

**To: The Deputy Leader and Members of the Planning and Development Board
(Councillors Sweet, Barber, Butcher, L Dirveiks, Holland, Humphreys, Lea, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Winter and Wykes)**

For the information of other Members of the Council

This document can be made available in large print and electronic accessible formats if requested.

For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail - davidharris@northwarks.gov.uk.

For enquiries about specific reports please contact the officer named in the reports

PLANNING AND DEVELOPMENT BOARD AGENDA

14 NOVEMBER 2011

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 14 November 2011 at 6.30 pm.

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Declarations of Personal or Prejudicial Interests.**
(Any personal interests arising from the membership of Warwickshire County Council of Councillors Lea, B Moss and Sweet and membership of the various Town/Parish Councils

of Councillors Barber (Ansley), Butcher (Polesworth), B Moss (Kingsbury), Phillips (Kingsbury) and Winter (Dordon) are deemed to be declared at this meeting.

PART A – ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 4 **Budgetary Control Report 2011/2012 Period Ended 31 October 2011** - Report of the Assistant Director (Finance and Human Resources)

Summary

The report covers revenue expenditure and income for the period from 1 April 2011 to 31 October 2011. The 2011/2012 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer for this report is Nigel Lane (719371).

- 5 **Planning Applications** – Report of the Head of Development Control.

Summary

Town and Country Planning Act 1990 – applications presented for determination

The Contact Officer for this report is Jeff Brown (719310).

- 6 **Coventry Proposed Core Strategy 2011 - Coventry City Council** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The consultation seeks views on the Coventry Proposed Core Strategy 2011 prepared by Coventry City Council.

The Contact Officer for this report is Dorothy Barratt (719250).

- 7 **Neighbourhood Planning Consultation** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The Government is seeking views on the proposed new regulations governing the process for establishing neighbourhood areas and forums, the requirements of Community Right to Build organisations

and the preparation of neighbourhood plans and neighbourhood development orders, and Community Right to Build Orders. The closing date for comments is 5 January 2012.

The Contact Officer for this report is Dorothy Barratt (719250).

- 8 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2011** - Report of the Chief Executive and the Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to September 2011.

The Contact Officer for this report is Robert Beggs (719238).

PART C – EXEMPT INFORMATION (GOLD PAPERS)

- 9 **Exclusion of the Public and Press**

Recommendation:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

- 10 **Breaches of Planning Control** – Report of the Head of Development Control

The Contact Officer for this report is Jeff Brown (719310)

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

14 November 2011

**Report of the Assistant Director
(Finance and Human Resources)**

**Budgetary Control Report 2011/2012
Period Ended 31 October 2011**

1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2011 to 31 October 2011. The 2011/2012 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

Recommendation to the Board

- a That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control; and**
- b That Executive Board be requested to approve a supplementary estimate for £124,000 to cover the reduction in Planning income and additional costs on Building Control.**

2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 Both Councilors' Forwood and Lea have been consulted regarding this report. Any comments received will be reported verbally to the Board.

3 Report

3.1 Introduction

- 3.1.1 Under the Best Value Accounting Code of Practice (BVACOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

4 Services Remaining Within Resources Board

4.1 Overall Position

- 4.1.1 Net controllable expenditure for those services that report to the Planning and Development Board as at 31 October 2011 is £356,670 compared with a

...
profiled budgetary position of £303,762; an over spend of £52,908 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period. Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations, in order to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

4.2 Planning Control

4.2.1 Income is currently behind forecast by £56,600. Although the number of applications received to date is slightly higher than expected, these are predominantly small applications which do not generate the same level of income as large applications. We are still expecting several large applications, although the likelihood is that these will be received in the next financial year. The reduction in income is partly off-set by an under spend on bought in professional services and an under spend on advertising, promotion and publicity.

5 Performance Indicators

5.1 In addition to the financial information provided to this Board, when the budgets were set in February, performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B.
...

5.2 The number of applications received and the gross cost per application is comparable with the profiled position. However, the net cost per application is higher than profiled, despite the favourable number of applications received, which is a reflection of the fact that we are processing a large number of small applications and few 'large' applications.

5.3 Similarly, the gross and net costs of land charges are higher per search as a lower number of searches have been completed than profiled.

6 Risks to the Budget

6.1 The key risks to the budgetary position of the Council from services under the control of this Board are:

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £20,000 each.
- Reductions in income relating to planning applications.
- Risk to the mix of Local Land Charge applications not bringing in the expected level of fee income.

7 Estimated Out-turn

- 7.1 Members have requested that Budgetary Control Reports provide details on the likely out-turn position for each of the services reporting to this Board. The anticipated out-turn for this Board for 2011/2012 is £707,270, as detailed in the table below:

	£
Approved Budget 2011/2012	573,270
Increased cost to NWBC of Building Control	34,000
Potential reduction in Planning Fee income	90,000
Expected Out-turn 2011/12	697,270

- 7.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this board, and may change as the financial year progresses. Members will be updated in future reports of any further changes to the forecast out turn.
- 7.3 The planning fee budget is set on the basis that there will be two larger applications per year. In the current year these have not been forthcoming, although there are some potential larger applications expected, which are likely to be submitted in 2012/13. Therefore there is a need for a supplementary estimate to cover the expected shortfall in fee income in 2011/12.
- 7.4 The Building Control partnership is experiencing a continued downturn in fee income. Measures are in place to reduce costs within the partnership but some of these around employee costs will only be implemented by March 2012, therefore full year savings will not be achieved until 2012/13. This therefore will require a supplementary estimate to cover the authority's share of the expected additional costs for the current year. .

8 Building Control

- 8.1 The table below analyses the figures provided by the Partnership at 31 September for the estimated costs for the 2011/12 financial year and details the impact for this Council:

	NWBC share £
Net Budget	92,910
Share of additional loss	27,750
Less NWBC Support costs recharged to the partnership	(32,090)
Net Cost to NWBC in 2011/12	88,570

8.2 The approved budget provision for Building Control is £54,570. The table above shows that based on the current projected annual cost, the current budget allocation is insufficient to cover the costs of the Partnership for this year. Based on these projections, we will need to fund an additional cost of £34,000 to cover the deficit.

