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| Contains Confidential or Exempt Information | NO |
| Title | REG 106 Adoption of the Butts Farm Neighbourhood Area |
| Member Reporting | Cllr Curran |
| Contact Details | Michael Thornton , Interim Manager, Planning Policy Team 020 8583 5228 / michael.thornton@hounslow.gov.uk |
| For Consideration By | Cabinet |
| Date to be Considered | 12 th September 2013 |
| Implementation Date if Not Called In | 24 th September |
| Affected Wards | Hanworth |
| Keywords/Index | Planning, regeneration, development, consultation. |

1. Details of Recommendations

Cabinet is asked to agree the following:

1. The note the outcomes of the public consultation on the designation of the Butts Farm Neighbourhood Area.
2. To agree the adoption of the Butts Farm Neighbourhood Area (identified in the map in Appendix 1) for the purposes of neighbourhood planning powers introduced by the Localism Act 2011.

| If the recommendations are adopted, how will residents benefit? | |
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| The designation of the Butts Farm Neighbourhood Area creates the potential for the local community within that area to use the planning powers introduced through the Localism Act. | September 2013 |

2. Report Summary

1. This report deals with the designation of the Butts Farm Neighbourhood Area.
2. The representations received in response to the recent consultation are set out in Appendix 2 together with a response.
3. The report recommends the adoption of the Butts Farm Neighbourhood Area as defined by the map in Appendix 1.
4. These recommendations are being made because the Local Planning

Authority is required to exercise their power of designation as set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011).

5. If adopted, the key financial implications for the Council are that the council will be eligible to apply to central government for a grant of £5,000. Section 4 of the report also details potential future impacts in terms of the use of funding received through the Community Infrastructure Levy.

3. Reason for Decision and Options Considered

- 3.1 The Council received an application for the designation of the Butts Farm area in Hanworth ward as a neighbourhood area in January 2013, using powers introduced by the Localism Act 2011. A map of the application area is attached in Appendix 1. A neighbourhood area means an area within the borough boundary which has been designated by the authority as a neighbourhood area to enable the use of neighbourhood planning powers such as the development of a neighbourhood plan or neighbourhood development order. This is the first application the Council has received in relation to the use of the neighbourhood planning powers introduced through the Localism Act 2011.
- 3.2 The revised Town and Country Planning Act 1990 (subsequently referred to as 'the Act') and supporting Neighbourhood Planning (General) Regulations 2012 set out the requirements for the Local Planning Authority in relation to the publication and designation of a proposed Neighbourhood Area. They also set out the requirements that must be met in making an application for a neighbourhood area. The power to designate a neighbourhood area is only exercisable where a relevant body has applied to the authority for an area specified within the application. A relevant body means an organisation or body which is, or is capable of being designated as a neighbourhood forum. The specified area can be any part of the area of the Council which does not overlap with another designated neighbourhood area.
- 3.3 Once an application for a neighbourhood area has been submitted, the authority must publicise the application for a minimum period of six weeks, bringing it to the attention of those living and/ or conducting business with the proposed neighbourhood area. Once the consultation period has closed, the authority must then consider the responses made before recommending the approval, refusal (in whole or in part) or modification of the proposed neighbourhood area. Where the Council decides not to designate a neighbourhood forum or area, the Council must publish a document which sets out that decision and a statement of their reasons for making that decision.
- 3.4 The Act also states that in designating a neighbourhood area, the Council must consider whether the area concerned should be designated as a business area. The legislation states that this designation should be applied if it is considered that 'the area is wholly or predominantly business in nature'. The Butts Farm area is primarily residential with some large areas of open space, consequently it has been determined that it does not have the characteristics for designation as business area.

- 3.5 Once adopted, the Council must publicise the name of the designated neighbourhood area and ensure that no future neighbourhood area designations cover any part of the existing designated area.

Butts Farm Neighbourhood Area

- 3.4 The Butts Farm Working Together Group formed in January 2013 and applied to the authority for the designation of the Butts Farm area as a neighbourhood area as shown in Appendix 1. The boundaries of the area are defined by the River Crane to the north, the A316 to the east; the A314 and the A312 to the south. As required, their application provided a map of the proposed area together with supporting information outlining why the area was suitable for designation, and demonstrating that the Butts Farm Working Together Group were an appropriate 'relevant body' as required by the Act.
- 3.5 Following an assessment of their application by officers, the application was published for a seven-week period of public consultation from 25th April until 14th June 2013. The application was publicised in the local area through the use of site notices displayed on local streets, as well as by sending details of the consultation to all contacts on the Council's Local Plan database. The Butts Farm Working Together Group also publicised the consultation event through their own members and networks.
- 3.6 A total of six representations were received in response to the consultation, all from government bodies or agencies namely the Highways Agency, English Heritage, the Environment Agency, Natural England, the Canal and River Trust and the London Borough of Hillingdon. No objections or proposed alterations were raised in these responses to the designation of the proposed neighbourhood area. A summary of the representations received to the consultation and the proposed responses are provided in Appendix 2.
- 3.7 Following the consultation and consideration of the representations received officers have made an assessment of the proposed application in relation to the criteria specified in the Act and supporting regulations, which are set out in Table 1 below:

Table 1

| Criteria | Evidence | Meets criteria |
|--|--|-----------------------|
| Has the proposed Forum submitted a map which identifies the area to which the area application relates? | Plan submitted with the application | Yes |
| Does all of the proposed area fall within the London Borough of Hounslow? | Submitted plan | Yes |
| No part of the proposed area already been designated as a neighbourhood area or is it the subject of a separate neighbourhood area application | No other neighbourhood areas have been adopted within London Borough of Hounslow | Yes |

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| Is this area considered appropriate to be designated as a neighbourhood area? | Commentary submitted with application. | Yes |
| The area does not qualify for designation as a business area? | Proportion of business premises within the proposed area is low | Yes |
| Has the proposed area been publicised in line with regulations and were any representations received? | Consultation took place for a period of seven weeks – 25 th April to 14 th June. Six consultation responses were received and there were no objections to the proposed designation. | Yes |
| Does the applicant organisation comply with the validation criteria for neighbourhood forums? | Submitted constitution for the Butts Farm Working Together Group | Yes |

3.8 Based on the assessment set out above, it is recommended that the Council approve the adoption of the Butts Farm Neighbourhood Area as shown in Appendix 1.

