

Neighbourhood Planning Area Application from Kelvedon, Hatfield Peverel and Feering Parish Council	<b>Agenda No: 8a</b>
<p><b>Corporate Priority:</b> Building a prosperous District - Securing appropriate infrastructure and housing growth.</p> <p><b>Portfolio Area:</b> Planning and Property</p> <p><b>Report presented by:</b> Councillor Lady Newton, Cabinet Member for Planning and Property</p> <p><b>Report prepared by:</b> Alan Massow, Senior Policy Planner</p>	
<p><b>Background Papers:</b></p> <p>Braintree District Core Strategy 2011. Braintree District Site Allocations and Development Management Plan Pre Submission Draft 2013. National Planning Policy Framework. The Localism Act 2011. The Town and Country Planning Act 1990 (As Amended by the Localism Act). The Neighbourhood Planning (General) Regulations 2012.</p>	<b>Public Report</b>
<p><b>Options:</b></p> <p>To approve, not approve, or amend the neighbourhood areas for Kelvedon, Feering and Hatfield Peverel Parish Councils.</p>	<b>Key Decision: No</b>
<p><b>Executive Summary:</b></p> <p>The Localism Act 2011 introduced neighbourhood development plans which help communities with or without Parish or Town Councils to establish general planning policies for the development and use of land in a neighbourhood. Once completed this will form part of the statutory development plan for the area and will be used in the determination of planning applications.</p> <p>Braintree District Council has received separate applications to designate individual neighbourhood area from Kelvedon Parish Council, Feering Parish Council and Hatfield Peverel Parish Council's under s61g of the Town and Country Planning Act 1990 (as amended). The application proposes that the neighbourhood area would cover the extent of each individual parish.</p> <p>A 6 week consultation period has been carried out on the proposals for Hatfield Peverel and Kelvedon Parish and an 8 week consultation for Feering Parish which was extended</p>	

due to the Christmas period.

Feering Parish Council – Consultation concluded on the 30<sup>th</sup> January 2015.

Kelvedon Parish Council – Consultation concluded on the 6<sup>th</sup> March 2015.

Hatfield Peverel Parish Council - Consultation concluded on the 6<sup>th</sup> March 2015.

If designated, this will be the area covered by any future neighbourhood development plan.

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**Decision:**

Cabinet approves:

1. The application for a neighbourhood area for Kelvedon Parish Council.
2. The application for a neighbourhood area for Hatfield Peverel Parish Council
3. The application for a neighbourhood area for Feering Parish Council.

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**Purpose of Decision:**

To determine whether or not an appropriate neighbourhood area has been submitted by Hatfield Peverel, Kelvedon, and Feering parishes and to agree those extents.

<b>Corporate implications</b>	
<b>Financial:</b>	Grant funding available to both the local planning authority and relevant body. Further funding may be required if central government finance expires prior to the completion of the neighbourhood plan. Officer time to provide advice and support.
<b>Legal:</b>	A neighbourhood plan cannot be adopted unless it is found to meet the required standards by an Independent examiner. It will be the basis for future planning decisions and has to comply with relevant regulations.
<b>Equalities/Diversity</b>	A neighbourhood plan would have to comply with relevant legislation.
<b>Customer Impact:</b>	Would be used to determine development within the area.
<b>Environment and Climate Change:</b>	A neighbourhood plan is expected to contribute toward Sustainable Development.
<b>Consultation/Community Engagement:</b>	The applications have been the subject of public consultation. Further consultation will be required.
<b>Risks:</b>	None at this stage.
<b>Officer Contact:</b>	Alan Massow
<b>Designation:</b>	Senior Policy Planner
<b>Ext. No.</b>	2577
<b>E-mail:</b>	<a href="mailto:alan.massow@braintree.gov.uk">alan.massow@braintree.gov.uk</a>

