

## BOROUGH OF KETTERING

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<b>Report Originator</b>	Rob Harbour, Head of Development Services	<i>Fwd Plan Ref No:</i>	
<b>Wards Affected</b>	St Michael's and Wicksteed Ward	14 <sup>th</sup> October 2015	
<b>Title</b>	<b>SOUTH WEST KETTERING (HEADLANDS COMMUNITY) NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM DESIGNATION</b>		

**Portfolio Holder: Cllr Lesley Thurland**

### **1. PURPOSE OF REPORT**

- To inform Members of the applications received to designate the South West Kettering (Headlands Community) Neighbourhood Area and Neighbourhood Forum;
- To ask Members to designate the South West Kettering (Headlands Community) Neighbourhood Area;
- To ask Members to designate the South West Kettering (Headlands Community) Neighbourhood Forum.

### **2. BACKGROUND**

- 2.1 Under the Localism Act 2011, the Government has introduced new legislation that gives greater weight to community-led planning, including the drawing up of a neighbourhood plan which includes the future use and development of land at a local level. Local planning authorities have a statutory duty to advise or assist communities in the preparation of neighbourhood plans.
- 2.2 Neighbourhood plans are prepared by a 'qualifying body' (as defined by the Town and Country Planning Act 1990 (as amended)) which include parish and town councils, or a neighbourhood forum in areas that are not governed by parish and town councils. Neighbourhood forums are designated by the local authority.
- 2.3 Neighbourhood plans once made (adopted) will form part of the local development plan and therefore need to be in general conformity with the strategic planning policies, the current North Northamptonshire Core Spatial Strategy and any subsequent review. Neighbourhood plans also need to have regard to national planning policy and be compatible with relevant EU and human rights obligations.
- 2.4 The Neighbourhood Planning (General) (Amendment) Regulations 2015 has introduced new time limits for the determination of applications depending on the complexity of the neighbourhood planning area. In this instance, these types of

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applications need to be determined within 13 weeks of being first publicised and the deadline for the application falls on Thursday 15<sup>th</sup> October 2015.

- 2.5 At the Council's Executive meeting on 15<sup>th</sup> April 2015, it was resolved to amend the Scheme of Delegation to delegate authority to the Head of Development Services to designate neighbourhood plan areas in certain circumstances. In this case, the Council's Scheme of Delegation is not applicable as it does not allow for designation of a neighbourhood forum, or a neighbourhood area where an application has been made by a proposed neighbourhood forum and does not relate to the whole of a town or parish boundary. The Executive Committee is therefore required to consider these two applications.

### **3. Applications for Designation of a Neighbourhood Area and Forum**

- 3.1 On 8<sup>th</sup> July 2015, the Council received neighbourhood plan applications from the community in South West Kettering. There is no parish or town council in Kettering, so in order to progress a neighbourhood plan, a neighbourhood forum needs to be established. Applications from the prospective South West Kettering (Headlands Community) Neighbourhood Forum, therefore seek approval for the designation of:

- i. The South West Kettering (Headlands Community) Neighbourhood Area; and
- ii. The South West Kettering (Headlands Community) Neighbourhood Forum.

These applications are the first of their kind to be received within the Borough of Kettering.

- 3.2 The following appendices are attached to this report, providing reference to the submitted application papers which are necessary (in part) to determine the applications:

**Appendix 1** - Map of the proposed neighbourhood area and area covered by the proposed neighbourhood forum;

**Appendix 2** - Statement of why the proposed neighbourhood area is appropriate;

**Appendix 3** - Statement of why the applicant is capable of being designated as a neighbourhood forum;

**Appendix 4** - Prospective forum written constitution;

**Appendix 5** - Statement that the prospective forum meets the legal requirements.

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### 4. Public Consultation

4.1 Kettering Borough Council is required under the Neighbourhood Plan Regulations to carry out public consultation on proposed neighbourhood plan areas and neighbourhood forums for a minimum of 6 weeks. The applications for both the proposed South West Kettering (Headlands Community) Neighbourhood Area and Neighbourhood Forum were publicised from Thursday 16<sup>th</sup> July 2015 until Monday 1<sup>st</sup> September 2015. The public consultation was advertised on the Borough Council website; through a press release; statutory notice in the Evening Telegraph and through site notices displayed at various locations within the proposed Neighbourhood Area. Public copies of the application were also made available for inspection at the Council Offices.

4.2 The following comments were received through the public consultation:

4.2.1 Neighbourhood Area Application

No comments received

4.2.2 Neighbourhood Forum Application

One comment of support – ‘the forum sounds like a great idea’.

