan should proceed to a public referendum which would be the Council’s responsibility to organise. If over 50% of those voting support the Plan the Authority must then, within 8 weeks, make an Order adopting the Plan as part of Development Plan for the area. Local Authorities can claim back up to £30 000 from CLG for work done supporting Neighbourhood Planning, comprised of £5 000 following designation of a Forum; £5 000 after designation of an area and £20 000 once a date is set for a referendum.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

- 6.1 Any increase in housing numbers has a direct financial impact for the Council from increased Council Tax revenues, together with implications for New Homes Bonus. The potential opportunity to raise additional fees thus helps mitigate the cost of increased service provision.

7. MONITORING OFFICER

- 7.1 All legal implications are covered in the body of the Report.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

- 8.1 Rossendale is one of the last Authorities in Lancashire to be formally approached by a community about Neighbourhood Planning. Neighbourhood Planning has the benefit of enabling communities to make their own choices and hard decisions but it does have implications. The imminent application for a Forum raises a number of these issues:

8.2 Representation and Area covered

The Forum is focussed on addressing issues of concern to residents of Edenfield. If the group is representative of the village as a whole there is a strong presumption in the legislation that the application should be approved.

8.3 Impact on the Local Plan

Provided that a Neighbourhood Plan meets all the necessary legal requirements, including support at the Referendum, the policies within it will form part of the Development Plan. It is thus effectively “inserted” into the Local Plan as the Policy framework for the Edenfield area and carries full weight in decision making on planning applications. However, officers have identified a number of “grey” areas in how preparation of Local Plans and Neighbourhood Plans gel together during the preparation stage, for which advice is being sought from CLG. This particularly relates to the issue of housing numbers and the timing of Plan preparation. The main point of potential conflict will relate to how much housing should be built in Edenfield: whether this should be proportionate to the size of the settlement or whether the housing needs of the Borough as a whole should be paramount and the settlement should take on a larger figure. This in turn relates to the scale of Green Belt release that is required and whether this release is justified. If the scale of housing proposed in the draft Local Plan for Edenfield is not carried forward into the Neighbourhood Plan this would necessitate a need

to find more housing in other locations in Rossendale, which is likely to be challenging.

8.4 Once a Forum is declared experience from other authorities, e.g. Standish in Wigan and Greater Carpenters in London, indicates that it will take on average around 18 months to 2 years before a draft Neighbourhood Plan is ready for consultation. Progress after that varies though in some cases it takes less than a year. Even assuming expeditious progress on Plan preparation it is unlikely that even a draft Neighbourhood Plan will be published before the Council planned submission of the Local Plan to the Planning Inspectorate (scheduled for January 2019).

8:5 *Resource implications*

Rossendale Council are not expected to produce the Plan for the Forum (should it be approved) but data sharing and discussion on the content of the Neighbourhood Plan could be time consuming. The legislative time limits at different stages of Plan preparation are quite tight and could be challenging to deliver with respect to officer time if there are other deadlines within the Planning Team at the same time. Equally, organising the Referendum is effectively the same as running a by-election and will have implications for the Electoral Officer. The grants from CLG will help to cover a proportion of the costs of undertaking the work but experience from other authorities is that it will not necessarily cover all costs, depending on the amount of work required.

