

Agenda Item 9

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Wards affected	Capel, Leigh & Newdigate Leith Hill Beare Green	Key Decision	No
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Subject	Application by Capel Parish Council to designate a Neighbourhood Area
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RECOMMENDATION

To note the decision to designate the Capel (parish wards of Beare Green, Capel and Coldharbour) Neighbourhood Area.

EXECUTIVE SUMMARY

At the Executive meeting on 16 June 2015, authority was delegated to the Corporate Head of Planning, in consultation with relevant Executive members, to determine the application by Capel Parish Council to designate the parish as a Neighbourhood Area.

Following consultation with those living, working and doing business in the parish, and the appropriate Executive and Ward members, it was decided to approve the application. The civil parish of Capel was designated as a Neighbourhood Area on 17 July 2015.

Capel Parish Council has now begun the process of drafting a Neighbourhood Development Plan for the area. In doing so, the Parish Council recognises the distinctive character of the three localities of Beare Green, Capel and Coldharbour, which was one of the key issues raised during consultation. The NDP will include separate chapters for each locality, which is a suitable response to the diverse character of the Parish.

CORPORATE PRIORITY OUTCOMES

ENVIRONMENT: A highly attractive area with housing that meets local need

Preparation of a Neighbourhood Development Plan is one means through which the local community can take responsibility for developing plans for how land is used in their own neighbourhood. It sets out local priorities to guide development and protect the natural and built environment, within the framework of national and local strategic policies.

PROSPERITY: A vibrant local economy with thriving towns and villages

Where relevant, Neighbourhood Development Plans can include land use planning policies geared towards helping rural communities and businesses thrive.

COMMUNITY WELLBEING: Active communities and support for those who need it

Neighbourhood Development Plans are developed by the local community. The process includes extensive community engagement and has the potential to foster community spirit through agreement of local land use planning priorities.

1.0 BACKGROUND

- 1.1 Capel Parish Council resolved earlier this year to prepare a Neighbourhood Development Plan (NDP). The first step in that process is to seek approval from Mole Valley District Council for the designation of a neighbourhood area.
- 1.2 The Parish Council made an application to designate the whole of the civil parish of Capel as a neighbourhood area on 15 May 2015. A copy of the application is available to view on the Mole Valley website. It was accompanied by a map of the parish, an explanation of why the area was considered appropriate and confirmation that the Parish Council was a 'relevant body' capable of undertaking neighbourhood planning in that area.

CONSULTATION

- 1.3 As required by the Neighbourhood Planning Regulations, MVDC duly publicised the application for a period of four weeks from 1 - 29 June 2015. Publicity included a mailshot to all those living, working or doing business in the parish, a website article, social media updates, a press release and notification of statutory bodies.
- 1.4 Capel Parish Council also publicised the application on its own website and displayed posters on parish noticeboards.

RESPONSES

- 1.5 Out of some 2000 addresses notified, 34 responses were received. The issues raised are summarised in the table at Annex 1. Of those who responded:
 - 8 were statutory or equivalent organisations, none of which objected to the area
 - 6 did not comment on the area, mainly raising planning issues instead
 - 4 supported or raised no objection to the area
 - 16 objected to the area proposed, mainly on the grounds that there should be separate plans for each of the villages of Capel, Beare Green and Coldharbour. Some of the responses cast doubt on the Parish Council being impartial and representing all three villages equally.

CONSIDERATION

- 1.6 The role of MVDC is to ensure that the Neighbourhood Area is appropriate for the purposes of neighbourhood planning. The legislation is set up very much around encouraging parish councils (and in un-parished areas neighbourhood forums) to bring forward neighbourhood plans. Practice guidance advises that a local planning authority should aim to designate the area applied for, unless there is a

good reason not to do so.

- 1.7 The area proposed meets the legal requirements of the legislation in that it does not overlap with any other neighbourhood area, and the area lies wholly within the parish of Capel. A plan covering the whole area of Capel is logical as it aligns with the Parish Council's other responsibilities and avoids areas of land being left out of neighbourhood planning. Whole parish neighbourhood area designations are the norm, with another example having been approved in Ockley.
- 1.8 Only a small number of responses were received, but of those that did respond about half raised concerns. The main concern was not with the principle of having a Neighbourhood Development Plan, but rather around the fact that the parish consists of three villages with their own distinct and separate characters which respondents feared might be lost in a single plan area. Some responses also raised concerns about how representative the parish council was.
- 1.9 The Capel NDP steering group has responded by confirming that the NDP will recognise the differences between the villages, and will include separate chapters dealing with each of the villages and the surrounding countryside in turn. The title of the neighbourhood plan has also been changed to 'the wards of Beare Green, Capel and Coldharbour Neighbourhood Development Plan' to recognise the three villages within the parish.
- 1.10 So far as being representative is concerned, the legislation recognises the Parish Council as being the 'relevant body' for the purposes of neighbourhood planning. In parished areas, only the parish council is entitled to carry out neighbourhood planning. The issue raised in responses is therefore an internal one for Capel Parish Council to address. It is however noted that the membership of the NDP steering group is balanced with equal representation drawn from each of the three villages. The neighbourhood planning process also includes the need for a neighbourhood plan to be agreed by a majority vote in a local referendum.
- 1.11 It was concluded that the proposed neighbourhood area was appropriate, and was duly designated by letter dated 17 July 2015. A copy of the designation letter is available to view on the Mole Valley website.