8.3 The Partnership is undertaking action to reduce costs. These assumptions are included within the above figures except for any redundancy costs relating to the removal of one Building Control Surveyor post. In addition a Lean Systems Review is also planned.

9 Report Implications

9.1 Finance and Value for Money Implications

9.1.1 The Council's budgeted contribution to General Fund balances for the 2011/2012 financial year is £419,380. This is expected to increase by £124,000, as shown above. Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board for comment.

9.2 Environment and Sustainability Implications

9.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

North Warwickshire Borough Council

Planning and Development Board

Budgetary Control Report 2011/2012 as at 31 October 2011

Description	Approved Budget 2011/2012	Profiled Budget October 2011	Actual October 2011	Variance	Comments
Planning Control	440,570	256,316	308,366	52,050	See Comment 4.2
Building Control Non fee-earning	68,320	8,021	8,021	(0)	
Conservation and Built Heritage	47,790	31,529	31,065	(464)	
Planning Delivery Grant	1,080	630	630	-	
Local Land Charges	2,720	(2,559)	(679)	1,880	
Street Naming & Numbering	12,790	9,825	9,268	(557)	
	573,270	303,762	356,670	52,908	

Appendix B

Key Performance Indicators for Budgets Reporting to the Planning and Development Board

	Budgeted Performance	Profiled Budgeted Performance	Actual Performance to Date
Planning Control			
No of Planning Applications	740	432	439
Gross cost per Application	£1,002.16	£999.19	£967.65
Net cost per Application	£595.36	£593.78	£702.43
Local Land Charges			
No of Searches	1,230	718	619
Gross cost per Search	£48.69	£45.95	£54.02
Net cost per Search	£2.21	-£3.57	-£1.10
Caseload per Officer			
All applications	137	79.9	81.3

Agenda Item No 6

Planning and Development Board

14 November 2011

**Report of the Assistant Chief Executive
and Solicitor to the Council**

**Coventry Proposed Core Strategy
2011 - Coventry City Council**

1 Summary

- 1.1 The consultation seeks views on the Coventry Proposed Core Strategy 2011 prepared by Coventry City Council.

Recommendation to Board

The observations included in the report along with any Members comments be sent in response to the consultation.

2 Consultation

- 2.1 Councillors Sweet, Winter and Simpson have been sent a draft copy of this report and any comments will be verbally reported back to the Board.

3 Background

- 3.1 Coventry City Council has prepared a paper as a precursor to the publication of a Draft Core Strategy. The paper is attached as Appendix A.
- 3.2 Coventry Council envisages having a submission draft by the end of the year and then a final publication version by next spring.

4 History

- 4.1 Coventry City Council has previously prepared and taken a Draft Core Strategy through the whole process up to receiving the Inspector's report following an Examination. The housing requirement using the Regional Spatial Strategy was over 33,000 units. Work is being carried out by the City Council to update their housing requirement. It is likely that the figure will be lower and early indications are around 15,000 based on past build rates.

5. Draft Core Strategy

- 5.1 The new strategy for the City is to concentrate development in a hub and spoke manner. This is very similar to the settlement hierarchy in this Borough.

5.2 The focus for the plan is jobs and growth. It is unclear how exactly housing fits in with this strategy. It is mentioned as coming after the jobs.

6 Observations

6.1 The crux of the matter for North Warwickshire is whether the new proposed strategy of concentrating development in a hub and spoke manner throughout the city will have an impact on North Warwickshire. This is unclear at the present time. Further evidence and discussion will need to take place to ensure that the push for jobs and growth does not adversely affect or impact on this Borough. One potential impact could be to drive the price of houses further out of the reach of local people in the south of the Borough, through increased housing pressure and lack of supply in the City.

6.2 The emphasis in protecting the Green Belt is welcomed as new development close to the Borough boundary, as suggested previously, would have brought development pressures to the south of the Borough.

6.3 The emphasis on jobs however should be welcomed as this will improve the opportunities for people in North Warwickshire. One clear requirement will be that an improved public transport service will need to be extended in to the rural areas and especially to the market towns of North Warwickshire.

7 Report Implications

7.1 Environment and Sustainability Implications

7.1.1 Ensuring that Coventry is a sustainable city providing for its own needs will be important for this Borough. If there is an imbalance between jobs and housing provision there will be increased pressures on surrounding authorities to provide for the additional housing need and demand generated by the new economic and employment developments. Expected Increases in car travel and vehicle movements need to be addressed through Sustainable transport solutions and support for public transport services, to address resulting increased CO2 generation and other environmental impacts from road transport and car commuting.

The Contact Officer for this report is Dorothy Barratt (719250)

COVENTRY PROPOSED CORE STRATEGY 2011



Making Coventry a better place to live and work



Coventry City Council

www.coventry.gov.uk/ldf

Making Coventry a better place to live and work

Coventry's Core Strategy will set out our plans for the city's future development and will guide the future growth of our city up to 2028. Every Council should have a Core Strategy and the proposed Core Strategy will provide a foundation for developing important new planning policies for the city.

Coventry's final Core Strategy will guide development in the city for the next 15 years or more. It's important that you have your say now so that your views are reflected in the final plan.

Please take the time to read this document, answer the questions on page 10 and add any comments that you think we might find useful.

You can also do this online at www.coventry.gov.uk/ldf or read the documents at:

- any city library
- Civic Centre 4, Much Park Street
- The Council House, Earl Street

We will also be visiting different parts of the city throughout the consultation period so that local people and community groups can talk to us about our proposals. Look out for more information about dates and venues in the local press and on our website.

You can also make comments by e-mail to: localdevelopmentframework@coventry.gov.uk

or by writing to us at:
Planning Policy
Floor 6, Civic Centre 4,
Much Park St,
Coventry,
CV1 2PY

If you'd like to know more, or want to discuss any of the issues raised within the document please contact us on:
024 7683 1187

Foreword

Despite the tough economic climate, Coventry has entered an exciting new phase of development.

