



Rushcliffe
Borough Council

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Email constitutionalervices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: 7 November 2016

To all Members of the Council

Dear Councillor

A meeting of the CABINET will be held on Tuesday 15 November 2016 at 7pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely

Deputy Monitoring Officer

AGENDA

1. Apologies for absence.
2. Declarations of Interest.
3. Minutes of the Meeting held on Tuesday 11 October 2016 (pages 3 - 5).

Non Key Decisions

4. Parish Council Neighbourhood Area Applications

The report of the Executive Manager - Communities is attached (pages 6 -10).

Key Decisions

None

Budget and Policy Framework Items

None

Matters referred from Scrutiny

None

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First Saturday of
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9am - 1pm

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Membership

Chairman: Councillor J N Clarke

Vice-Chairman: Councillor S J Robinson

Councillors: R L Butler, J E Cottee, D J Mason, R G Upton

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble in the Nottingham Forest car park adjacent to the main gates.

Toilets: are located opposite Committee Room 2.

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

**MINUTES
OF THE MEETING OF THE
CABINET
TUESDAY 11 OCTOBER 2016**

Held At 7.00pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford

PRESENT:

Councillors R L Butler, J N Clarke, J E Cottee, D J Mason, S J Robinson, R G Upton

ALSO IN ATTENDANCE:

Councillors: S J Hull, R M Jones, A MacInnes and G R Mallender attended as observers.

OFFICERS PRESENT:

A Graham Chief Executive
P Horsfield Monitoring Officer
P Linfield Executive Manager – Finance and Corporate Services
K Marriott Executive Manager - Transformation
D Mitchell Executive Manager - Communities
A Poole Constitutional Services Officer

APOLOGIES FOR ABSENCE:

Councillors There were no apologies for absence

19. Declarations of Interest

There were none declared.

20. Minutes

The minutes of the meeting held on Tuesday 13 September 2016 were approved as a correct record and signed by the Chairman.

21. Review of the Constitution 2016

Councillor Mason presented a report on the review of the constitution and explained that there had been significant legislative change since the previous review which had been accounted for in the revisions outlined in the report. In addition, changes had been incorporated in order to clarify responsibilities and to ensure that the wording reflected the structure of the Council.

Councillor Mason informed Cabinet that the wording in paragraph 1.2 needed amending to read: 'The Corporate Governance Group at its meeting on 28 July and 8 September 2016 *considered* the document'. She added that the observations of the Corporate Governance Group had helped to shape the report and highlighted that they would complete a deeper review and consider the need for further change. The proposed current revisions were attached to

the report. In addition, she emphasised that the recommendations of the independent review panel had been incorporated.

Councillor Mason thanked the Corporate Governance Group for their consideration and input and also recognised the support of the Monitoring Officer.

RESOLVED that the Constitution as amended be approved and recommended to Council for consideration.

22. **Community Infrastructure Levy**

Councillor Butler presented a report to outline the background work undertaken on the Community Infrastructure Levy (CIL). He explained that Government legislation introduced in 2010 enabled local authorities to introduce the CIL, which was intended to sit alongside the S106 agreements in order to fund new infrastructure to support development. He added that the report outlined the work undertaken so far. He highlighted that the Local Development Framework Group had considered whether the CIL would be financially viable in Rushcliffe Borough at its meeting on 18 July 2016 and supported its further development.

Councillor Butler stated that it was important that local members for West Bridgford had the opportunity to be involved in how some of the funds received from CIL would be distributed as there was no Town Council. He asked for an amendment to the report to be included in the minutes of the meeting to add clarity to the arrangements. In paragraph 4.5, the last sentence should read 'The Borough Council would collect and hold the receipt and determine, *in conjunction with local members*, the mechanism for its expenditure in such areas'.

RESOLVED that Cabinet support the principle of establishing a Community Infrastructure Levy and support the proposed timetable for its preparation, examination and adoption.

23. **Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

RESOLVED that the public be excluded from the meeting for consideration of the following item of business pursuant to Regulation 4 (2) of the above Regulations on the grounds that it is likely that exempt information may be disclosed as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

24. **Scotland Bank Land Transactions**

Cabinet considered the report presented by Councillor Robinson in respect of land transactions to aid the further regeneration of Cotgrave.