## **1 Background**

- 1.1 The Localism Act 2011 makes provision for parish councils or other groups to formulate a neighbourhood development plan (NDP) for an area. A NDP sets out policies in relation to development and use of land in the whole or any part of a particular neighbourhood area specified in the plan. This can include the allocation of land for employment or residential development.
- 1.2 At the first stage a relevant body is required to identify a “neighbourhood area” and submit this for approval to the local planning authority. A parish council is authorised under s61g of the 1990 Act to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of their parish. The area could be extended beyond the parish boundary if it has the agreement of the relevant parish council. Other organisations or groups may also apply for a neighbourhood area, subject to meeting the tests set out in the regulations and if the area does not have a town or parish council.
- 1.3 Once the area is agreed by the local planning authority, the parish council or group can start to draft a NDP and can currently claim some financial assistance from the government to do so. The local planning authority is also able to claim grant monies to assist this process as outlined later in the report.
- 1.4 Once the neighbourhood area is designated by the local planning authority, the authority is legally required to provide advice and assistance to those bodies producing a NDP. This duty to support could include making existing data and maps available and help with identifying relevant local strategic policies from the Local Plan.
- 1.5 Once the local planning authority has made its decision on the neighbourhood area application, the regulations set out the formal process that a parish council or group must go through to prepare a NDP. This includes consultation requirements and the information/evidence which must be supplied with the plan.
- 1.6 When complete the NDP is submitted to the local planning authority who must arrange an independent examination on it and a local referendum. The independent examiner will consider the submitted documents and any comments received during the consultation on the submitted plan. The examiner will determine whether the plan meets the relevant legal requirements and recommend that it proceed to the referendum stage or may suggest that modifications are made to the plan prior to a referendum, or that the plan should not go to referendum if it does not meet the necessary legal standards.
- 1.7 If the plan is found to be satisfactory it can proceed to referendum stage and if agreed by more than 50% of the vote it will come into force.

## **2 Status of a Neighbourhood Development Plan (NDP)**

- 2.1 A NDP must be in general conformity with strategic policies which make up the Development Plan (in our case the Essex County Council Minerals and Waste Local Plans and our own Core Strategy as well as policies set out in the National Planning Policy Framework. A NDP cannot propose less development

than is contained within strategic policies in the Development Plan but it can propose more.

- 2.2 Once completed the NDP will form part of the formal development plan for the area that it covers, as it is adopted by the local planning authority. Planning applications submitted must be determined in accordance with the development plan, unless there are other material considerations, therefore the Neighbourhood Plan will be used in the determination of planning applications in the area which it covers.

### **3 Application for designation of Neighbourhood Planning Areas**

- 3.1 Braintree District Council, as local planning authority, has received requests from Hatfield Peverel Parish Council, Kelvedon Parish Council and Feering Parish Council to designate the whole area of each of the Parishes as a neighbourhood area.
- 3.2 Each individual application was published on the Council's website and public notices were placed in the local paper covering each area.
- 3.3 No objection comments have been made. Colchester Borough Council has asked to be consulted during any further public consultations held by Kelvedon and Feering Parish Council's. Woodham Walter parish council have also asked to be consulted during any further public consultation on the Hatfield Peverel plan.
- 3.4 If any further comments are received, they will be reported verbally to cabinet.

### **4 Consideration of the neighbourhood areas.**

- 4.1 The regulations set out that there are only two considerations when determining an application for a neighbourhood area. Firstly is the Parish Council, group or organisation applying considered a relevant body and secondly is the area proposed for the plan considered suitable.
- 4.2 For the Kelvedon Neighbourhood Area Application - It is considered that as the submitting body is a parish council and therefore a relevant body as set out in regulations, and because the application covers the whole of Kelvedon parish, it fulfils all necessary requirements for a neighbourhood area application. At present, it is not considered that there are any existing strategic allocations or other factors within any of the parishes which should be excluded from the neighbourhood area and therefore the areas proposed are considered suitable. It should therefore be agreed.
- 4.3 For the Hatfield Peverel Neighbourhood Area Application - It is considered that as the submitting body is a parish council and therefore a relevant body as set out in regulations, and because the application covers the whole of Hatfield Peverel parish, it fulfils all necessary requirements for a neighbourhood area application. At present, it is not considered that there are any existing strategic allocations or other factors within any of the parishes which should be excluded from the neighbourhood area and therefore the areas proposed are considered suitable. It should therefore be agreed.

