



## CABINET REPORT

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| <b>Report Title</b> | <b>Designation of a Neighbourhood Area for Spring Boroughs</b> |
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**AGENDA STATUS: PUBLIC**

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| <b>Cabinet Meeting Date:</b>       | 3 <sup>rd</sup> October 2012          |
| <b>Key Decision:</b>               | NO                                    |
| <b>Listed on Forward Plan:</b>     | YES                                   |
| <b>Within Policy:</b>              | NO                                    |
| <b>Policy Document:</b>            | NO                                    |
| <b>Directorate:</b>                | Regeneration, Enterprise and Planning |
| <b>Accountable Cabinet Member:</b> | Cllr Tim Hadland                      |
| <b>Ward(s)</b>                     | Castle                                |

### 1. Purpose

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- 1.1 To request the deferral of a decision on the designation of a Neighbourhood Area for Spring Boroughs under Section 61G of the Localism Act 2011 for the purposes of preparing a Neighbourhood Plan.

### 2. Recommendations

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- 2.1 That Cabinet defer consideration of the application for the designation of a Neighbourhood Area (Option 1) until such time as an application for a Neighbourhood Forum is made, thereby allowing for additional time in raising the awareness of the Neighbourhood Planning project with residents and encouraging greater community ownership of the process.
- 2.2 That cabinet agree to further consultation on the Neighbourhood Area to run concurrently with an application for the designation of a Neighbourhood Forum.

- 2.3 That Cabinet note the formal processes undertaken by Northampton Borough Council to publicise the application to date and the associated resource to enable formal feedback to the DCLG, as per the requirements of the frontrunner grant.

### **3. Issues and Choices**

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#### **3.1 Report Background**

##### **Introduction:**

- 3.1.1 The provision within the Localism Act, relating to neighbourhood development plans has now been enacted. The *Neighbourhood Planning (General) Regulations 2012* [The Regulations] were brought into force on the 6<sup>th</sup> April 2012. This means that Northampton Borough Council now has a duty to assist groups wishing to progress Neighbourhood Plans, and determine the applications for Neighbourhood Areas and forums (where required).
- 3.1.2 Northampton Borough Council is presently progressing three Neighbourhood Planning 'Front Runner' projects, of which Spring Boroughs is one. The Front Runner programme is for communities and Local Authorities to test and learn from the process. The projects each attracted £20,000 to assist with the process of producing a plan. It is important to note that the funding is not conditional on producing a Neighbourhood Plan if, during the project, it emerges that this is not the right course of action for specific areas. However, the reasons why must be reported to the DCLG.
- 3.1.3 Neighbourhood Planning is a key tool within the Localism Act to enable communities to have a greater say over the development that happens within their local area, such as what new development may look like and where new services could be located. Unlike the plans that the council produces, Neighbourhood Planning is optional. Furthermore, Neighbourhood Planning is not a process that should be led by the council; it must be owned and led by the community in partnership with the authority who will provide technical planning guidance and support.
- 3.1.4 Whilst it is not an essential requirement of the Front Runner funding to produce a Neighbourhood Plan, the Council believe that it is vital to ensure that all the Front Runner groups and the Planning Department follow the regulations and prescribed procedures as closely as possible. This will help to ensure any groups wishing to explore Neighbourhood planning in the future can be served effectively.
- 3.1.5 Northampton Borough Council has made the intention to comply with the regulations clear to all front runner groups. Spring Boroughs is the first of the three projects to enter into a formal stage, through making an application to designate a Neighbourhood Area. This stage has produced a number of key learning points for the council, including a number relating to communication, publicity and ownership of the project.

## **Neighbourhood Planning Process:**

3.1.6 The stages for producing a Neighbourhood Development Plan for Spring Boroughs are outlined below. Following the process will ensure that, should the community determine that a Neighbourhood Plan is the correct planning tool, that the plan can be found legally 'sound' and become part of Northampton's Local Plan. The main stages are as follows:

**Stage 1:** An application for a Neighbourhood Area is made to Northampton Borough Council for determination. The [Borough] Council must ensure that Neighbourhood Areas do not overlap, as no more than one Neighbourhood Development Plan may be made for an area.

**Stage 2:** Following the designation of the Neighbourhood Area, an additional application is made by the group to become a Neighbourhood Forum<sup>1</sup>. There are specific criteria that a Neighbourhood Forum must meet that are set out within the Localism Act, such as the minimum membership requirement of 21 people.