The regeneration of key parts of our city centre ahead of the Olympic Games, planning approval for a £50 million development on the site of the former sorting office in Bishop Street, progress on plans for the Friargate development around the railway station and Coventry University's new Student Enterprise building are just a few of the exciting schemes underway or planned for the heart of Coventry.

New homes are now being built in the New Deal for Communities area in the North East of the city, many of Far Gosford Street's historic and listed buildings are being saved and more than 1,000 extra people now work in the city centre than did a year ago at the prestigious new Severn Trent Centre.

These are just some of our recent achievements, although there have also been challenges, like protecting our Green

Belt from housing estates while promoting growth in opportunity for everyone and supporting plans for economic prosperity alongside responding to climate change issues and ensuring we can encourage jobs led regeneration and improving public health and well being.

All of this affects the communities we live in, the shops we use, our transport connections, the areas that we work in and the parks and leisure facilities we all use to wind down and enjoy time with our families. It's these issues, which are at the heart of the way we all live, that will be the subject of the Core Strategy.

The first stage in the development of our strategy is called the Proposed Core Strategy. It provides a foundation for developing planning policies and it asks questions about where new investment and jobs should be encouraged, how many new homes should be planned for, how travel connections can be improved, making it easier to travel by bus or bike and how we can make sure that the city centre is a place everyone can be proud of.

Foreword

This document really sets the scene for the detail that will come later. And I hope you will want to take part in the debate and tell us if you think we have got it right, or if we have missed anything.

As you begin to read it you will see that we have kept to our pledge to protect the Green Belt from housing development. This plan for our city's future does not include building homes on the Green Belt. What it does is provide a sensible way forward that supports jobs-led growth. It also recognises that if we are to be a successful and healthy city we need people to live and work here. That means we need to provide employment land in the right place for employment uses and make sure it is connected into communities; this kind of growth also provides advantages for existing residents.

Your response will be used to help us shape the next stage - which is to produce the final Core Strategy. This will of course also be open for debate and discussion.

I look forward to receiving your thoughts.

Cllr Linda Bigham
Cabinet Member for City Development



Coventry - proud to be a city that works

We've developed a vision for the city that focuses firmly on the future and finding ways of delivering the priorities that Coventry people say are most important to them.

This vision lies at the heart of our proposed Core Strategy, and this document aims to explain the context, background and thinking behind the development of the strategy.

Coventry - proud to be a city that works

- for jobs and growth
- for better pavements, streets and roads
- to support and celebrate our young people
- to protect our most vulnerable residents

We're proud to do this by....

- being honest, fair and transparent when we make decisions
- working with residents, communities and partners to get things done
- celebrating all that's good about our city and its future

What we want Coventry to be like

We have a city to be proud of and need to build on our strengths. We also want to support the city's continued growth and development. This does not come at any cost - we have been clear we will protect Green Belt land and green spaces from development. But we still have options about how the city develops in the future, particularly where we will allow new homes to be built and which land we earmark for new jobs.

Coventry - proud to be a city that works

In looking at the issues and options we have for our city, we have been clear that the top priority for us is to make sure any growth is jobs led. That means we identify land for new employment - and with that comes the need for new homes. This is the right way round for a city like ours, it is the sustainable way, providing homes for local people who work and spend their money locally. Coventry has historically grown this way, with people moving here to work and then making their home and settling here. This kind of jobs led growth has helped to shape the city and means Coventry has grown naturally - with people at its heart.

In deciding on the best way forward we looked at a range of options for the ways we can guide the growth of the city. After eliminating any proposal to build in the Green Belt, one option has emerged as the best way forward. This involves focusing development in the city centre, the heart of the city, and on key areas across the city including Willenhall/Whitley, Bell Green/Wood End/Henley Green, Canley, Foleshill and Arena Park, and Holbrook.

This plan, which we have called the hub and spokes plan (with the city centre as the hub and the other areas as the spokes) will help us to:

- stop the Green Belt being used for housing estates
- encourage regeneration
- support sustainable development
- bring brown field land back in to use
- support local shopping centres, health provision and other services
- improve roads and public transport on key routes in to the city
- reduce the city's carbon footprint
- use the land required for new homes efficiently
- provide easy access to the jobs already available
- focus on the city centre as a showcase for the whole city
- improve the health and well being of Coventry citizens

Coventry - proud to be a city that works

We particularly welcome your comments on the hub and spokes option, and also anything else you think is relevant to the development of our city.

Previous draft Core Strategy documents were subject to a number of public consultations, and peoples' views on these documents were:

- Green Belt and other green land should be protected from development of housing estates
- support for jobs-led development strategy
- the quality of the city centre shops and overall environment should be improved
- more family homes are needed

We will also be preparing a plan to allocate specific land for new development across the urban area of Coventry. In developing this plan the council will have regard to the wider role of the city as a sub-regional service and retail centre. The council will also consult neighbouring authorities and take account of their future plans. This will make sure that there is enough land available to meet our needs for the next 15 years at least. However, we need our Core Strategy in place first.

How the plans work together

Core Strategy: The most important document for the city, which will set out strategic policies to say how, where and when the city will grow.

City Centre Area Action Plan: Will provide detailed policies and allocate land for regenerating the city centre

The Site Allocations Plan: Will identify specific sites throughout the city for new homes, jobs and shopping developments.

The Community Infrastructure Levy: Will require developers to make a financial contribution towards delivering key infrastructure in Coventry. This could include new roads, schools, health facilities and green space.