- 4.4 For the Feering Neighbourhood Area Application - It is considered that as the submitting body is a parish council and therefore a relevant body as set out in regulations, and because the application covers the whole of Feering parish, it fulfils all necessary requirements for a neighbourhood area application. At present, it is not considered that there are any existing strategic allocations or other factors within any of the parishes which should be excluded from the neighbourhood area and therefore the areas proposed are considered suitable. It should therefore be agreed
- 4.6 Officers consider that the application for a neighbourhood planning area for Hatfield Peverel, the neighbourhood planning area for Kelvedon, and the neighbourhood planning area for Feering have met with the necessary regulations should be approved.

## **5 Next Steps**

- 5.1 Once the neighbourhood area application has been approved, funding can be applied for by both the local planning authority and the neighbourhood group.
- 5.2 All neighbourhood planning groups are eligible to apply for a grant of up to £8000. Some examples for what the funding could be spent on include developing a website, training sessions for members of the steering group, help with project planning, undertaking a household survey, developing evidence base, engaging a planning expert, venue hire, printing.
- 5.3 Further grant funding is also available for groups facing complex issues such as high population, deprivation or areas of high growth.
- 5.4 Further information on what can and can't be applied for by neighbourhood groups is available at [www.mycommunity.org.uk](http://www.mycommunity.org.uk)
- 5.5 Neighbourhood planning is a collaborative activity and LPA's are partners in the work. The duties of the local authority are to provide advice and assistance; to hold an examination and to make arrangements for a referendum. They are not required to provide all the support needed to prepare a neighbourhood plan.
- 5.6 In order to support the production of a neighbourhood plan the Local Planning Authority can claim a first payment of £5000 following the designation of the neighbourhood area. The second payment of £5000 will be made when the final pre-examination version of the neighbourhood plan is publicised by the local planning authority prior to examination. A third payment of £20,000 will be made on successful completion of the neighbourhood planning examination. The payments recognise the local planning authority officer time to provide advice and assistance to communities in taking forward their neighbourhood plans and payments for examinations and referendums.
- 5.7 The next claim window for local authorities is between the 1st and 30th June 2015. If all three areas are agreed then the local authority will be claiming £15,000.

## **Recommendation**

- 1. It is recommended that the application for a neighbourhood area for Kelvedon Parish Council is approved.**
- 2. It is recommended that the application for a neighbourhood area for Hatfield Peverel Parish Council is approved.**
- 3. It is recommended that the application for a neighbourhood area for Feering Parish Council is approved.**

## Appendices

Appendix 1 – Kelvedon Neighbourhood Area map and application

Appendix 2 – Hatfield Peverel Neighbourhood Area map and application

Appendix 3 – Feering Neighbourhood Area map and application



# Kelvedon Parish Council

THE OLD FIRE STATION  
102 HIGH STREET  
KELVEDON  
ESSEX  
CO5 9AA

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Opening hours: Mondays  
9.30 a.m. – 12.30 p.m.

email: [info@kelvedon.org.uk](mailto:info@kelvedon.org.uk)

[www.kelvedon.org.uk](http://www.kelvedon.org.uk)

[www.facebook.com/kelvedonparishcouncil](http://www.facebook.com/kelvedonparishcouncil)

Clerk: Mr P Studd

8/1/2015

Mr A Massow  
Planning Policy Department  
Braintree District Council  
Causeway House  
Bocking End  
Braintree  
Essex  
CM7 9HB



Dear Alan

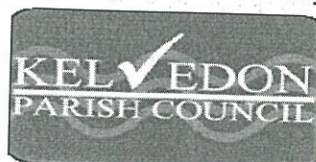
Kelvedon Parish Council- Application to designate a neighbourhood Plan Area.