**Stage 3:** Once the Neighbourhood Area is designated, the 'Qualifying Body'<sup>2</sup> prepares the draft plan or order. This stage includes consultation with residents and businesses within the plan area, and areas that may be affected by the plan.

**Stage 4:** Northampton Borough Council checks conformity with the basic procedural requirements, such as conformity with planning policy, for example the Central Area Action Plan, the Joint Core Strategy, the National Planning Policy Framework, and legislation as appropriate.

**Stage 5:** If the Plan is considered to be in conformity with policy and legislation, Northampton Borough Council appoints an independent examiner to carry out an examination on the plan, including the possibility for a hearing of oral evidence. This check further ensures the plan conforms to policy, legislation and that it is not in breach of EU legislation

**Stage 6:** Subject to the examiner's recommendations, Northampton Borough Council decide the appropriate course of action. If the examination finds that the plan satisfies the requirements, Northampton Borough Council must plan, publicise and hold a referendum for the plan. If the plan is not fit to proceed to referendum, or is rejected at a referendum, the process must start again.

3.1.7 On the 8<sup>th</sup> May 2012, Northampton Borough Council received an application from the groups associated with the Spring Boroughs Neighbourhood Front Runner Area to designate a Neighbourhood Area (Stage 1). This application was made with assistance from the Borough Council with regard to the information that it must contain to meet the legal requirements. The application area mirrored that submitted with the successful bid for Front Runner funding and a copy is included as Appendix 3. This application forms the first stage in the production of a Neighbourhood Plan.

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<sup>1</sup> This only applies where there is no Parish Council

<sup>2</sup> A Qualifying body is always Town/ Parish Council in an area that has one.

3.1.8 Northampton Borough Council advertised this application as per The Regulations for just over six weeks between May and July 2012.

## 3.2 Issues

### Plan area:

3.2.1 Under the Localism Act, 61G (5), Northampton Borough Council is required to designate a Neighbourhood Area for the purposes of Neighbourhood Planning or to publish reasons for refusal if a valid application is received. Should it believe that an area is unsuitable, the Council should:

*“exercise their power of designation so as to secure that some or all of the specified area forms part of one or more areas designated as Neighbourhood Areas”*

3.2.2 It is, therefore, important that the advertising of the application to designate the area brings about both the intention of a group to produce a Neighbourhood Plan and secondly, the area that a plan should relate to. By placing the duty to publicise the application on the council, there is a safeguard that the community are properly informed about the intention and that the area submitted reflects their neighbourhood.

3.2.3 Before advertising the area, there are a number of checks that should be made to ensure that the application is valid. These include ensuring that:

- A) The area does not overlap with another Neighbourhood Area
- B) That the group making the application is, or is capable of becoming a qualifying body.
- C) That the application contains a map
- D) That the area is suitable for Neighbourhood Planning

3.2.3 As part of the Front Runner project, the Council considers it is important that the area proposed does not overlap with other CAAP development policy areas (and the Enterprise Zone) and has the ability to deliver the criteria of Policy 24. This is to ensure clarity and consistency with the strategic policies of ‘higher order’ plans and to help focus the project through minimising the number of policies to which the Neighbourhood Plan would need to be *in general conformity*.

3.2.4 The application area submitted (see Appendix 3) incorporates the whole of the CAAP policy area, in addition to a small area to the south of Spring Boroughs around St Peter’s Church. The inclusion of this area for the purposes of publication was agreed, as throughout the collation of evidence to support the CAAP, a reoccurring theme and point of interest was the rich historical assets of the area. This area falls into a project initiative known as ‘the Heritage Gateway’, but is not a policy within the present Development Plan.

3.2.2 The Application Area met the general criteria that the council has outlined. However, responses to the publication of the area have been very limited in

particular from organisations that operate within Spring Boroughs. Many of the responses made have come from statutory government bodies. Of the responses made by organisations from Spring Boroughs, including those that made the application, there was a desire to designate the Sol Central leisure complex into the Neighbourhood Plan area; this proposal is discussed further in Option 4 (section 3.3).