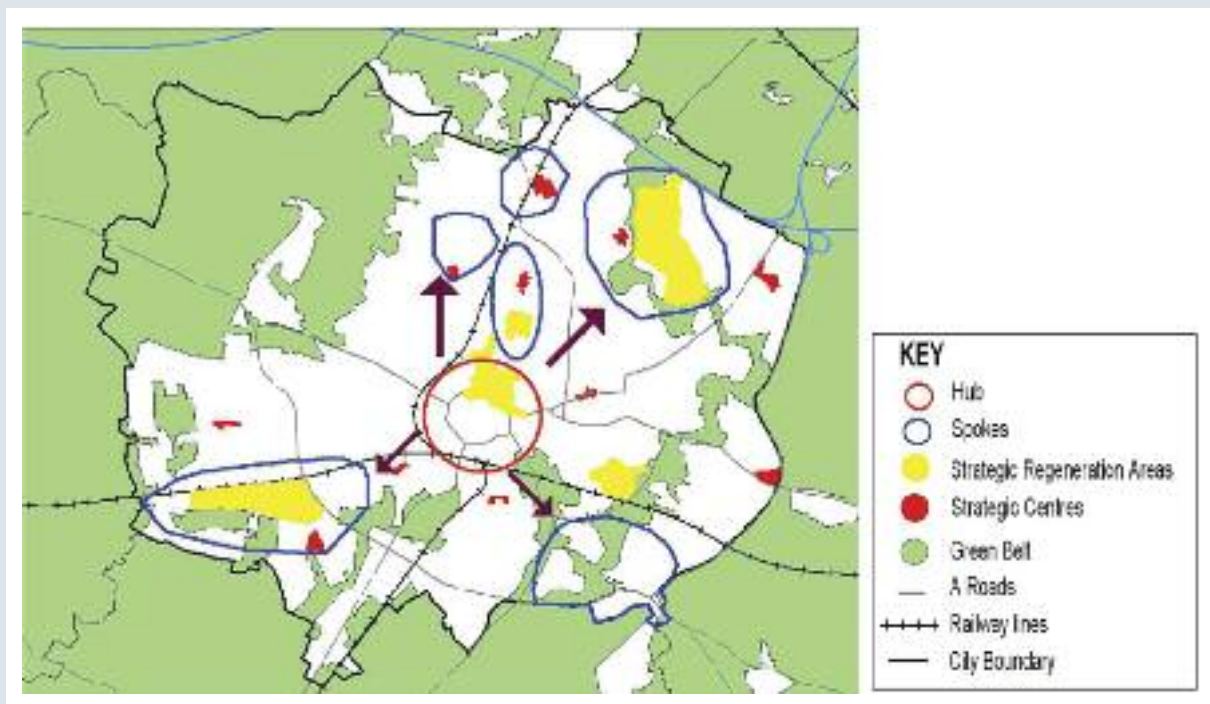
As well as the four main documents the overall plan will also contain supplementary policy on specific areas of detail such as climate change and car parking. The plan will also be monitored annually to ensure it is achieving its aim and objectives.

A Proposals Map will provide a visual impression of key policies, and a **Statement of Community Involvement** will inform the people and businesses of Coventry how the Council will communicate with them when drawing up these policies. All this will then become the **Coventry Local Development Plan**.

A new way forward for our city

Coventry people have been very clear with us about the importance of protecting our Green Belt and greenfield sites from residential development, so part of our proposed strategy, informed by the Sustainability Appraisal (SA/SEA), protects the Green Belt and other greenfield land from development of housing estates.

Overall we want to protect Coventry's Green Belt from development of housing estates and focus on encouraging urban regeneration which supports existing centres, advocating sustainable development principles.



A new way forward for our city

The strategy shows major development within Coventry city centre and development in the "spoke" areas of the city; Canley (including the railway stations at Tile Hill and Canley), Foleshill, Wood End, Whitmore Park, Arena Park and Willenhall.

The types of location for development within our hub and spokes model would generally justify a high density of development and a need for innovative urban design to enhance the environment. Green spaces in urban areas will be protected and homes could be provided in conjunction with greater public access to provide additional green space. Focusing development in accessible parts of the urban area as well as being more sustainable could provide greater access to, and improve the viability of, health facilities and schools. Focused investment in transport routes will be needed to make sure people have safe access and can travel easily around the city.

Why we think the hub and spokes model works

- It implements a jobs-led strategy in an integrated way
- It supports regeneration by focusing jobs and investment where they are most needed
- It prevents the need for housing estates on Green Belt and greenfield sites
- Homes will be built near where people work
- Focusing on the city centre will help stimulate ongoing investment from the private sector and will see the city centre becoming a showcase for the rest of Coventry
- Higher density development in clusters is a more efficient use of land
- Local facilities across the city will be improved
- We will be able to adapt to changes more easily if we need to grow more quickly
- It helps to improve the health and well being of the citizens of Coventry

A new way forward for our city

- Having facilities grouped together in spokes across the city will encourage healthier lifestyles, with easier access to health and recreational facilities locally
- It will encourage us to walk and cycle more and there will be better public transport links, improved air quality and our carbon footprint will be reduced
- Development is focused in the most accessible locations to make it as easy as possible for people to get to work, shop and use leisure facilities

Possible issues

Developing the city centre successfully will rely on private sector investment, and so we'll make sure that the benefits of developing in the city centre are clearly explained in detailed development documents. We also know that the public sector will need to take an active role in focusing private sector investment towards our new priority hub and spoke areas.

We also know that we need to continue to invest in public transport and good roads across the city so that spoke areas will not have major traffic congestion issues and that it's easy for people to get in and out of the city centre.

What do you think?

- Do you agree with this strategy?
- If not, what alternatives would you suggest?

What happens next?

We are asking for your views until 31 October 2011. We will then consider every response we receive and report them to a meeting of the full Council, and we will take all responses into account when we write the submission draft, or final version of our strategy (this will take place at the end of the year and early 2012). Councillors will then discuss this version at a meeting of Full Council before it is finalised and published. Next Spring we will send all the representations we've received about the draft document with our evidence and the Core Strategy itself, to the Secretary of State who will appoint an independent Inspector to hold a series of public hearings – these are likely to happen in Summer 2012.

When the hearings are finished, the Inspector will write a report, which is likely to be completed and sent to us towards the end of 2012. We will carefully consider this report before adopting the plan. At that point it will become the legal development plan for Coventry, and we expect that to happen in 2013.