Under the Neighbourhood Planning Regulations 2012 (part 2 section 6) please accept this letter and the accompanying map as the Parish Council's formal application to designate a Neighbourhood Plan Area.

Turning to the regulations, and in particular Part 2, regulation 5, we:

- a) Include a map which identifies the area to which the area application applies- the parish of Kelvedon is within the orange lines.
- b) The area is considered appropriate to be designated as a neighbourhood area because;
  - i) It is co-terminus with existing local government administrative boundaries
  - ii) It is inclusive and will enable the designated neighbourhood to reach all potential areas of development
  - iii) Likewise, it will enable a fuller range of consultation within the designated area
  - iv) It permits the local authority to operate this plan together with potential adjoining neighbourhoods and does not leave any 'gaps'.
- c) Within the meaning of Section 61 G (a) Kelvedon Parish Council is a relevant body

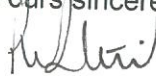
I trust that I have enclosed all of the required information but should anything further be required please do not hesitate to contact the Parish Clerk at the address shown above. I can be contacted on Mondays, Wednesdays and Thursdays at this location



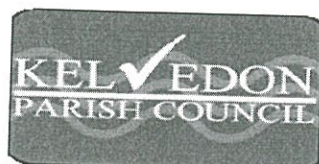


I look forward to receiving your formal response in due course and some idea of the time scale involved in this matter would be useful.