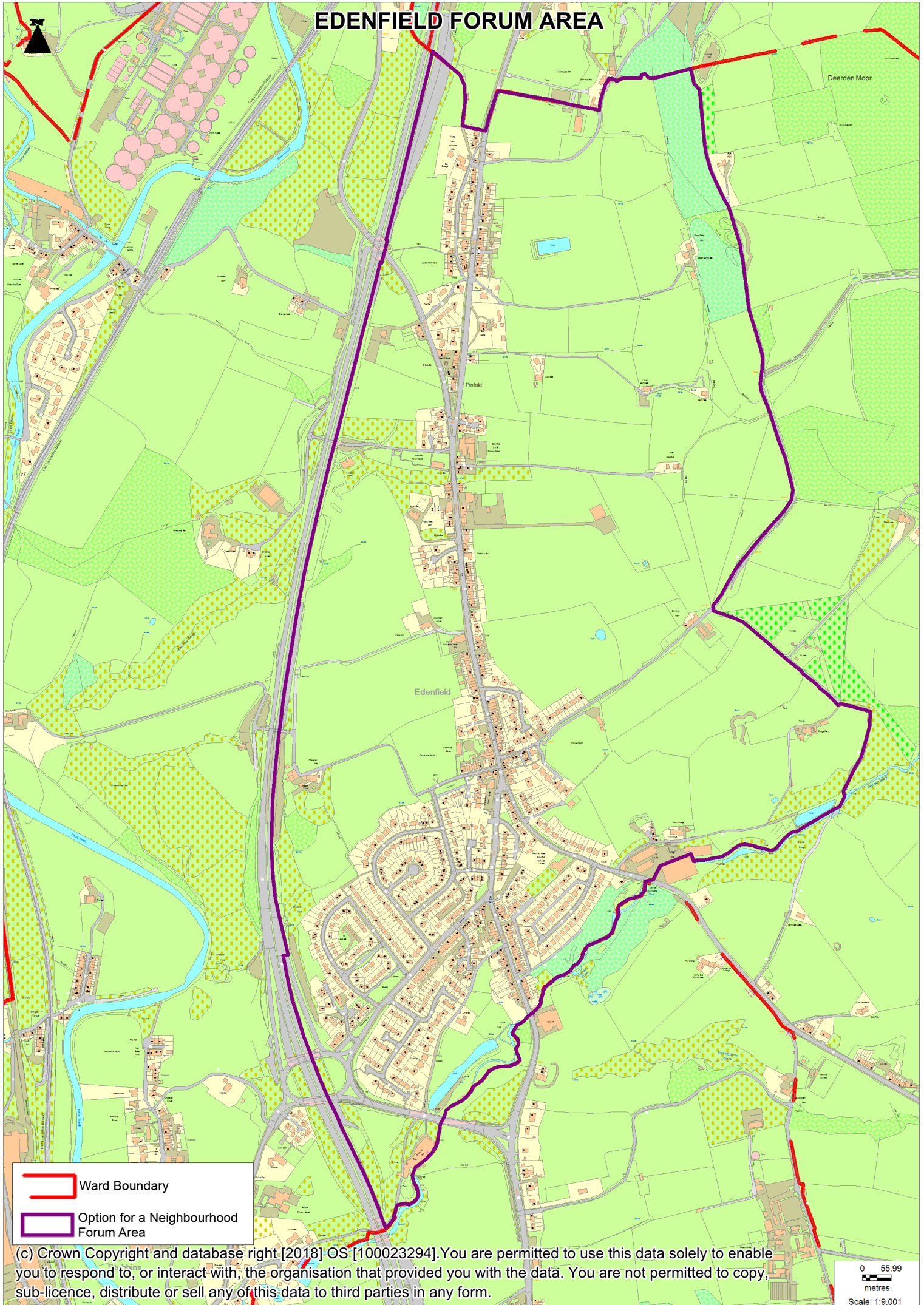
8.6 Should the Edenfield Neighbourhood Forum progress it is likely to be watched closely by residents of other communities in the area and it is possible that subsequent applications could follow. However producing a Neighbourhood Plan can be onerous for the residents involved so a wider take-up may not necessarily be the case. As a parished area, Whitworth Town Council could chose to produce a Neighbourhood Plan for their area without going through the Forum designation stage but have shown no indication of wishing to do so.

8.7 The Communities Team have been made aware of the work of the proposed Forum and the Monitoring Officer informed. The members of the Forum have consulted other residents groups in the area and it is understood they have spoken to local Members.

9. CONCLUSION

9.1 The declaration of a Neighbourhood Forum and a Neighbourhood Planning Area would be the first stage in the preparation of a Neighbourhood Plan for Edenfield. While there is still informal discussion ongoing to ensure the application is likely to be acceptable it is expected that outstanding matters will be resolved. Preparation of a Neighbourhood Plan could have significant implications for the Local Plan and staff and resource implications for the Authority.

EDENFIELD FORUM AREA



— Ward Boundary
— Option for a Neighbourhood Forum Area

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