### 5. Consideration of the two applications

5.1 The remainder of this report is set out in two parts to reflect the dual aspect nature of its subject. Part 1 focuses on the neighbourhood area application, whilst Part 2 focuses on the Neighbourhood Forum application. Best practice states that whilst it is the Government intention that the neighbourhood area is designated first and then the neighbourhood forum, in some cases some local authorities have taken the decision to designate them in parallel. Whichever route is taken, the advice is that there are two important considerations. Firstly, the degree to which the proposed neighbourhood forum is representative of the proposed neighbourhood area. Secondly, each neighbourhood area needs to be planned by one body, and neighbourhood areas should not overlap. These points are considered further in the following sections of the report.

### 6. Part 1 - The South West Kettering (Headlands Community) Neighbourhood Area

6.1 The proposed neighbourhood area under consideration was prepared and refined in consultation with officers prior to the formal applications being submitted. The prospective forum has undertaken initial community consultation with the locality. The prospective neighbourhood forum members unanimously adopted the draft proposals following debate at an inaugural meeting held on 27<sup>th</sup> March 2015.

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### 6.2 Neighbourhood Area Considerations

6.3 In determining a neighbourhood area application, the Council must consider the following issues:

6.3.1 How desirable it is to designate an area as a neighbourhood area;

6.3.2 How desirable it is to maintain the existing boundaries of areas already designated as neighbourhood areas (as areas designated must not overlap);

6.3.3 That proposed areas by a neighbourhood forum do not include any parished areas;

6.3.4 Whether the area should be designated as a business area;

6.3.5 That the submission has been made by a *'relevant body'*.

6.4 To assess the appropriate area the local planning authority must ensure neighbourhood areas are coherent, consistent and appropriate in planning terms. As well as taking on board comments received from consultation, Paragraph 33, neighbourhood planning section of the National Planning Policy Guidance sets out additional considerations which may apply. An extract is attached as **Appendix 6**.

6.5 Unless there are valid planning reasons the local authority must designate the proposed neighbourhood plan area. If it considers the area not to be appropriate it must issue a refusal notice, explaining why, and designate a revised plan area to include some or all of the originally proposed area.

### 6.7 Summary Assessment

6.8 With reference to paragraph 6.3.1, in principle, the creation of neighbourhood areas is desirable as it enables the local community to have a greater say over future development affecting their area, facilitating Part 2 Local Plan policy creation at a local level.

6.9 A map of the proposed neighbourhood area is provided in **Appendix 1**. The proposed area is clearly bound by two arterial highway routes into the town (London Road and Bowling Green Road), as well as the Midlands Mainline. Within this area, properties have been constructed in phases over a similar period within each phase, with a similar scale and character, and are served by a range of local services (e.g. schools, butchers, laundrette, take-away etc.) The proposed neighbourhood area is clearly defined and accords with some key planning guidelines attached as **Appendix 6**.

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- 6.10 A statement submitted by the applicant explaining why this area is considered appropriate to be designated as a neighbourhood area is attached as **Appendix 2**.
- 6.11 Officers support the proposed forum's view to exclude properties on The Oval, Hillside Avenue, Silverwood Road, Boddington Road, Springfield Road, and Netherfield Road. These properties could justifiably fall within a separate neighbourhood area should one be proposed in the future, as they differ in layout and character. It is considered that exclusion of properties along London Road, Bowling Green Road, Bowling Green Avenue, Station Road, The Grove, and Southfields is also justified either because they experience different issues or because they would naturally fall within a separate neighbourhood area.
- 6.12 Officers have given initial support to the proposed neighbourhood area on the basis that public consultation will draw out any issues where local knowledge presents conflicting opinions on this matter. No formal comments were received through public consultation on the proposed neighbourhood area, so the submitted approach remains unchallenged.
- 6.13 Members are required to consider whether this area is appropriate to be defined as a neighbourhood area. Members are able to amend the boundaries to include additional land or exclude certain areas if it considers it appropriate to do so. However, careful consideration will need to be given to the reasons for doing this and how this may affect the parallel application for the neighbourhood forum designation which is required to be representative of its neighbourhood area.
- 6.14 With reference to paragraphs 6.3.2 and 6.3.3, as this is the first neighbourhood area within Kettering Town, the site does not affect an existing parish area and the boundaries of other neighbourhood areas do not need to be considered as there are none.
- 6.15 If the Council considers that a proposed neighbourhood area is wholly or predominantly business in nature it should be designated as a business area. This has the effect of allowing business people to vote in an additional referendum on whether to bring the neighbourhood plan into force. With reference to paragraph 6.3.4, in this instance, whilst there are some businesses present within the proposed neighbourhood area, the majority of properties are residential in nature. As a result, this is not considered appropriate to designate the South West Kettering (Headlands Community) Neighbourhood Area as a business area.
- 6.16 With reference to paragraph 6.3.5, a statement of capability is attached as **Appendix 3**. Whether the organisation/body submitting the neighbourhood area application can be considered to be a 'relevant body' is also considered in detail under Part 2 of this report, as it is also a necessary requirement in order to be designated as a neighbourhood forum. The application broadly meets this