### **Designation and Relation to Forum:**

- 3.2.3 Within Spring Boroughs, the designation of a Neighbourhood Area is particularly important. This is because an area must be designated before a Forum may be formally constituted (stage 2). A constituted Neighbourhood Forum that meets the conditions prescribed within the Localism Act (61F) is the only group that may prepare a Neighbourhood Plan.
- 3.2.4 A significant element of the bid to DCLG to secure front runner funding was based on the creation of a representative Neighbourhood Forum, which includes a significant proportion of residents of the area. The intention of this was to enable greater ownership of any future regeneration projects by the whole community, in accordance with the Localism Agenda. Northampton Borough Council, within this bid, acknowledges that resident engagement and empowerment will be vital to achieving a vibrant Neighbourhood at the heart of the town.
- 3.2.5 The timetable of submitting the application, supported by the Planning Department, was intended to help facilitate and retain momentum in drawing a forum together for the area. It was acknowledged that without a defined area, it would be difficult to gain interest of a community who are traditionally perceived as hard to reach. However, this must be balanced against community ownership of the Neighbourhood Planning process.

### **Community Involvement and Engagement:**

- 3.2.6 One of the vital elements of Neighbourhood Planning, regardless of the area, is the involvement and engagement of the whole community. The buy-in of residents to the process is tested at a number of different stages, not least the requirement of the final plan to be approved via referendum by the majority of those voting. The role of the Planning Department in Neighbourhood Planning is somewhat different to that which would be expected if the area was subject to master-planning, a Supplementary Planning Document or other process that the Council has a duty to lead. In Neighbourhood Planning, the planning department is expected to provide technical advice and guidance to the Forum preparing the plan; the council is not expected to lead the process or gain the support of the community for the process: that is the duty of the forum.
- 3.2.7 It should be noted that the Spring Boroughs Neighbourhood Front Runner project varies slightly from other proposals that may come forward directly from the community, as the Council assisted with securing the funding for the project and helping to determine the parameters of the project (see Neighbourhood Area above). Furthermore, as a significant landowner within the area, the involvement of different Council Departments will need to be

factored in to the governance and constitution of the Neighbourhood Forum as a landowner interest.

- 3.2.8 During the advertisement of the application, it became apparent that there is confusion among the community, including those organisations party to the bid, with regard to who is responsible for writing the plan and the statutory stages, why a Neighbourhood Plan is being prepared and why the council is not preparing this work of its own accord (see Appendix 2). It will be absolutely vital to the success of a Neighbourhood Plan (or community owned plan) that a wider sector of the community are involved in the process and that the roles and responsibilities of the different partners are clearly defined.
- 3.2.9 Furthermore, the strong community networks through organisations such as the Residents' Association, Kingdom Life Church, the Children's Centre and Spring Lane School, were not effectively utilised in terms of raising awareness of the plan process including advertising the community training day by the charity Planning Aid. It is considered that raising awareness and ownership by the whole community will be vital in moving forward that the capacity and reach of these existing and trusted organisations.

### **3.3 Choices (Options)**

- 3.3.1 As a Front Runner project, and acknowledging the need for significant community buy-in to the Neighbourhood Planning Project, there are a number of different options for the designation of the area. As one of the first non-parished areas within the country to undertake this process, it is important to note that learning and reflecting on current practice and ways of working and altering these is a valid outcome in its own right. When considering each option, regard must be had to the desirability of designating an area that is both suitable for plan making and an area that will have buy-in from the whole of the community of Spring Boroughs to allow them to deliver the requirements of CAAP Policy 24, in addition to their own vision for the area.
- 3.3.2 For all the alternative options, other than deferring the designation at this time, a minor amendment is proposed to incorporate Marefair into the Neighbourhood Plan area. This will ensure that the Neighbourhood Plan Area adjoins the Town Centre Business Improvement District (BID) and that the Neighbourhood Plan forms an important part of the consultation work for developing an Inner Ring Road SPD, which will help to address matters of pedestrian access and connectivity between Spring Boroughs and the Town Centre. It is not considered that this amendment fundamentally changes the publicised area, and is for the purposes of consistency with the CAAP.
- 3.3.3 **Deferral of designation for the Neighbourhood Area- Option 1 (Recommended):**
- 3.3.4 A refusal of the current application is not considered a legally robust option due to the requirement of securing a suitable area for Neighbourhood Planning (see para. 3.2.1). However, the Council is concerned about the levels of community engagement to date. Therefore, it is recommended that cabinet defer the designation until such a time as the formal application for the forum is made and ready for determination.

