



Cabinet Meeting

10 September 2014

Report title	Tettenhall and Heathfield Park Neighbourhood Plans	
Decision designation	RED	
Cabinet member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Key decision	Yes	
In forward plan	Yes	
Wards affected	Tettenhall Regis, Tettenhall Wightwick and Heath Town	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Planning	
Accountable employee(s)	Helen Smith Tel Email	Planning Officer 01902 553820 Helen.Smith3@wolverhampton.gov.uk
Report to be/has been considered by	Enterprise and Business Scrutiny Panel Cabinet	24 September 2013 11 September 2013

Recommendation(s) for action or decision:

The Cabinet is asked to:

Recommend that the Tettenhall and Heathfield Park Neighbourhood Plans are 'made' by Council at its meeting on 17 September 2014.

Recommendations for noting:

The Cabinet is asked to note:

The progress made with the Tettenhall and Heathfield Park Neighbourhood Plans.

1.0 Purpose

- 1.1 To provide an update on the progress made with the preparation of the Tettenhall and Heathfield Park Neighbourhood Plans and to recommend the formal ‘making’ of the neighbourhood plans following the positive community referendum.

2.0 Background

- 2.1 The Localism Act (2011) makes new provisions for neighbourhood planning, which introduces a major new element in the planning system for England. The Government wishes to empower local communities to take a more active role in the development of planning policies at the neighbourhood level and the preparation of development proposals, reflecting local needs and aspirations.
- 2.2 A neighbourhood plan is a planning document created by a Parish Council, or in the case of Tettenhall and Heathfield Park, a Neighbourhood Forum. The neighbourhood plan sets out a vision for the neighbourhood area, and contains policies for the development and use of the land in the area. Neighbourhood plans must be subjected to an independent examination to confirm their soundness, and then to a local community referendum. If approved by a majority vote at the local community referendum, the neighbourhood plan can be formally ‘made’ by the Council and will form part of the statutory Development Plan for Wolverhampton. Consequently, decisions on whether or not to grant planning permission in the neighbourhood area will need to be made in accordance with the neighbourhood plan, unless material consideration indicate otherwise.
- 2.3 The Tettenhall Neighbourhood Plan and the Heathfield Park Neighbourhood Plan are Wolverhampton’s first neighbourhood plans and put the city at the forefront of neighbourhood planning nationally. Wolverhampton is the first metropolitan area to hold a neighbourhood plan referendum and the first anywhere to hold a referendum with more than one area taking part. The Tettenhall Neighbourhood Plan is also the largest set of proposals anywhere in the country to reach this stage.
- 2.4 Both neighbourhood plans were created over the past three years by residents from Tettenhall and Heathfield Park via their Local Neighbourhood Partnerships (LNP), with support from the Council’s Planning, Housing and Neighbourhood Services teams.
- 2.5 The neighbourhood plans support the delivery of 975 new homes, investment in parks, open spaces and transport facilities, provide a stronger emphasis on local character in planning decisions and provide a basis for the improvement of residential areas including the regeneration of the Heath Town Estate.

3.0 Neighbourhood Plan Progress

- 3.1 The Tettenhall Neighbourhood Forum (formed from the LNP) was designated in December 2012. After extensive consultation with the local community and evidence gathering they produced a neighbourhood plan covering the Tettenhall LNP area (Tettenhall Regis and Tettenhall Wigwick wards) and submitted the plan to the Council

in January 2014. The Council undertook a six week statutory consultation before sending the neighbourhood plan to an independent examiner in March 2014.

- 3.2 The Heathfield Park Neighbourhood Plan has been produced by the Heathfield Park Neighbourhood Forum steering group, in consultation with the local community. The Heathfield Park Neighbourhood Forum (formed from the LNP) was also designated as a Neighbourhood Forum in December 2012. The Heathfield Park Neighbourhood Plan covers the areas of Heath Town, Springfield, and New Park Village. The Heathfield Park Neighbourhood Plan was also submitted to the Council in January 2014 and the Council undertook a six week statutory consultation before sending the plan to an independent examiner in March 2014.
- 3.3 There has been extensive consultation on the neighbourhood plans as they have developed. Consultation and engagement has included stakeholder workshops, public launch events, community roadshows and work with local schools, sample household and business surveys, and workshops on site specific proposals.
- 3.4 The neighbourhood plan policies have been considered by key service areas within the Council including Planning, Transport, Commercial Development, and the Local Neighbourhood Partnership Service. The Ward Councillors have also been consulted during the plan production stage.
- 3.5 The Council also appointed two independent examiners to consider whether the proposed neighbourhood plans meet the basic conditions set out by law. The examiner's reports concluded that the neighbourhood plans do meet the basic conditions and agreed that the plans should proceed to referendum stage.