You can answer the questions on page 10 online at www.coventry.gov.uk or read the documents at:

- any city library
- Civic Centre 4, Much Park Street
- The Council House, Earl Street

We will also be visiting different parts of the city throughout the consultation period so local people and community groups can talk to us about our proposals. Look out for more information about dates and venues in the local press and on our website.

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If you'd like to know more, or want to discuss any of the issues raised within the document please contact us on:
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Agenda Item No 7

Planning and Development Board

14 November 2011

Report of the Assistant Chief Executive and Solicitor to the Council

Neighbourhood Planning Consultation

1 Summary

- 1.1 The Government is seeking views on the proposed new regulations governing the process for establishing neighbourhood areas and forums, the requirements of Community Right to Build organisations and the preparation of neighbourhood plans and neighbourhood development orders, and Community Right to Build Orders. The closing date for comments is 5 January 2012.

Recommendation to the Board

That the response to the consultation questions outlined in Appendix B is approved subject to any amendments and additions agreed at Board by Members and, along with a copy of this Report, is forwarded as the Borough's response to the consultation .

2 Consultation

- 2.1 Councillors Sweet, Winter and Simpson have been sent a copy of the draft report and any comments will be verbally reported back to the Board.

3 Background

- 3.1 Neighbourhood planning is central to the Government's "decentralisation, localism and Big Society agenda". The Government has said that it wants to return planning powers to local people, and so is creating a new neighbourhood planning tier, that will be led by the community rather than the local planning authority. The Localism Bill sets out what neighbourhood planning is, and how it should work in practice. Through neighbourhood planning, the government says that communities will be able to:

- choose where they want new homes, shops and offices to be built - neighbourhood development plans
- have their say on what those new buildings should look like - neighbourhood development orders
- grant planning permission for the new buildings they want to see go ahead - community right to build orders.

- 3.2 A report was brought to Members earlier in the year. The current consultation puts some flesh on to the bones of what is meant by neighbourhood planning and how it will work in practice. However, it is stressed that the regulations as set out propose the minimum level of requirements that would ensure a

nationally consistent approach of designating areas and orders as well as the preparation of such plans and orders. The consultation runs until 5 January 2012.

4. Neighbourhood Planning

4.1 Neighbourhood planning is not compulsory for local areas; communities volunteer to get involved. There are five stages to the neighbourhood planning process, as set out in the Communities and Local Government guide called "*An Introduction to Neighbourhood Planning*", published on 13 October 2011, which is attached as Appendix A.

- 1 Define the neighbourhood
- 2 Prepare the plan
- 3 Get it checked independently
- 4 Hold a community referendum
- 5 Adopt the plan or development order

1 *Define the neighbourhood*

4.2 For places with a parish or town council, this will be the lead body. For places without a parish or town council, a local organisation can put itself forward to be the representative body, or people in a local area may decide to create a new organisation. The local planning authority decides whether the group is sufficiently representative (using some tests such as the organisation has a minimum of 21 members and that it is open to new members) – if so, it will be able to call itself the neighbourhood forum.

4.3 The parish council/forum decides on the area it wishes to plan for, and applies to the LPA (Local Planning Authority) to have this recognised. No overlap is allowed between areas (that is, no one street or area can be in the jurisdiction of two or more neighbourhood planning forums or councils).

2 *Prepare the plan*

4.4 There are three options available for a neighbourhood forum/parish council. They can prepare:

- a neighbourhood plan: this sets out what development is wanted where
- a neighbourhood development order: this allows the council/forum to grant planning permission for a particular development
- both a plan and development order.

4.5 Neighbourhood plans and development orders must:

- generally be in line with local and national planning policies (such as the National Planning Policy Framework)
- conform with other laws
- not be used to block development that the LPA has said is needed.

- 4.6 The last point is important to note as it means that, in theory, an up-to-date local plan should not be undermined by a neighbourhood plan that wants to oppose development. Also it also means that neighbourhoods will have the power to ‘promote more development than is set out in the strategic policies of the local plan’. In addition if the policies between a neighbourhood plan (which is in force, that is, it has passed an independent examination and community referendum) and a local plan for that area are in conflict, the neighbourhood plan will ‘take precedence’.

3 *Get it checked independently*

- 4.7 Neighbourhood plans and development orders will be scrutinised by an independent examiner to make sure that they conform with national and local policies, and that they are compatible with relevant EU obligations and human rights law. How this is done is up to LPAs: the draft regulations state that ‘local planning authorities have experience of organising independent examinations for local plans and are best placed to decide how to undertake this activity’.

4 *Hold a community referendum*

- 4.8 An important part of the process is a community referendum, organised by the local authority, on the neighbourhood plan or development order. The plan or order must receive more than 50 per cent support (of those who voted) for it to be passed.

5 *Adopt the plan or development order*

- 4.9 If the plan or development order is passed by the community referendum, then the LPA is obliged to bring it into force. This means it carries legal weight.

5 Regulations

- 5.1 Government has published the Draft Regulations as Annex A to accompany the consultation paper and the guidance outlined above.

6 Exclusions from the consultation

- 6.1 The current consultation excludes:
- How to take forward the regulation making powers on charges that LPA’s can levy on development allowed under a neighbourhood development order, to enable them to recoup some of the costs of neighbourhood planning. This will be subject to a further consultation, later in the year.
 - Does not cover any provisions in respects of the requirements that are needed to ensure compatibility with EU obligations – i.e. Strategic Environmental Assessment, Habitats Directive. These may come forward in other regulations if deemed necessary.

- Does not cover provisions in respect of referendums. These will be brought forward through separate regulations based on existing local government referendum regulations.