- 3.3.5 Deferral should not be perceived as a withdrawal of commitment to Neighbourhood Planning in the area, but a response to the recognised importance of ensuring that there is greater buy-in and understanding about the process of Neighbourhood Planning for Spring Boroughs. It is proposed that by choosing to defer the designation at this time, that the council would re-open the consultation on the area to run alongside the publication of the application to become the Neighbourhood Forum. This will provide residents and other interested parties an opportunity to comment on both the plan area and the suitability of the group. Since the advertisement of the application for Spring Boroughs, it should be noted that many areas have since chosen to run the consultations on the area and forum concurrently.
- 3.3.6 As a Front-Runner project, the planning department has learnt significant lessons with regard to how it can raise awareness in the community about Neighbourhood Planning and the community involvement required to make a successful impression regarding the designation of a Neighbourhood Plan area. This includes:
- additional written resources required to help interested parties be involved in the process, such as a series of leaflets that explain the different stages of the process
  - a dedicated area of the Planning Policy website to the plan and;
  - the need to display the area in site notices and posters.
- 3.3.7 In relation to officer involvement within the application process itself, for future areas it will be important to allow the community additional time to prepare the application and to develop their own publicity and engagement strategy to publicise their intention to produce a Neighbourhood Plan to residents of the [proposed] area, and the benefits that this will bring. For areas without a Parish Council, the additional time is vital for securing the interests of at least 21 people for the forum, without which the plan cannot proceed.
- 3.3.8 During the publication period, only 7 formal responses were received. These were predominantly from statutory organisations providing additional planning advice for the preparation of the plan; none of the responses were from individual members of the community. Whilst response levels to area applications are generally low, informal phone calls and approaches to the council, coupled with the difficulty of accessing existing community networks to advertise events, could prove to be a significant barrier to the proper progress of the plan. Furthermore, despite the organisation of events to help the community prepare a response, there were no members of the community present who were not party to the original bid
- 3.3.9 It is noted that the current application has led to an impression that Northampton Borough Council is responsible for the plan and the planning process. By designating the current area (or seeking to amend the current area- options 2-4) at this time, it is unlikely that this belief can be altered. This raises significant concerns regarding the ability of the planning department to remain impartial in the process and to only provide technical planning advice to the Neighbourhood Forum. However, through deferring the designation and

allowing an additional consultation period to run concurrently with the Neighbourhood Forum application, it is believed that this can be overcome.

3.3.10 Moreover, since the application was publicised, Spring Boroughs has been identified as one of 24 groups that are eligible for intensive support from the charity Planning Aid. Planning Aid has significant experience working with Front Runner projects on Neighbourhood Plans and could bring their knowledge and experiences of the process to assist the group. It is understood that the coordinator is presently contacting groups such as the Residents' Association to evaluate the levels support required. A deferral of the current application would allow Planning Aid to work with the community to enable them to own the process from Stage 1. This is likely to lead to the formation of a strong, representative Neighbourhood Forum to take the plan forward.

3.3.11 A deferral, including re-advertising the application, would have some additional costs associated, estimated to be approximately £300 plus staff time. However, it would provide a stronger platform for the preparation of a plan. Furthermore, some of the costs associated with advertising the plan and designating the area may be claimed back from the DCLG meaning that the direct financial implications on the council will be minimised. It should be noted that none of the process in advertising this first stage of the application has been met from the grant award, and the council still holds the £20,000 for the preparation of the plan.

3.3.12 The powers of designation mean that Northampton Borough Council should seek to secure an area. A careful balance must be struck between approving an area that the community has not brought into and ensuring that the community have proper ownership of the process. If the community do not understand the process and the relationship of their plan with those produced by the council there will be significant complications later in the planning process and confusion between roles may become even greater. This option recognises the importance of community buy-in and governance and, that the progress towards a representative forum has been slow, but that to refuse the application would not be a legally sound approach.

3.3.13 It is noted that there may be some disappointment that the area has not been designated at this time. However, comfort should be drawn from an amendment to the CAAP which sets out in the statutory plan the commitment to producing a Neighbourhood Plan for the area (para 6.7.10). Furthermore, the Council remain committed to ensuring that an appropriate area is designated in the future, in partnership with the Forum, to allow a Neighbourhood Plan (or similar) to be delivered. The Planning Department is continuing to identify emerging best practice and additional sources of support for the groups.