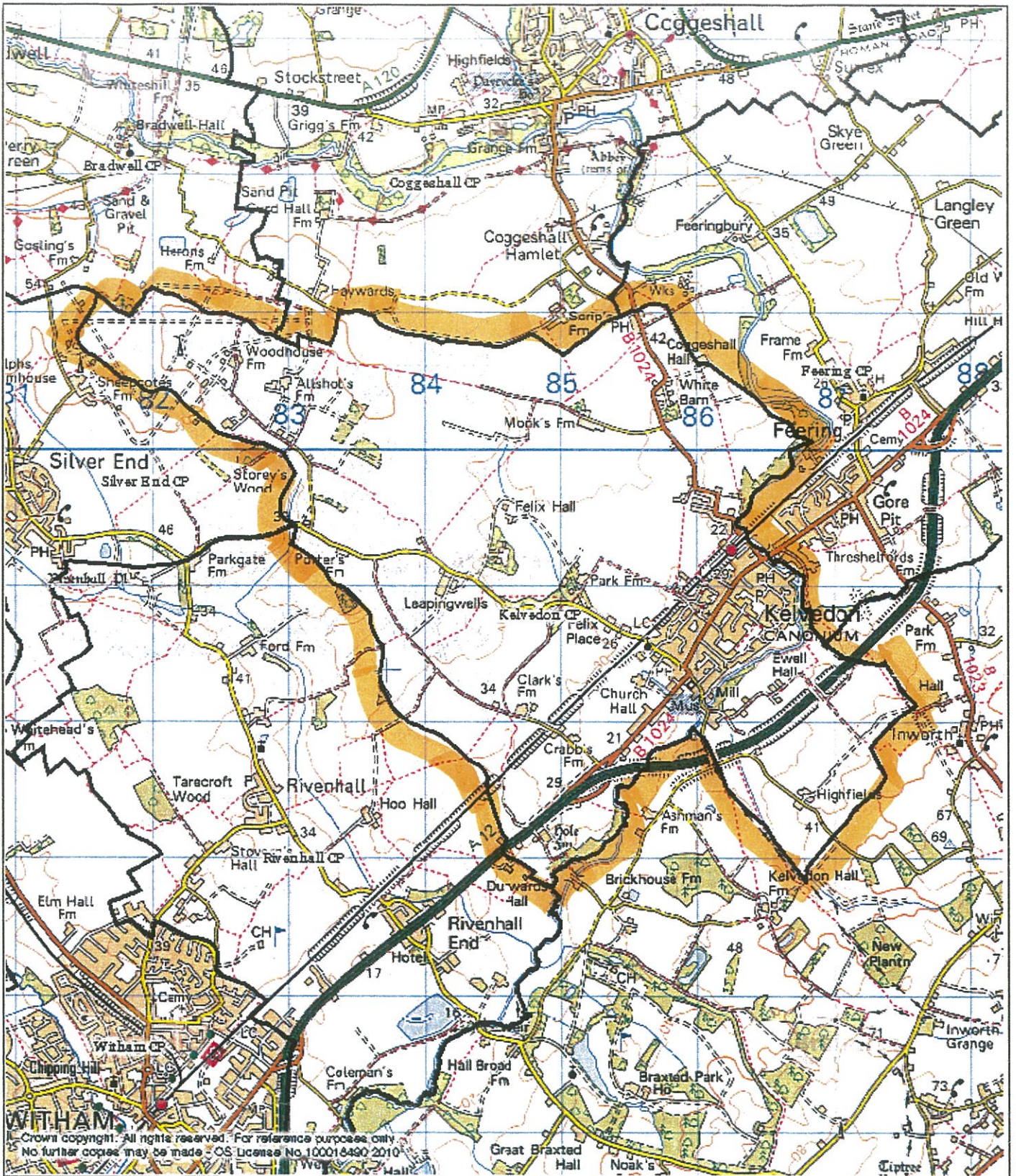
Yours sincerely



Peter Studd  
Parish Clerk







Notes

Scale 1:28819

Department



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Clerk to the Council  
Lisa Miller

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2<sup>nd</sup> January 2015

Mr Alan Massow  
Senior Policy Planner  
Braintree District Council  
Causeway House  
Bocking End  
Braintree  
Essex CM7 9HB

2<sup>nd</sup> January 2015

Dear Mr. Massow

**Town and Country Planning Act 1990**  
**The Neighbourhood Planning (General) Regulations 2012**  
**Designation of Neighbourhood Area**  
**Hatfield Peverel Area Designation Application**

This application for neighbourhood area designation is submitted to Braintree District Council under the Neighbourhood Planning (General) Regulations 2012. It is submitted by Hatfield Peverel Parish Council as the appropriate Qualifying Body for the area as defined by section 61G of the Town and Country Planning Act 1990.

Having considered options for the neighbourhood area, the Parish Council would like the entire parish area to be designated, in line with the presumption in the above Act. The application consists of and only includes the administrative area of Hatfield Peverel Parish Council.

Attached with this application is a map showing the Parish Boundary in Appendix A.

We look forward to working with you on this matter.