7 Observations

- 7.1 By creating the neighbourhood planning proposals government believes that local people will have the opportunity to have more involvement in shaping the place where they live. There is broad agreement that communities should be more involved in the local planning process. However, while supporting the principle, there are some concerns particularly in relation to capacity of parish / town councils and neighbourhood forums; budgets; staffing; patch work of plans and, member role. Each one is now considered further in turn below.
- 7.2 The parish councils, town councils and neighbourhood forums will need to be determined to successfully steer their way through the whole process and end up with a completed plan or approved development order. The language of neighbourhood planning and the associated regulations is very 'can do': the government speaks of 'putting citizens in the driving seat of planning' and communities being able to 'shape their own vision for the future as they see fit'. This suggests that communities with existing capacity, time and resources will be much better placed than those without these assets.
- 7.3 Communities with a common goal will have more chance of making progress than ones that are more divided over what their future should look like. Indecision and different goals could potentially lead to delays. Although this can happen at the Borough level it will be much harder at a very local level to avoid such contentions.
- 7.4 Neighbourhood planning also raises financial uncertainties. LPAs have a legal obligation to assist parish/town councils and neighbourhood forums to prepare plans, with resource implications that will be difficult to quantify until it is clear how many areas wish to take advantage of the new neighbourhood planning initiatives. A further report will be brought to Board once these resource implications, both in terms of staff and finance, become clearer.
- 7.5 A potential outcome could be that there will be a patchwork quilt of plans, where areas with neighbourhood plans are interspersed by neighbouring communities that don't. It is unclear what the implications of an uneven spread of neighbourhood plans for communities that sit side-by-side.
- 7.6 Also it is unclear how easy it will be to demarcate different community areas given that no one area can reside in more than neighbourhood plan? For example: Hartshill, Chapel End and Ansley Common may have issues where they adjoin Nuneaton and Bedworth. Nuneaton and Bedworth does not have parishes and so would have neighbourhood forums. Discussions in situations like these will need to take place to ensure a resolution to these issues. The Parish Council's will be expected to take the lead but conflict may arise where a neighbourhood forum seeks to cross local authority boundaries into Parished areas to take the lead, where a Parish may or may not be undertaking a Neighbourhood Plan.

- 7.7 The Local Government Information Unit believes that there is a tension between some of the objectives of localism and the role and responsibilities of elected members. This tension is particularly evident in the neighbourhood planning initiative. For example, while needing to conform to local planning policies, neighbourhood plans will be able to ‘promote more development than is set out in the strategic policies of the local plan’. This may create tensions for councillors between their role as elected members and the requirement that LPAs support communities to develop plans that may potentially trump the aspirations of the local plan.
- 7.8 Conversely however there may be opportunities. In some areas some communities may be well placed to take advantage of the new powers. In these areas elected members may find that neighbourhood planning provides a new and meaningful way to engage with their constituency.
- 7.9 There are also concerns over consistency of approach to the consultation periods proposed for Neighbourhood areas and plans across Warwickshire. A minimum of 6 weeks is allowed for in the regulations but this is not considered long enough as a minimum requirement to publicise and seek views on Neighbourhood areas or Plans as well as give others the opportunity to suggest alternatives. In Warwickshire most consultations use the Warwickshire Compact requirement of 12 weeks so as to be able to actively engage with the local community. Indeed the DCLG normally apply a 12 week consultation period as best practice.

8 Report Implications

8.1 Finance and Value for Money Implications

- 8.1.1 It is unclear at the present time the cost implications of the new regulations. A further report will be brought to Board.

8.2 Environment and Sustainability Implications

- 8.2.1 The four principles of sustainable development are largely based on living within environmental limits, ensuring a strong, healthy, and just society, achieving a sustainable economy and promoting good governance. Therefore, the proposed neighbourhood planning process will allow for greater say locally and in turn will be promoting good governance.

The Contact Officer for this report is Dorothy Barratt (719250).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
Neighbourhood Planning Regulations including Draft Regulations	DCLG	Consultation Paper	Oct 2011

An introduction to neighbourhood planning

What is it?

Neighbourhood planning is a new way for communities to decide the future of the places where they live and work.

They will be able to:

- choose where they want new homes, shops and offices to be built
- have their say on what those new buildings should look like
- grant planning permission for the new buildings they want to see go ahead.

The Government wants to introduce the right to do neighbourhood planning through the Localism Bill. The Localism Bill is being debated by Parliament at the moment.

Why does it matter?

The planning system helps decide what gets built, where and when. It is essential for supporting economic growth, improving people's quality of life, and protecting the natural environment.

In theory, planning has always supposed to give local communities a say in decisions that affect them. But in practice, communities have often found it hard to have a meaningful say. The Government wants to put power back in the hands of local residents, business, councils and civic leaders.

Neighbourhood planning is optional, not compulsory. No-one has to do it if they don't want to. But we think that lots of people will want to take the opportunity to influence the future of the place where they live or work.

How will it work?

There will be five key stages to neighbourhood planning.

Stage 1: Defining the neighbourhood

First, local people will need to decide how they want to work together.

In areas with a parish or town council, the parish or town council will take the lead on neighbourhood planning. They have long experience of working with and representing local communities.

In areas without a parish or town council, local people will need to decide which organisation should lead on coordinating the local debate. In some places, existing community groups may want to put themselves forward. In other places, local people might want to form a new group. In both cases, the group must meet some basic standards. It must, for example, have at least 21 members, and it must be open to new members.

Town and parish councils and community groups will then need to apply to the local planning authority (usually the borough or district council).

It's the local planning authority's job to keep an overview of all the different requests to do neighbourhood planning in their area.

They will check that the suggested boundaries for different neighbourhoods make sense and fit together. The local planning authority will say "no" if, for example, two proposed neighbourhood areas overlap.

They will also check that community groups who want to take the lead on neighbourhood planning meet the right standards. The planning authority will say "no" if, for example, the organisation is too small or not representative enough of the local community.

If the local planning authority decides that the community group meets the right standards, the group will be able to call itself a 'neighbourhood forum'. (This is simply the technical term for groups which have been granted the legal power to do neighbourhood planning.)

The town or parish council or neighbourhood forum can then get going and start planning for their neighbourhood.

Stage 2: Preparing the plan

Next, local people will begin collecting their ideas together and drawing up their plans.