### **3.3.14 Designate the CAAP Policy Area (Policy 24) as the Neighbourhood Area-Option 2**

3.3.15 Policy 24 is the strategic policy within the CAAP and sets out the development principles for delivering regeneration in the Spring Boroughs area. The policy



area is largely focused on the core housing area, in addition to the employment area to the North. The policy area has been consulted on extensively through the CAAP process (such as the pre-submission document), although not directly for the purposes of Neighbourhood Planning.

3.3.16 The CAAP plan area excludes St Peter's Church and the land to the South of Marefair, which are included as part of a community led initiative known as the 'Heritage Gateway'. In order to secure this option, although not specified within The Regulations, it is advisable to issue a refusal of the current application and then to secure this area under the Council's Powers of Designation. This is due to a recent case in High Wycome with regard to the interpretation of part 61G (5).

3.3.17 Although this option would secure an area for Neighbourhood Planning, it would not address concerns with regard to community ownership of the plan, the low levels of response, nor would it seek to include the heritage assets that were of particular value of the organisations that worked with the Council to place the bid. Moreover, this option may create further confusion amongst the community with regard to the plan's ownership, particularly given the delicate relationship that the Council has with this community.

3.3.18 Furthermore, consideration should be given to the desirability of using the heritage assets as a point of interest for investment in Spring Boroughs and as a method of engaging the community. The CAAP policy sets out the requirement to enhance the setting of the Castle Mound and Grade II Listed Castle Hill URC and it is noted that St Peters Church forms part of a 'heritage' triangle and gateway to the town. However, the exclusion of St Peters from the Neighbourhood Area would not prevent a general policy supporting the creation of a heritage gateway or a more specific policy with regard to the frontage along Marefair.

### **3.3.19 Approve the area as published (no amendments)- Option 3**

3.3.20 The Application published for consultation included minor amendments to the Neighbourhood Plan Area submitted with the DCLG bid before the publication of the application, including the incorporation of St Peters church into the proposed area. This area was largely determined by the council but in collaboration with members and representatives for the community group for the purposes of consultation. The area reflects the CAAP Policy area, plus the land associated with St Peters church to facilitate the heritage gateway and enable the interest in the Castle Site to help build consensus and provide interest in the early stages of the project.

3.3.21 The designation of the area was conditional on responses received to the publication and due regard must be given to the low levels of response, of which the majority were from statutory consultees. Furthermore, as indicated within Option 1, there appears to be some confusion within the community with regard to the ownership of the plan and who should be fulfilling this role. Since the publication of the area, little progress has been made in developing a forum that would fully meet the requirements of the Localism Act. The Council, together with the elected members of the ward and a representative

from the URC Church, are looking into options for providing a chair for the group; a resolution has still not been reached.

3.3.22 Whilst designating the area as published would secure an area for Neighbourhood Planning that meets the Council's objectives of the Central Area Action Plan it is not one owned by the community. If Neighbourhood Planning is to succeed, it is essential that the community are engaged within the whole of the planning process. The designation of this area would not assist with this, nor would it meet the desire from some of the organisations that responded to incorporate Sol Central.

**3.3.23 Approve the area for consultation, with minor amendments (inclusion of Sol Central)- Option 4**

3.3.24 During the consultation period, 7 representations were received to the formal consultation (of which one was late). The process of consultation is discussed in 4.5 and a summary of the comments is included in appendix 2. Of those received requesting amendments to the area, three indicated that the land relating to the Sol Central leisure complex should be considered for inclusion. The main reason cited was the coherence of the area and opportunities for local employment in this site. Whilst employment cannot be secured through a neighbourhood plan, there may be opportunities look at the unit use classifications and how these can be managed to achieve the desired outcome.

3.3.25 The Sol Central Leisure Complex is identified as a 'destination' building within the CAAP. It does not fall into any other policy area and therefore could be included if required. However, in doing so there would need to be a clear justification for this. Furthermore, during the consultation, it was noted that the management arrangements for the building are somewhat complex, with different franchises and lease terms operating. This may make it difficult to secure community engagement with businesses in the building and open up opportunities for change through a Neighbourhood Plan.