NEXT STEPS

- 1.12 Capel Parish Council held a series of three introductory meetings in July, one in each of Capel, Beare Green and Coldharbour, to explain the purpose of the Neighbourhood Development Plan and to invite suggestions from local people on its content.
- 1.13 A second series of meetings is scheduled for October- November. The Parish Council has also set up a dedicated website for the NDP at <http://parishplan.co.uk/>, and started production of the first of a series of newsletters, which will be sent to all addresses in the parish.
- 1.14 The next stage at which MVDC becomes formally involved is following receipt of the draft Neighbourhood Development Plan. In the meantime, officers from MVDC's Planning Policy team will work alongside the Parish Council, to support them throughout the process of preparing the Plan. This will include providing technical help and guidance, including ensuring that the NDP is in conformity with adopted planning policy, as is required under the Neighbourhood Planning Regulations.

Financial Implications – An application to cover costs of designating the neighbourhood area has been made to the Government’s Neighbourhood Planning Grant fund.

Legal Implications – The Council has met its legal obligations under the Neighbourhood Planning (General) Regulations 2012 in designating the Capel Neighbourhood Area and publicising the designation.

2.0 OPTIONS

This report is for information only.

3.0 CORPORATE IMPLICATIONS

Monitoring Officer Commentary – satisfied that all legal implications have been taken into account.

S151 Officer Commentary – confirms all relevant financial issues and risks have been taken into account.

Risk Implications – the preparation of a Neighbourhood Development Plan provides the opportunity to foster community spirit through agreement of land use planning policies.

Equalities Implications – there are no equalities implications arising as a direct consequence of this report.

Employment Issues - none.

Sustainability Issues – none at this stage. The need for sustainability appraisal will be considered as part of the neighbourhood planning process.

Consultation – see pp 1.3-1.5 in the report.

Communications – the decision to approve the Capel Neighbourhood Area has been published on the website, and individual replies have been sent to all those who responded to the publicity. The decision has also been publicised on the Capel NDP website.

ANNEX

1. Summary of responses

BACKGROUND PAPERS

1. Application to designate Capel parish as a Neighbourhood Area
2. Designation letter

Annex 1 – Summary of responses to application to designate Capel neighbourhood area

No	Organisation	Summary of Response
1	Surrey Hills AONB Planning Advisor	No objection to boundary. Emphasises need to protect landscape qualities of the AONB.
2	Private individual	No comment on boundary. Raises concerns about planning issues.
3	Highways England	No objection to boundary.
4	Chief Executive, Coast to Capital Local Economic Partnership	No comment on boundary.
5	Private individual	Objects to Capel NDP in principle. Does not consider that Capel Parish Council will treat all parts of the parish equally.
6	Private individual	Question whether Coldharbour should be a different area to Capel and Beare Green.
7	Bray Estates Ltd	No comment on boundary. Would like land in Capel to be considered for development.
8	Private individual	Objects to the boundary. Capel, Beare Green and Coldharbour are all different and it would be better to develop separate plans for each.
9	Private individual	Objects to the boundary. Each of the three villages is different, questions impartiality of parish council. Suggests separate plans for the villages would be better.
10	Private individual	No comment on boundary. Raises planning issues on character and sustainable construction.
11	Planning Advisor, The National Trust	No objection to the boundary. Keen to work in collaboration with the parish council.
12	Private individual	Objects to the boundary. Capel, Beare Green and Coldharbour are all different and should be covered by separate plans.
13	Chairman, Beare Green Village Association	Objects to the boundary. Consider it would be better to develop separate plans for each of the three villages.
14	Area Manager, Homes & Communities Agency	No objection to boundary. Supports principle of NDP.
15	Private individual	Object to the boundary. Consider it would be better to have separate plans for each of the three villages.
16	Planning Officer, Surrey County Council	No objection to boundary. Notes that the proposed NDP area contains two sites safeguarded in the Surrey Minerals Plan, and that the NDP will need to be in conformity with this plan.
17	Private individual	Object to the boundary. Believes the three villages have different needs which cannot be addressed collectively.
18	Private individual	Support the boundary. Designating a wide area will bring more ideas to be discussed and eliminate too tight localism.
19	Private individual	No comment on boundary. Raises planning issues on character and sustainable

		construction.
20	Funktion One Research Ltd	No comment on boundary. Raises issues on planning merits of commercial development in the parish.
21	Private individual	Object to the boundary. Raises concerns about the impartiality of the parish council.
22	Ward Member	Object to boundary. Considers there should be separate plans for each of the three villages. Queries how the parish council will assess housing need.
23	Private individual	Object to the boundary. Raises concern at the impartiality of the parish council. Considers separate plans for each of the three villages would be better.
24	Private individual	Object to the boundary. Considers it would be better to have separate plans for each of the three villages.
25	Private individual	Object to the boundary. Raises concern at the impartiality of the parish council. Considers separate plans for each of the three villages would be better.
26	Private individuals	Support the boundary. Consider a single NDP can take account of differences between villages while being imaginative, forward-looking and having a co-ordinated approach.
27	Private individuals	Support the boundary. However, has reservations about impartiality of the parish council and considers the plan needs to take account of differences between the three villages.
28	Private individual	No objection to boundary. Supports the principle of a Capel NDP.
29	Environment Agency	No comment on boundary. Notes the need to consider flooding and sustainable drainage as part of any development proposals.
30	Private individual	Object to the boundary. Raises concern at the impartiality of the parish council. Considers separate plans for each of the three villages would be better.
31	Private individual	Object to the boundary. Raises concern at the impartiality of the parish council. Considers separate plans for each of the three villages would be better.
32	Historic England	No objection to the boundary. Notes the area includes heritage assets including an ancient monument (Anstiebury), two conservation areas and numerous listed buildings, and that the NDP will need to be in conformity with the duty to pay special regard to the desirability of preserving or enhancing these heritage assets.
33	Private individual	No comment on the boundary. Raises concern at the impartiality of the parish council.
Late representations		
34	Private individual	Objects to the boundary. Consider there should be separate plans for each of the three villages.