

Report Title:	<b>Designation of the Cox Green Neighbourhood Area</b>
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Coppinger, Lead Member for Planning
Meeting and Date:	Cabinet - 29 August 2019
Responsible Officer(s):	Executive Director Place Russell O'Keefe & Head of Planning Jenifer Jackson
Wards affected:	Cox Green

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## REPORT SUMMARY

1. This report recommends the designation of the Cox Green Neighbourhood Area to cover the whole parish of Cox Green. Residents in the parish will be able to prepare a Neighbourhood Plan for their area which will have statutory weight and form part of the Development Plan, upon which development management decisions will be based.
2. The former joint neighbourhood planning group with Maidenhead has lapsed and the residue of the grant money (approximately £9,000) is held by Cox Green Parish Council. They can apply for additional funding from central government grants directly.

## 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That Cabinet notes the report and:

- i) **Approves the neighbourhood area designation for the parish of Cox Green, with the boundaries shown in Appendix B**
- ii) **Gives delegated authority to the Head of Planning in consultation with the Lead Member for Planning to agree, if suggested by Cox Green Parish council, a proposal to delegate preparation of a neighbourhood plan to a steering group which is constituted with a formal delegation agreement.**

## 2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 Maidenhead and Cox Green did have a joint designation, applied for by Cox Green Parish Council. Cox Green parish are now able to apply for a separate designation from Maidenhead as this designation has lapsed and the boundary for Maidenhead has changed.
- 2.2 Neighbourhood Plans are community-led frameworks which enable local people to draft policies for future development, specific to the area that they live and work in. Together with the strategic policies of the emerging Borough Local Plan, these policies will be used to determine future planning applications in the Royal Borough. A neighbourhood plan is subject to formal procedure including examination and referendum.

2.3 The neighbourhood planning process is guided by the provisions of the Localism Act 2011, amended Town and Country Planning Act 1990 and Neighbourhood Planning (General) Regulations 2012. This gives local authorities the power to formally designate neighbourhood areas within their administrative area, in which neighbourhood plans can be prepared.

2.4 Following receipt of an application for a neighbourhood area, and a consultation period, the Council is required to determine whether or not to designate the neighbourhood area. There are now very few grounds upon which an application for designation of a whole parish can be refused and a formal consultation may not be necessary. However given the history of the joint neighbourhood plan (covering Maidenhead as well) a period of consultation has been undertaken and the comments received are summarised in Appendix A.

2.5 Options

**Table 1: Options arising from this report**

<b>Option</b>	<b>Comments</b>
To designate the neighbourhood area <b>This is the recommended option</b>	The recommended option will enable local people to continue with preparation of a neighbourhood plan
To refuse designation of the neighbourhood area.	This option would prevent local people from preparing a neighbourhood plan for their area.

**3. KEY IMPLICATIONS**

**Table 2: Key Implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Designation of the Cox Green Neighbourhood Area	Not designated	Designated August 2019			Designated August 2019
New Neighbourhood Plan produced	The plan makes no progress.	Draft Plan submitted to the council by spring 2022	Draft plan submitted to the council in 2021	Draft plan submitted to the council in 2020	Examination of the Neighbourhood Plan summer 2022

**4. FINANCIAL DETAILS / VALUE FOR MONEY**

The designation of the neighbourhood area does not have an immediate financial impact on RBWM directly, no grants are available for this now. Grants were given on the original designation of the joint Neighbourhood Plan Area for Maidenhead and Cox Green, the residual amount of £8,927.37 was transferred to Cox Green Parish Council in November 2017. Officer time will be required to support the steering group, whilst they develop the plan.

- 4.1 Under the current government grant funding regime the council would be expected to forward fund the examination of the Neighbourhood Plan but upon setting a date for the referendum, if the parish council agreed to taking the modified plan to referendum, RBWM would be able to apply for a grant of £20,000. This grant would be expected to cover the cost of the examination and the referendum. Once the neighbourhood plan is made part of the development plan, the parish will be entitled to 25% of CIL receipts within the parish, currently they can receive 15%.

**Table 3: Financial Impact of report's recommendations**

<b>REVENUE COSTS</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
Additional total	£0	£0	£20,000
Reduction	£0	£0	£20,000
Net Impact	£0	£0	£0

<b>CAPITAL COSTS</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
Additional total	£0	£0	£0
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

## **5. LEGAL IMPLICATIONS**

- 5.1 Neighbourhood area applications are required to be made in accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 and applications are required to be publicised in compliance with Regulation 6 of those regulations. Section 61G of the Town and Country Planning Act 1990 sets out the requirements for determining applications for an area to be designated a neighbourhood area.
- 5.2 Neighbourhood Development Plans and Neighbourhood Development Orders are prepared in accordance with the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012.
- 5.3 Amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 introduced by the Localism Act, allow for a third party to make a claim for a judicial review in certain circumstances. This claim can be made in regards to a neighbourhood development plan or neighbourhood development order, or in regards to the consideration of recommendations made by an examiner. There is also the entitlement for a claim to be made in regards to anything relating to the referendum.
- 5.4 To determine whether an environmental assessment of the effects of a neighbourhood plan is necessary, a screening will be carried out of the draft plan during its preparation. This will be in accordance with the Conservation of Habitats and Species Regulations 2010, and the Environmental Assessment of Plans and Programmes Regulations 2004.