RESOLVED that Cabinet

- a) identified two assets as surplus to requirements under the Council's Acquisition and Disposal policy; and

- b) agreed to landswap the identified assets in support of the regeneration scheme in Cotgrave Town Centre.

The meeting closed at 7.15pm.

CHAIRMAN

Report of the Executive Manager - Communities

Cabinet Portfolio Holder Councillor R L Butler

1. Summary

- 1.1 Colston Bassett, Tollerton and Upper Broughton Parish Councils have made applications to the Borough Council proposing to designate their respective parishes as neighbourhood areas under Section 61G of the Town and Country Planning Act 1990 and in accordance with the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.2 Recent amendments to the Neighbourhood Planning Regulations (Regulation 5A) require local planning authorities to approve neighbourhood areas and to do so without public consultation where the applicant is the parish or town council and the neighbourhood area is the same as the parish or town council area. This has simplified the approval of those applications that comply with these criteria.
- 1.3 The timing of this amendment to the regulations and the dates of when each application was submitted has resulted in public consultation with the community being required for Tollerton's application, but not for the Colston Bassett or Upper Broughton applications.

2. Recommendation

It is RECOMMENDED that Cabinet

- a) approve the applications to designate the parishes of Tollerton, Upper Broughton and Colston Bassett as neighbourhood areas.
- b) delegates authority to the Executive Manager for Communities in consultation with the Cabinet Portfolio holder for Communities to approve future neighbourhood area applications made by parish or town councils that consist of the whole of a parish or town council's area.

3. Reasons for Recommendation

- 3.1 Under Section 61G of the Town and County Planning Act 1990, and in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the Borough Council has a duty to determine neighbourhood area applications.

4. Supporting Evidence

- 4.1 The ability for town and parish councils to produce neighbourhood plans is contained within the Localism Act 2011. The Neighbourhood Planning (General) Regulations 2012 (as amended) regulate how the neighbourhood plan process will work.
- 4.2 Neighbourhood plans can include planning policies and allocations of land for different uses. They can be produced by town and parish councils in consultation with their communities, but must be consistent with legislation and national and local planning policies. If a neighbourhood plan is formally adopted following an examination by an Inspector and there is overall support for it in a community referendum, then decisions on future planning applications must be in accordance with it unless material considerations indicate otherwise.
- 4.3 If a town or parish council decides to develop a neighbourhood plan, one of the first steps is to submit to the local planning authority an application for the designation of the area to be covered by the plan. A town or parish council may choose to produce a neighbourhood plan that covers all or part of their parish. They must submit to the local planning authority the following:
- A map which identifies the area to be covered by the neighbourhood plan; and
 - A statement explaining why the area concerned is appropriate.
- 4.4 Colston Bassett, Tollerton and Upper Broughton Parish Councils are each seeking to progress work on a neighbourhood plan for their parishes. Applications have been made by the parish councils to the Borough Council to designate the whole of their respective parishes as neighbourhood areas for this purpose. Each has submitted the appropriate documentation.
- 4.5 All applications received prior to 1 October 2016 were required to be consulted on and any representations received taken into account in determining the application. In all cases the Borough Council had the power to either approve or refuse the neighbourhood area designation, taking into account any representations received.
- 4.6 However, recent amendments to the Neighbourhood Planning (General) Regulations (Regulation 5A), which came into force on 1 October 2016 for applications made on or after that date, require local planning authorities to approve neighbourhood area applications and to do so without any public consultation in those cases where the applicant is the parish or town council and the proposed neighbourhood area is the same as the parish or town council area. This has simplified the approval of those applications that comply with these criteria.
- 4.7 The timing of this amendment to the regulations has resulted in consultation being required on Tollerton Parish Council's application, as it was submitted prior to 1 October 2016, but not for the applications concerning Colston Bassett or Upper Broughton, as both were submitted post 1 October. The Tollerton application was the subject of public consultation between 21 September 2016 and 20 October 2016. In total, nine consultation responses were received.