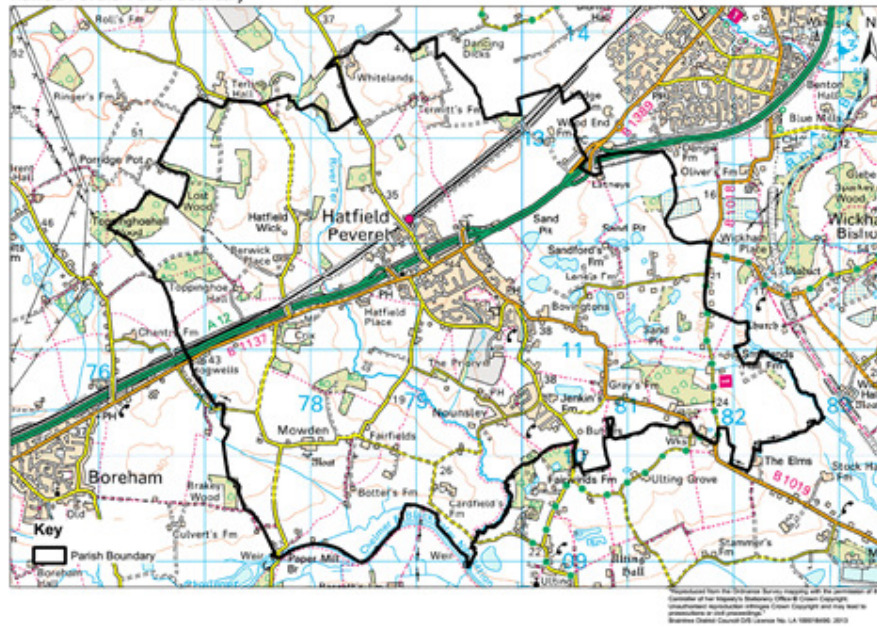
Yours sincerely



Lisa Miller  
Clerk to the Council

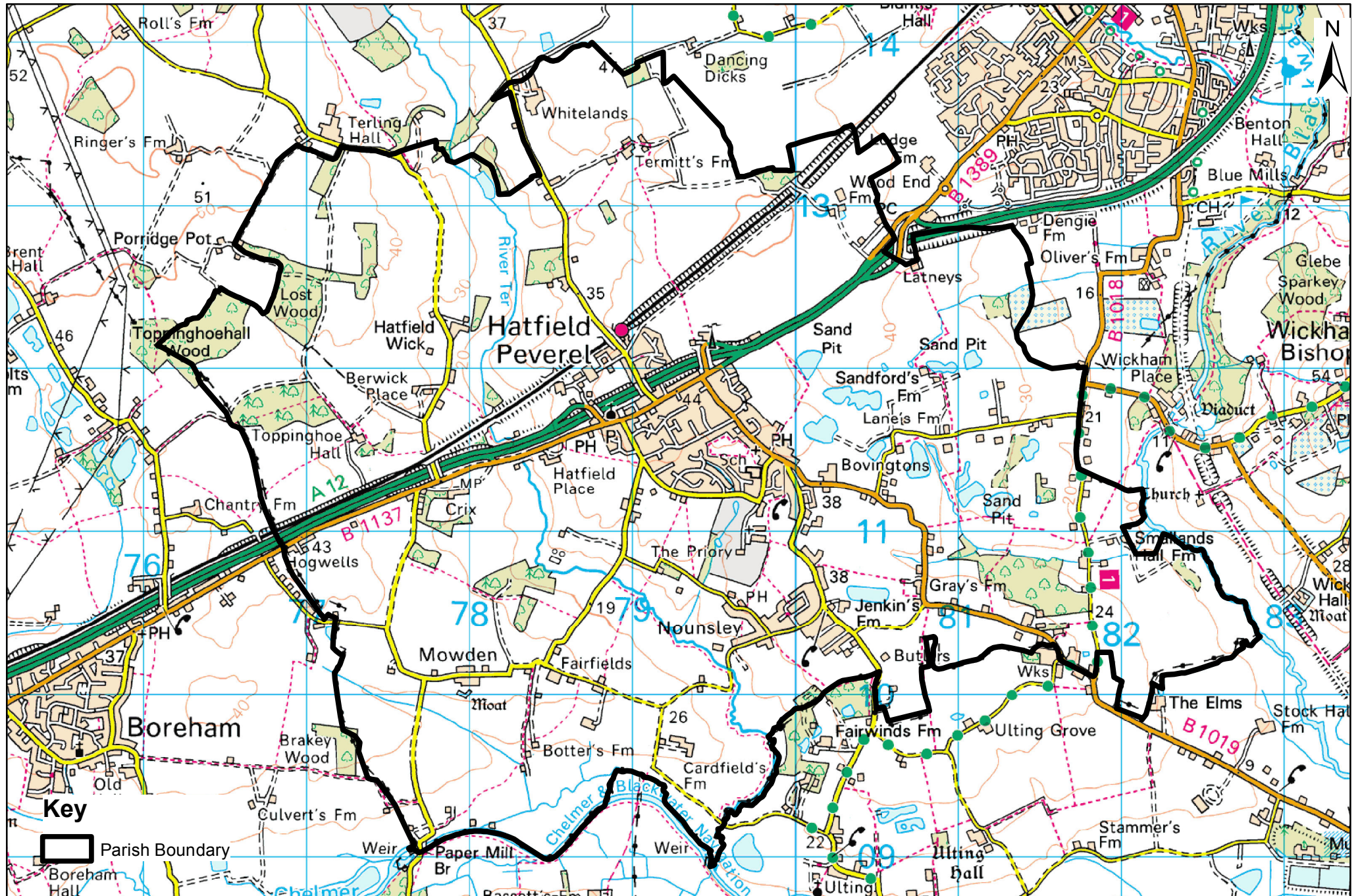
Appendix A

Hatfield Peverel Parish Boundary





# Hatfield Peverel Parish Boundary



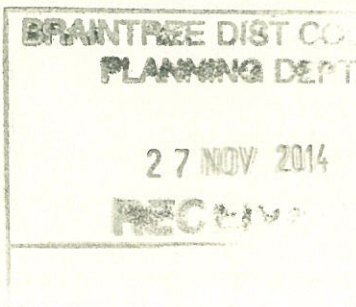


Received  
27 NOV 2014



# FEERING PARISH COUNCIL

Feering Community Centre · Coggeshall Road · Feering · Colchester · CO5 9QB  
Telephone / Fax: (01376) 572882 (24 hour Answerphone)  
Email: clerk@feeringparishcouncil.wanadoo.co.uk



Mr A Massow  
Planning Policy Department  
Braintree District Council  
Causeway House  
Bocking End  
BRAINTREE  
Essex CM7 9HB