## 6. RISK MANAGEMENT

**Table 4: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled risk</b>	<b>Controls</b>	<b>Controlled risk</b>
Neighbourhood plans cannot be delivered without designating neighbourhood areas	High	Designate the neighbourhood area.	Low
Residents and businesses may later object that the Neighbourhood Area does not reflect the most appropriate area for drafting of planning policies.	Low	Undergo consultation on Neighbourhood area.	Low

## 7. POTENTIAL IMPACTS

- 7.1 The final Neighbourhood Plans will be subject to independent examination which, amongst other issues, will make a recommendation based upon the contribution of the neighbourhood plan to delivering sustainable development. The Council will then have the decision whether to proceed to a referendum using the recommendations from the examiner.

## 8. CONSULTATION

- 8.1 The application for designation of the whole parish of Cox Green as Neighbourhood Area has involved placing the information on the council's web site. On the home page is a link to the current consultations, this has included the Cox Green Neighbourhood Plan Area Designation. Paper copies of the documents have been made available in 3 libraries and a mobile container library.
- 8.2 The planning department has a database of people and businesses interested in the planning process as well as statutory bodies and other parish councils, this has been used to consult people mainly by email, but for those who do not have this by paper letter. The consultation has taken place between: Monday 24 June until midnight on Sunday 4 August 2019. There have been several responses which are summarised in Appendix A.
- 8.3 The consultation responses have raised no issues which suggest that the designation should not take place, with the overwhelming proportion supporting the designation.

## 9. TIMETABLE FOR IMPLEMENTATION

Implementation date if not called in: Immediately

## 10. APPENDICES

- 10.1 This report is supported by 2 appendices:
- Appendix A Summary of Consultation Responses
  - Appendix B Proposed Neighbourhood Area Designation Plan

## 11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by 3 background documents:
- National Planning Policy Framework (NPPF) - <https://www.gov.uk/government/publications/national-planning-policyframework--2>
  - Localism Act (2011) <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
  - Neighbourhood Planning (General) Regulations (2012) <http://www.legislation.gov.uk/uksi/2012/637/schedule/1/made>

## 12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Clr Coppinger	Lead Member for Planning	31/07/19	31/07/19
Duncan Sharkey	Managing Director	31/07/19	08/08/19
Russell O'Keefe	Executive Director	31/07/19	31/07/19
Andy Jeffs	Executive Director	31/07/19	08/08/19
Rob Stubbs	Section 151 Officer	31/07/19	08/08/19
Elaine Browne	Interim Head of Law and Governance	31/07/19	08/08/19
Nikki Craig	Head of HR and Corporate Projects	31/07/19	08/08/19
Louisa Dean	Communications	31/07/19	
Kevin McDaniel	Director of Children's Services	31/07/19	08/08/19
Hilary Hall	Deputy Director of Commissioning and Strategy	31/07/19	08/08/19

## REPORT HISTORY

<b>Decision type:</b> Non-key decision	<b>Urgency item?</b> No	<b>To Follow item?</b> No
<b>Report Author:</b> Robert Paddison, Principal Policy Planner Neighbourhood Plans, Ext 6508		

## Appendix A

### Summary of responses to the consultation

<b>Responses to Consultation</b>	<b>Officer comments</b>
Councillor Haseler supports the designation.	Noted
Councillor McWilliams, supports the designation, saying it is important that local people have a say how development will take place in their local area.	Noted
FPM Sarl Investments (managed by JP Morgan Asset Management (UK) Limited) support the proposed designation and would like to be kept informed of progress, as well to meet those preparing the plan, to discuss properties they own in the parish.	Noted
Maidenhead Civic Society say the designation is adequate and that it is important to consider the setting of important listed buildings within and near the parish.	Noted
One individual commented on the proposal and another supported it.	Noted
National Grid responded by saying they had no major infrastructure in the proposed area.	Noted
The National Trust has commented on the proposal and would like to be involved in the neighbourhood plan production, they are particularly interested in safeguarding Maidenhead Common.	Noted
Berkeley Strategic support the designation and look to work constructively with the Parish Council to bring forward a site they are promoting in the parish.	Noted
Historic England do not object to the designation and set out their role in plan production, as well as giving information on Heritage Assets in the Parish.	Noted
Highways England are responsible for the strategic road network and would be concerned about potential adverse impacts on the safe operation of the A404 (M) and the M4. They have 'No comments' to make on the designation.	Noted
Natural England have no comment to make on the designation of the area, but set out useful information the steering group might like to refer to.	Noted
Runnymede BC have no comment to make.	Noted
Sport England made no specific comment on the proposed designation, but set out how important sport is for health and the need for sports related open space.	Noted
Rt Hon Theresa May MP supports the proposed designation, saying it is important that local needs can be met through the Neighbourhood Plan, as Cox Green is a distinct community.	Noted.
Transport for London have no comments on the proposed designation.	Noted

Appendix B

Proposed Neighbourhood Area Designation Plan