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requirement, and subject to detailed criteria being met in Part 2 of this report, it is recommended that the proposed neighbourhood area be designated.

### 7. **Part 2 – The South West Kettering (Headlands Community) Neighbourhood Forum**

7.1 The proposed neighbourhood forum has submitted a number of statements and these have been used to determine whether the forum meets the legal requirements to designate a neighbourhood forum as indicated above.

#### 7.2 **Neighbourhood Forum Considerations**

Under the legal requirements, a neighbourhood forum must meet the following criteria:

7.2.1 Set up with the express purpose to promote or improve the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned. (See - **Appendices 4 and 5**)

7.2.2 Comprise of a membership of at least 21 individual members which is open to people living and working in the area, and elected members for the area. (See - **Appendix 5**)

7.2.3 It has a written constitution. (See - **Appendix 4**)

7.2.4 Its membership is drawn from different places in the neighbourhood area, and represents a good cross section of the community as a whole. (See - **Appendix 5**)

7.3 It should be noted that if the Council refuses to designate the forum, the relevant legislation requires reasons for refusal to be publicised. If members are minded to refuse the application on the grounds that the organisation/body has not demonstrated that they are capable of becoming a neighbourhood forum and meet the relevant conditions or legal requirements, then the application may be refused on the grounds that it was not made by a 'relevant body'.

7.4 The designation of a neighbourhood forum lasts for a period of five years, unless the Council has reason to withdraw the designation.

#### 7.5 **Summary Assessment**

7.6 It is considered that the written constitution and stated aims of the forum satisfy requirements of paragraphs 7.2.1 – 7.2.3 listed above and set out in **Appendices 1, 4 and 5**. Whilst the names and addresses of the individual forum members

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have not been published due to Data Protection Act 1998 restrictions, officers are satisfied that the list of current members, provides sufficient representation in terms of numbers, demographic and geographical distribution of the area as demonstrated in **Appendix 5**. The proposed forum also includes other representatives such as a Ward Councillor, local school and a business. The requirements of paragraph 7.2.4 are therefore satisfied.

- 7.7 Furthermore, there are no significant objections or issues raised through the public consultation. It is, therefore, recommended that the Council should approve the designation of the proposed neighbourhood forum for South West (Headlands Community) Kettering.

### **8. POLICY IMPLICATIONS**

- 8.1 Once adopted, the South West Kettering (Headlands Community) Neighbourhood Plan will form part of the statutory Development Plan. It will need to be in conformity with strategic policies in the local development plan and have regard to the National Planning Policy Framework. It will also need to be compatible with relevant EU and human rights obligations.

### **9. FINANCIAL/RESOURCE IMPLICATIONS**

- 9.1 The Borough Council will be able to apply to Central Government for £5,000 grant funding once the South West Kettering (Headlands Community) Neighbourhood Area has been designated, and a further £5,000 grant funding once the South West Kettering (Headlands Community) Neighbourhood Forum has been designated.

### **10. RECOMMENDATION – PART 1 (NEIGHBOURHOOD AREA APPLICATION)**

- 10.1 That Members note the consultation on the South West Kettering (Headlands Community) Neighbourhood Area, as shown in Appendix 1, and designate the South West Kettering (Headlands Community) Neighbourhood Area in order that a Neighbourhood Plan may progress, and the prospective Forum has a defined area which it must represent.

### **RECOMMENDATION – PART 2 (NEIGHBOURHOOD FORUM APPLICATION)**

- 10.2 That Members note the consultation on the proposed South West Kettering (Headlands Community) Neighbourhood Forum and designate the South West Kettering (Headlands Community) Neighbourhood Forum in order that they may be recognised as a 'qualifying body', able to progress work on a Neighbourhood Plan for the South West Kettering (Headlands Community) Neighbourhood Area.

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Background Papers:

Mawsley Neighbourhood Plan Area Designation (*includes delegation of authority request*)

Date: 15<sup>th</sup> April 2015

Contact Officer: Mark Coleman – Development Officer