- With **a neighbourhood plan**, communities will be able to establish general planning policies for the development and use of land in a neighbourhood. They will be able to say, for example, where new homes and offices should be built, and what they should look like. The neighbourhood plan will set a vision for the future. It can be detailed, or general, depending on what local people want

- With a **neighbourhood development order**, the community can grant planning permission for new buildings they want to see go ahead. Neighbourhood development orders will allow new homes and offices to be built without the developers having to apply for separate planning permission.

Local people can choose to draw up **either** a plan, **or** a development order, or **both**. It is entirely up to them. Both must follow some ground rules:

- They must generally be in line with local and national planning policies
- They must be in line with other laws
- If the local planning authority says that an area needs to grow, then communities cannot use neighbourhood planning to block the building of new homes and businesses. They can, however, use neighbourhood planning to influence the type, design, location and mix of new development.

Stage 3: Independent check

Once a neighbourhood plan or order has been prepared, an independent examiner will check that it meets the right basic standards.

If the plan or order doesn't meet the right standards, the examiner will recommend changes. The planning authority will then need to consider the examiner's views and decide whether to make those changes.

If the examiner recommends significant changes, then the parish, town council or neighbourhood forum may decide to consult the local community again before proceeding.

Stage 4: Community referendum

The local council will organise a referendum on any plan or order that meets the basic standards. This ensures that the community has the final say on whether a neighbourhood plan or order comes into force.

People living in the neighbourhood who are registered to vote in local elections will be entitled to vote in the referendum.

In some special cases - where, for example, the proposals put forward in a plan for one neighbourhood have significant implications for other people nearby - people from other neighbourhoods may be allowed to vote too.

If more than 50 per cent of people voting in the referendum support the plan or order, then the local planning authority must bring it into force.

Stage 5: Legal force

Once a neighbourhood plan is in force, it carries real legal weight. Decision-makers will be obliged, by law, to take what it says into account when they consider proposals for development in the neighbourhood.

A neighbourhood order will grant planning permission for development that complies with the order. Where people have made clear that they want development of a particular type, it will be easier for that development to go ahead.

What happens next?

The formal legal right to do neighbourhood planning will only be available after the Localism Bill is approved by Parliament. We hope that the Bill will be approved later in 2011, and the formal right to do neighbourhood planning will follow later in 2012.

In some places, though, community groups, developers and councils are already thinking about how neighbourhood planning might work in their area. Check your council's website, read your local newspaper, or talk to a local community group to find out what's happening in your area.

Funding and support

There will be several sources of advice and support for communities who are interested in doing neighbourhood planning:

- The **local planning authority** will be obliged by law to help people draw up their neighbourhood plans
- **Developers, parish and town councils, landowners and local businesses** may all be interested in sponsoring and taking a leading role in neighbourhood planning. In fact, in some places, local businesses are already starting a debate with local residents and councils
- **The Government** has committed to providing £50m until March 2015 to support local councils in making neighbourhood planning a success
- **The Government** have already provided £3m to four community support organisations, who already support communities in planning for their neighbourhood. Their details are below:

The Prince's Foundation for the Built Environment

Contact name: Sebastian Knox

Tel: 020 7613 8587

Email: sebastian.knox@princes-foundation.org

Website: <http://www.princes-foundation.org/our-work/supporting-communities-and-neighbourhoods-planning>

CPRE in partnership with NALC

Contact name: Nigel Pedlingham

Tel: 020 7981 2832

Email: Nigelp@cpre.org.uk

Website: <http://www.planninghelp.org.uk/>;
www.cpre.org.uk; www.nalc.gov.uk

Locality

The Building Community Consortium

Contact name: David Chapman

Tel: 0845 458 8336

Email: neighbourhoodplanning@locality.org.uk

Website: www.buildingcommunity.org.uk

RTPI

Planning Aid

Contact name: John Rider-Dobson

Tel: 0203 206 1880

Email: info@planningaid.rtpi.org.uk

Website: <http://www.rtpi.org.uk/planningaid/>

Question 1

Designating Neighbourhood areas

Clarity is required.

Regulation 6 (1) c refers to section 61G of the 1990 Act - there appears to be no 61G in the Town & Country Planning Act 1990 or amendments, section 61 of the Planning & Compulsory Purchase Act 2004 relates to Wales and Section 61 of the Localism Bill relates to Wales. As this document is for use by the local communities it would be easier to list those organisations or bodies that qualify as a relevant body.

The process for addressing cross border issues between adjoining Parished and non-Parished areas needs to be clarified.

6 weeks is not long enough as a minimum requirement to publicise and seek views on Neighbourhood areas as well as give others the opportunity to suggest alternatives. In Warwickshire most consultations use the Warwickshire Compact requirement of 12 weeks so as to be able to actively engage with the local community. Similarly the DCLG normally apply a 12 week consultation period as best practice.

Designating Neighbourhood Forums

Disagree

It is unclear from the regulations on the standing of Parish Council's. In the guidance it reports to say that in Parish areas the Parish Council will take the lead but there is no reference to them in the regulations. This needs to be made clearer and more specific. The implications and process for addressing cross border issues between adjoining Parished and non-Parished areas needs to be clarified.

Community Right to Build Organisations

No Further Comment

Preparing the Neighbourhood Plan

6 weeks is not considered long enough as a minimum requirement to publicise and seek views on Neighbourhood Plans as well as give others the opportunity to suggest alternatives. In Warwickshire most consultations use the Warwickshire Compact requirement of 12 weeks so as to be able to actively engage with the local community. Similarly the DCLG normally apply a 12 week consultation period as best practice.

Preparing the Neighbourhood Development Order

Comments noted as before regarding the inadequate 6 week consultation period.

Preparing the Community Right to Build Order

No Further Comment

Community Right to Build disapplication of enfranchisement

No Further Comment

Independent Examination

Disagree

This seems to be at odds with the regulations governing Councils when preparing their plans. Should not the same requirements be needed for the Plan whether being prepared by the District Council or the Parish Council?

(i) Referendum

Disagree

Question 2

A different period

Referendum should be carried out alongside other elections in order to avoid the cost of many referendums. However, the regulations could allow Parish Council to pay for an earlier referendum if they wish to do so.