4.0 Final Steps

- 4.1 Following a successful examination of both plans, the neighbourhood plans were the subject of a community referendum held on 17 July 2014. The neighbourhood plans received a majority 'yes' vote. 92% of people voted yes to the Tettenhall Neighbourhood Plan and 91% of people voted yes in Heathfield Park. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must 'make' (adopt) the neighbourhood plan if more than half of those voting have voted in favour of the neighbourhood plan. The Council are not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). It is the formal 'making' of the neighbourhood plans that Council is being asked to consider and agree to at its meeting on 17 September 2014.
- 4.2 Neighbourhood Forums have a lifespan of five years from the date of their being designated, and prior to this there are mechanisms for Forums to wind themselves up whereby the Forum is formally 'withdrawn'. In the case of Tettenhall and Heathfield Park the Forums (and any successor arrangements) will therefore have a lifespan from December 2012 to December 2017 and will maintain their status as Neighbourhood Forums during this period so long as the qualifying criteria are met. Following the

'making' of the neighbourhood plans the Forums will have an important role to play in their monitoring and implementation, particularly in relation to their application in planning decisions. There will be a need for the Forums to liaise with the Council to agree a set of working arrangements post 2017.

5.0 Financial implications

- 5.1 The total gross cost for each neighbourhood plan is anticipated to be around £70,000. This has been met from the Council's approved Local Plan budget for 2013/14 and funding awarded from the Government to assist Local Authorities with the preparation of neighbourhood plans. The Government has provided funding of £55,000 for each neighbourhood plan, of which we have already received £35,000. The final £20,000 has recently been requested to cover the referendum costs.
- 5.2 In addition to the £55,000, Department for Communities and Local Government (DCLG) also provided funding (up to £7,000) and direct support for the communities preparing neighbourhood plans. The Council was successful in securing the maximum funding available (£7,000) and direct support from this new scheme for both neighbourhood plans. The direct support was provided by Planning Aid England. The funds received by this new scheme were managed by the Local Neighbourhood Partnership which helped the community to prepare the neighbourhood plans. The Council was the Accountable Body and any expenditure incurred was required to comply with the Council's contract procedural rules. [TK/12082014/X]

6.0 Legal implications

- 6.1 The Localism Act 2011 (sections 116 to 121) and the Neighbourhood Planning (General) Regulations 2012 came into force on 6 April 2012 and have a direct bearing on the status and preparation of neighbourhood plans. Neighbourhood plans must be prepared in general conformity with the National Planning Policy Framework (NPPF) and the Black Country Core Strategy (BCCS). Neighbourhood plans will form part of the statutory Development Plan for the City and will be a material consideration in the determination of planning applications and appeals. The neighbourhood plan also needs to comply with EU Directives and human rights obligations.
- 6.2 There is a six week legal challenge period following the publication of the referendum results on Friday 18 July 2014, but it is not anticipated that any contentious issues will be raised during this period on the neighbourhood plan documents or the conduct of the referendum. [KR/06082014/G]

7.0 Equalities implications

- 7.1 The Tettenhall and Heathfield Park Neighbourhood Plans have been informed by an Equality Analysis which assessed the potential effects of the policies in the neighbourhood plans. The analysis had due regard to the three aims of the Public Sector Equality Duty, and was further informed by the public consultation undertaken on the

neighbourhood plans. The analysis shows that the proposals are compatible with our responsibilities in relation to the Equalities Act and Duty.

8.0 Environmental implications

- 8.1 A Sustainability Appraisal (SA) was carried out on the two neighbourhood plans. This is a process for evaluating the environmental consequences of proposed policies to ensure sustainability issues are fully integrated and addressed at the earliest appropriate stage. The overall aim of the SA process is to inform and influence the development of the neighbourhood plan, and to maximise its sustainability value.
- 8.2 The SA has informed the production of the neighbourhood plans from start to finish ensuring that the range of economic, social and environmental issues has been considered. The SA process has helped to demonstrate how the neighbourhood plans meet the EU obligations, which is a legal requirement of the Localism Act.

9.0 Schedule of background papers

- 9.1 A Neighbourhood Plan for the Tettenhall Wards – Our Place Our Plan – 2014-2026
<http://www.wolverhampton.gov.uk/neighbourhoodplanning>
- 9.2 Heathfield Park Neighbourhood Plan – Your Plan Your Future – 2014-2026
<http://www.wolverhampton.gov.uk/neighbourhoodplanning>
- 9.3 Equality Analysis reports
- 9.4 Cabinet Reports – 11 September 2013 – ‘Heathfield Park Neighbourhood Plan and Heath Town Masterplan’ and ‘Tettenhall Neighbourhood Plan’