26 November 2014

Dear Alan

## **Designation of Feering Parish as a Neighbourhood Area**

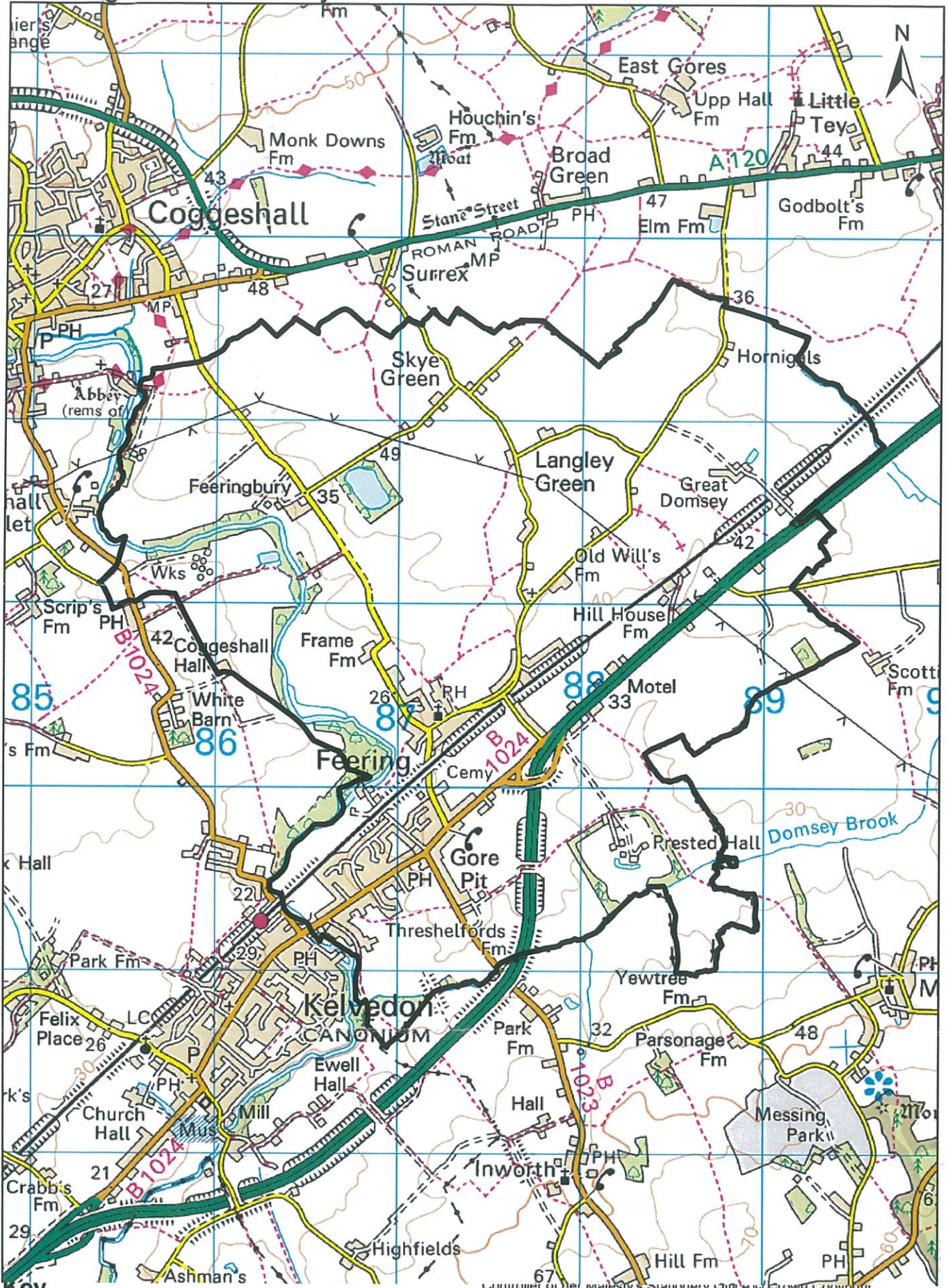
At its meeting on 18 November, Feering Parish Council agreed to designate its Parish as a Neighbourhood Area. The village has many areas of land that landowners may put forward as potential sites for development and Feering Parish Council would be willing to support a Neighbourhood Plan once a Steering Group is formed and would like to designate the whole area as its Neighbourhood Area. I therefore attach a map of the aforementioned area which includes the Parish boundary.

Yours sincerely

**MARTIQUE FREATHY**  
Clerk to Feering Parish Council



# Feering Parish Boundary



**Key**  
 Parish Boundary

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## Extract from Cabinet Minutes of 30<sup>th</sup> March 2015

### **79. NEIGHBOURHOOD PLANNING AREA APPLICATION FROM KELVEDON, HATFIELD PEVEREL AND FEERING PARISH COUNCIL**

**INFORMATION:** The Localism Act 2011 introduced neighbourhood development plans which helped communities with or without Parish or Town Councils to establish general planning policies for the development and use of land in a neighbourhood. Once completed this will form part of the statutory development plan for the area and will be used in the determination of planning applications.

Braintree District Council received separate applications to designate individual neighbourhood area from Kelvedon Parish Council, Feering Parish Council and Hatfield Peverel Parish Council's under s61g of the Town and Country Planning Act 1990 (as amended). The application proposed that the neighbourhood area would cover the extent of each individual parish.

**DECISION:**

Cabinet approved;

1. The application for a neighbourhood area for Kelvedon Parish Council.
2. The application for a neighbourhood area for Hatfield Peverel Parish Council
3. The application for a neighbourhood area for Feering Parish Council.

**REASON FOR DECISION:** To determine that an appropriate neighbourhood area has been submitted by Hatfield Peverel, Kelvedon, and Feering parishes and to agree those extents.