Question 3

The Planning Advisory Service should be used to assist in this understanding. Also they could provide training for Parishes, District Council members and District Council officers.

Planning Aid could also provide communities with hands on help as an addition tool.

Agenda Item No 8

Planning and Development Board

14 November 2011

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2011

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to September 2011.

Recommendation to the Board

That Members consider the performance achieved and highlight any areas for further investigation.

2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 The Portfolio Holder and Shadow Portfolio Holder for Resources, Councillors Forwood and Lea have been sent a copy of this report and any comments received will be reported to the Board.

3 Background

- 3.1 This report shows the second quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2011/12. This is the second report showing the progress achieved so far during 2011/12.

4 Progress achieved during 2011/12

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April to September 2011/12 for the Planning and Development Board.

- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not currently being achieved (shown as a red triangle).

Amber – target currently behind schedule and requires remedial action to be achieved (shown as an orange circle).

Green – target currently on schedule to be achieved (shown as a green star)

- 4.3 Members should note that the performance updates and reports have been prepared using a Performance Plus performance management system. The Council has obtained access to the system via an agreement with Warwickshire County Council. In terms of the Council's performance management framework the access to the system has been set up based upon our existing approach. The system calculates the traffic light indicator status for the performance indicators based upon the performance achieved compared to the target. For example the results for processing of planning applications shown for NI 157 a, b and c are all currently below the target level aimed for. The indicator status is therefore showing red for all the indicators in this case. The status for the Corporate Plan actions are inputted by the relevant reporting officer based upon an assessment of the progress made to date.
- 4.4 The performance plus system uses the red, amber and green status indicators and shows these using a red triangle, orange circle and green star as shown above at paragraph 4.2. The direction of travel indicators are calculated by comparing the level of performance achieved and the change in performance, if any, from the previous quarter. An upward arrow is an improving position and a downward arrow is a worsening position. A level arrow is indicating a consistent level of performance.

5 Performance Indicators

- 5.1 Members will be aware that national indicators are no longer in place and have been replaced by national data returns specified by the government. A number of previous national and best value indicators have been kept as local indicators as they are considered to be useful in terms of managing the performance of our service delivery corporately.
- 5.2 The current national and local performance indicators have been reviewed by each division and Management Team for monitoring for the 2011/12.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and that none of the performance indicator targets are currently being achieved. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Number	Percentage
Green	5	100%
Amber	0	0%
Red	0	0%
Total	5	100%

Performance Indicators

Status	Year End Number	Percentage
Green	0	0%
Amber	0	0%
Red	3	100%
Total	3	100%

7 Summary

7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

8.1.1 Major applications are considered by the Police Architectural Liaison Officer who is looking to ensure that Secure by Design principles are applied for new developments.

8.2 Legal and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They have now been ended and replaced by a single list of data returns to Central Government from April 2011.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community.

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equalities

8.5.1 There are indicators relating to Equality reported to other Boards.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators included relating to local employment, environment, countryside and heritage and housing.



The Contact Officer for this report is Robert Beggs (719238).







Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
National Indicators for Local Authorities and Local Authority Partnerships	Department for Communities and Local Government	Statutory Guidance	February 2008

NWCP Planning Board 11/12							
	Action	Lead Officer	Reporting Officer	Due Date	Update	Status	Direction
NWCP 004 11/12	To publish a draft Core Strategy for consultation with the public by October 2011 that reflects the Council's priorities	ACE&StC	Barratt, Dorothy	31/03/2012	The Core Strategy was considered and agreed at Planning and Development Board 12th september 2011 and Executive Board 13th September 2011 for consultation beginning the 20th October till 12th January 2012	★	➡
NWCP 012 11/12	To move towards the management of development rather than its control by looking at development proposals as an opportunity to deliver the Council's priorities and objectives, as set out in the Sustainable Community Strategy and the Corporate Plan and not just the Development Plan. To report on this approach by March 2012	ACE&StC	Brown, Jeff	31/03/2012	Will report March 2012	★	➡
NWCP 013 11/12	Consideration of planning applications to ensure that only appropriate development is permitted in the Green Belt, that development is focused on the agreed settlement hierarchy and protects the best of our existing buildings. To report on this approach by March 2012	ACE&StC	Brown, Jeff	31/03/2012	To report March 2012	★	➡
NWCP 014 11/12	Continue to use the Design Champion to ensure the best achievable designs are implemented in development. To report on the role of the Design Champion by March 2012	ACE&StC	Brown, Jeff	31/03/2012	To report March 2012	★	➡

NWCP 051 11/12	To work with the County Council to provide training and to administer funding provided by the developers at Birch Coppice Industrial Estate to maximise opportunities for employment of local people	ACE&StC/ACE (CS)	Maxey, Steve	31/03/2012	<p>We have agreed a series of procurement exercises will be undertaken on this. Proposals are currently being prepared through a partnership group titled North Warwickshire Works. The first will be aimed at Younger People. Bids are proposed to be evaluated by Steve Maxey NWBC, Catherine Marks Warwickshire County Council , and a representative from Job Centre Plus. Ocado and IM Properties (Dordon) Limited will need to be involved and their confirmation would be prudent. The evaluation will be endorsed by the North Warwickshire Community Partnership task and finish group for this priority</p>		
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NWPI Planning Board 11/12							
Ref	Description	Section	Year End Target	Performance	Traffic Light	Direction of Travel	Comments
@NW:NI157a	Percentage of major planning applications dealt with in a timely manner	Development Control	60	50			Improving but waiting for Section 106's will always be an issue
@NW:NI157b	Percentage of minor planning applications dealt with in a timely manner	Development Control	85	73.17			Slight improvement
@NW:NI157c	Percentage of 'other' planning applications dealt with in a timely manner	Development Control	95	78.44			Likely to recover by the end of the year

Agenda Item No 9

Planning and Development Board

14 November 2011

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 10

Breaches of Planning Control - Report of the Head of Development Control.

Paragraph 6 – by reason of the need to consider appropriate legal action

The Contact Officer for this report is David Harris (719222).