- 4.8 In the case of Colston Bassett and Upper Broughton, as their applications were received after 1 October 2016, each parish council has submitted a valid application and the areas specified for designation consist of the whole of the parish council area, the Borough Council is obliged to designate each parish as a neighbourhood area.
- 4.9 In the case of Tollerton, however, as its application is still subject to the previous regulations, the Borough Council has to decide whether or not to designate the whole of the parish as a neighbourhood area taking into account the representations received. Of the nine received, only one questions the merit of designating the whole of the parish as a neighbourhood area. This is a representation by Oxalis Planning, acting on behalf of Nottingham Airport and Bloor Homes, as well as the wider 'Gamston Consortium' of landowners/developers, all of whom have significant land interests in the site to the east of Gamston/north of Tollerton that is a strategic allocation in the Rushcliffe Core Strategy. This site is wholly within Tollerton parish.
- 4.10 Oxalis Planning makes the following points:
- a) policy allocates the site for development and sets out detailed criteria within which development should be brought forward, including the need for a comprehensive masterplanning process;
 - b) it is the expectation of the site promoters to fully engage with the local community and the Borough Council and statutory bodies, in preparing the masterplan for the site and a planning application; and
 - c) in this context it is difficult to understand how a neighbourhood plan could add to the planning policy context for the site and in this regard it is queried whether the strategic allocation should be included in the neighbourhood plan area.
- 4.11 The other respondents either make general comments that are not specific to the application, or else provide advice for subsequent neighbourhood plan preparation stages. Such advice has been provided by Natural England, Historic England and Highways England.
- 4.12 The points made by Oxalis Planning are noted. However, the recent changes to regulations make clear the Government's view that whole parish areas should be designated as neighbourhood areas where this is the desire of the parish or town council. In these circumstances, it is considered appropriate to designate the whole of Tollerton parish as a neighbourhood area.
- 4.13 Finally, in view of the fact that the recent regulatory changes place an obligation on the Borough Council to approve all valid applications received by a parish or town council to designate the whole of their parish or town area as a neighbourhood area, it is considered that there is limited worth in bringing such applications before the Cabinet in future. It is therefore requested that delegated authority be given to the Executive Manager for Communities in consultation with the Cabinet Portfolio holder for Communities to approve neighbourhood area applications where these circumstances arise.

5 Other Options Considered

- 5.1 In the case of the neighbourhood area applications for Colston Bassett and Upper Broughton parishes, the Borough Council is obliged to approve these applications. In the case of the Tollerton application, it is considered that it would not be justified to refuse the application.
- 5.2 In respect of any future applications made by parish or town councils to designate the whole of their parish or town area as a neighbourhood area, these applications could continue to be brought before the Council's Cabinet for determination. However, as such applications now have to be approved by the Council, there would be limited merit in continuing with such a course of action.

6 Risk and Uncertainties

- 6.1 None identified.

7 Implications

7.1 Finance

- 7.1.1 There are no direct financial implications arising from this report.

7.2 Legal

- 7.2.1 The Council has a statutory duty to consider neighbourhood area applications and designate neighbourhood areas where appropriate. Failing to do so will put the Council at risk of failing to meet its statutory requirements.

7.3 Corporate Priorities

- 7.3.1 The designation of neighbourhood areas will enable parish and town councils to produce neighbourhood plans for the development of their area. The production of neighbourhood plans may assist in delivering the Borough Council's wider corporate priority to support economic growth to ensure a sustainable, prosperous and thriving local economy.

7.4 Other Implications

- 7.4.1 The Localism Act 2011 places a statutory duty to support the production of neighbourhood plans within their area. The Neighbourhood Planning Regulations 2012 (as amended) provides further information on where the Local Planning Authority has a statutory duty to support in the production of Neighbourhood Plans. The preparation of neighbourhood plans will initially require input and time from officers of the Planning Policy Team.

For more information contact:	Richard Mapletoft Planning Policy Manager 0115 914 8457 email rmapletoft@rushcliffe.gov.uk
Background papers Available for Inspection:	Neighbourhood areas applications by Colston Bassett, Tollerton Parish Council and Upper Broughton Parish Councils - see http://www.rushcliffe.gov.uk/planningpolicy/neighbourhoodplanning/
List of appendices (if any):	None.