3.3.26 If the decision were taken to include Sol Central, further consultation advertising the change of area would be recommended to ensure that the area is sound and remove risk of later Judicial Review. It will be necessary to ensure that expectations about the site are managed and that the plan is focused on the planning matters within the CAAP policy, rather than management or service provision from the building.

3.3.27 However, should the community propose, with justified reasons an application that includes this area as a result of their own work on the plan, Northampton Borough Council would work with the community to help resolve some of the outstanding matters. Such a request would also come from a more representative forum.

## **4. Implications (including financial implications)**

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### **4.1.1 Policy**

4.1.1 The designation of a Neighbourhood Area would allow a Neighbourhood Forum to be constituted to take forward the formal process of Neighbourhood Planning for the Spring Boroughs Area. Without a designated area, no formal planning may take place although evidence gathering and engagement with the community may start. Once designated, the area will need to appear on proposals maps and no other Neighbourhood Areas may be designated that overlap with the area. There are no other direct policy implications.

4.1.2 It is expected that the Neighbourhood Plan will provide a local interpretation of Policy 24 and will become the plan for the Spring Boroughs Area, with applications for planning permission determined against policies within the document. Delivering this plan is subject to the meeting the statutory requirements of the regulations, including a final referendum.

### **4.1.2 Resources and Risk**

4.2.1 Current estimates place the cost of producing a Neighbourhood Plan at between £13,000 and £63,000 depending on the complexity of the process. The Spring Boroughs 'Front Runner' project has received a grant of £20,000 to assist in the progression of their plan; this money is held by Northampton Borough Council.

4.2.2 Under the Localism Act and the regulations, Northampton Borough Council has a number of obligations including:

- Bringing about/ publicising attention to the receipt of applications for areas and, where relevant, forums
- Technical Support, advice and guidance

4.2.3 At present Neighbourhood Planning is supported by 1x Full Time Senior Planning Officer. The Community Engagement Officer is also available to advise on consultation procedures for Neighbourhood Groups and how to engage with the wider community. A Planning Officer has recently been recruited to assist with the workload associated with Neighbourhood Planning. It should be noted that these resources are not exclusively allocated to the support of this project or Neighbourhood Planning. These resources will continue to support the project until such a time, as it is apparent that a plan will not be produced, or the group do not wish to undertake the exercise.

4.2.4 Cabinet is asked to note the financial costs associated within advertising the receipt of the application, as this is a significant milestone in the Neighbourhood Planning process.

4.2.5 **Financial:** the application was advertised via two public notices and a series of site notices. A series of letters were also sent to resident associations and other consultees of whom the council does not hold up-to-date email

addresses for. It is estimated that this element had a one-off cost of around £350. This cost has been met by the Neighbourhood Planning budget (Planning Policy) as it is a statutory duty on the council and represents costs that would need to be met, regardless of the front-runner status of the project. Under Option 1, the re-consultation of the area will be run concurrently with the application for the Neighbourhood Forum minimising financial outlay.

- 4.2.6 **Staff:** It is estimated that advertising the current application required around 36 hours of staff support. It is anticipated that the monies for staff time will be recoverable from DCLG upon successful designation of a Neighbourhood Plan Area.
- 4.2.7 It should be noted that Spring Boroughs was one of the first applications in the country and therefore it was not possible to use good practice from other areas. Much of the Officer time was dedicated to drafting templates that may be used for future applications, such as the response form and the letter. Officer time for future consultations may be significantly reduced.

### 4.3 Legal

- 4.3.1 Within Part 61G of the Localism Act the council is required to designate an area that is suitable for the purposes of Neighbourhood Planning. It is not considered lawful to refuse the current application. However, it is noted that there is no time-limit in which the council must make a decision and, therefore, to address the concerns outlined relating to community engagement, the council are seeking to defer the designation of the area until such time that a forum is ready to take forward the plan.
- 4.3.2 It is recognised that the designation of a Neighbourhood Area enables the next stages of the Neighbourhood Planning Process to be undertaken. As set out within the Localism Act (4B (3(1))) Northampton Borough Council has a statutory obligation to provide assistance to all groups who wish to undertake a Neighbourhood Plan. To refuse assistance to groups, or to not secure a Neighbourhood Area Designation or the Forum, following submission of an application, could be considered unlawful.
- 4.3.3 For each of the Neighbourhood Plans, the Council will need to appoint a suitably qualified person to undertake the examination. The Council will need to ensure that it acts on advice and ensures that the Neighbourhood Plan is legally compliant and has been produced in accordance with the regulations. This will include assessing the validity of the applications and the securing of the Neighbourhood Area. Northampton Borough Council will also be expected to conduct the referendum, in accordance with the relevant legislation. The extent of the area for the referendum will be subject to the advice of the examiner and legal advice will be sought on these aspects in due course.
- 4.3.4 It should be noted that there are no parish councils operating within Castle Ward and, the petition received as part of the Stage 1 Community Governance Review did not receive enough support to proceed to Stage 2. However, the proposal for St James area will progress to Stage 2 and therefore attention should be drawn to the requirement to ensure that no part of the designated area includes any of the land that may fall under the powers of a parish

council. This is because, under the regulations and act, where land falls within any part of a parish council the parish council must take the plan forward.

#### **4.4 Equality**

- 4.4.1 In terms of publicising an application, a standard process was undertaken as though it were a planning application. It was considered important at this stage to try to implement a standard approach to publicising the receipt of an application to separate the process of preparing a plan (by the community) and Northampton Borough Council's formal role in the plan's examination and preparation. It should be noted that the obligation to bring about awareness to the process of Neighbourhood Planning and what it could achieve rests with the community groups themselves. One of the major learning points of this process was the extent to which the public and organisations looked to the council to explain and justify they area and the intent to produce a plan; this will be reported to DCLG.
- 4.4.2 The designation or deferral of the designation for a Neighbourhood Area itself does not have any direct equality implications. However, the overall Neighbourhood Planning process has been scoped and full assessments will need to be carried out at various stages including constituting the forum and ensuring wider input into the plan making process. It is considered that overall, developing the plan could have significant positive impacts on the protected characteristics of race, gender, belief and income.

#### **4.5 Consultees (Internal and External)**

- 4.5.1 Following legal advice, the consultation period for the application ran between Thursday 17<sup>th</sup> May and Friday 6<sup>th</sup> July. This met the regulatory requirement of "not less than six weeks" and included additional days to allow for the bank holidays (Jubilee Weekend).
- 4.5.2 Attention was drawn to the application via emails and letters, a series of site notices, a dedicated section on the website (under the planning policy consultation area) and public notices around the Spring Boroughs estate and the 'deposit' of copies for inspection at local libraries and the Guildhall one-stop-shop.
- 4.5.3 It should be noted that it is not the Council's duty to explain what the application is or why a Neighbourhood Plan is being progressed for this area, merely to draw attention to the fact that an application for designation has been received.
- 4.5.4 A total of 7 no. responses were received in connection with the consultation. Of these, 6 no. responses were received during the consultation period and 1 no. response was received late.
- 4.5.5 As one of the first applications for designation, the consultation process was formal. This is because, in addition to meeting the statutory requirements, it was intended as a learning exercise.

4.5.6 In addition to the statutory process, Planning Aid England ran a short, half-day training event for the community. Due to a number of factors, this event was poorly attended by residents of the area. Planning Aid has offered to re-run a similar event as work is undertaken to constitute a forum for the next stages.

#### **4.6 How the Proposals deliver Priority Outcomes**

4.6.1 The designation of a Neighbourhood Area will contribute to a number of Priority Outcomes within the corporate plan. In particular *priority 3-celebrating our culture and heritage* through the empowerment of the community to be engaged with making a positive contribution to the setting of the Castle Mound and the Grade II listed United Hill URC; *Priority 5- Better Homes for the Future* through enabling the local community to inform future developments; and *Priority 6- creating empowered communities* through allowing communities to prepare the plan for their area with our assistance.

#### **4.7 Other Implications**

4.7.1 The response received from Northampton Borough Council's Regeneration Department highlighted that development proposals are being looked at for some parts of land owned by NBC within the area. Dependent upon the exact nature of these proposals, and provided effective consultation is carried out with the community; it is not considered that development opportunities would alter the aspiration of producing a Neighbourhood Plan for the area.

### **5. Background Papers**

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- 5.1 Appendix 1: Map of proposed NH Area- options
- 5.2 Appendix 2: Consultation responses
- 5.3 Appendix 3: Copy of Neighbourhood Plan Application

**Susan Bridge, Head of Planning ex 8083**  
**Eleanor Gingell, Senior Planning Officer ex. 8306**