4. Key Implications

- 5.1 The designation of a neighbourhood area creates the potential for use the of neighbourhood planning powers introduced through the Localism Act. The use of the powers by the local community as implications for the Council both in terms of resources, and the future use of its planning powers within these localities.
- 5.2 Firstly, following the designation of a neighbourhood area, community groups and organisations can apply for neighbourhood forum status. Neighbourhood forums should consist of a minimum of 21 individuals who live or work (or are elected members of the local authority) within the area. They must also be established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned. As with neighbourhood areas, the Council is responsible for advertising, assessing and adopting any proposed neighbourhood forums.
- 5.3 Once a neighbourhood forum is in place, they can formally begin to prepare their neighbourhood plan or seek to introduce a neighbourhood development order. As a neighbourhood plan will be a statutory planning document there are a number of formal stages that have to be completed in its production. The government is clear that it is the neighbourhood forum that produces the neighbourhood plan (not the local planning authority), following community involvement and information gathering. Once submitted, it is the local planning authority's responsibility to undertake a statutory period of formal consultation, check the neighbourhood plan for 'legal compliance' and to submit the plan for examination by an independent examiner. Following successful completion of the examination, the neighbourhood plan is subject to a referendum whereby

all those on the electoral register within the neighbourhood area are eligible to vote. A neighbourhood forum may also seek the introduction of a neighbourhood development order which gives planning permission to specific types of development(s) within the neighbourhood area.

- 4.4 Finally, the government have consulted on amendments to the Community Infrastructure Levy (CIL) regulations. CIL will be a fixed charged on new development (per square metre) to help fund the provision of local infrastructure, which the Council plans to introduce from March 2015. The proposed amendments to the CIL regulations state that 15% of CIL receipts should be used with the relevant neighbourhood area to support local infrastructure. These receipts will be passed to a neighbourhood forum where one exists, alternatively where a neighbourhood areas has been designated but no forum exists, the authority will be responsible for engaging with the local community to determine how this 15% should be spent. Where a neighbourhood plan has also been adopted, the proportion of CIL to be spent within the neighbourhood areas rises to 25%.

5. Financial Details

a) Financial Impact On The Budget

The government have introduced funding to incentivise local authorities to support neighbourhood planning. Within the current financial year (up to 31st March 2014) the council can claim £5,000 for the designation of a neighbourhood area.

b) Financial Background (optional)

The cost of consulting upon the proposed neighbourhood area was met from existing budgets.

c) Comments of the Assistant Director Strategic Finance

The council can claim a grant of £5,000 from central government for the designation of a neighbourhood area. There are no other direct financial implications arising from the adoption of the recommendations in this report. There will be restrictions on the council's use of the Community Infrastructure Levy (CIL) when introduced, as outlined in paragraph 4.4 above.

6. Legal (to be completed in conjunction with the Legal Department)

a) Legal Details

Officers consider that the information provided with the application is adequate to show that the statutory requirements for the designation of a neighbourhood area are met. The effect of the pertinent legislation is outlined in section 3 of this report.

b) Comments of the Assistant Director Corporate Governance

The Assistant Director Corporate Governance supports the recommendations in the Report.

7. Value For Money

N/A

8. Sustainability Impact Appraisal

8.1 This stage of the neighbourhood planning process only involves the defining of areas. No Sustainability Appraisal is required for this stage.

9. Risk Management

N/A

10. Links to Council Priorities

N/A

11. Equalities, Human Rights and Community Cohesion

11.1 Consideration has been given to the public sector equality duty imposed by s149 of the Equality Act 2010. Having paid due regard to the need to meet the objectives of that duty the view is taken that the duty is met.

12. Staffing/Workforce and Accommodation implications

12.1 The existing portfolio of work in relation to neighbourhood planning has been limited to one neighbourhood area and one neighbourhood forum application. However, should the caseload of neighbourhood planning work increase, additional staff resources may be required within the planning policy team to support the on-going case work, to ensure that other service priorities including the Local Plan and Community Infrastructure Levy remain on track.

13. Property and Assets

N/A

14. Any Other Implications

15. Consultation

15.1 A public consultation on the proposed designation of the neighbourhood forum took place between 25th April 2013 and 14th June 2013.

16. Timetable for Implementation

16.1 The neighbourhood area will be designated immediately the Borough Council approve the recommendations set out within the report.

17. Appendices

17.1 Appendix 1: Map of the Butts Farm Neighbourhood Area

17.2 Appendix 2: Summary of Consultation Responses

18. Background Information

N/A

REPORT ENDS

Appendix 1: Map of Proposed Butts Farm Neighbourhood Area



London Borough of Hounslow


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SCALE: 1:100



Appendix 1: Butts Farm Neighbourhood Area



Appendix 2: Summary of Butts Farm Neighbourhood Area Consultation Responses

| Consultee | Representation | Council Response |
|------------------------------|---|--|
| Canal and River Trust | No comments | Noted |
| English Heritage | Do not wish to comment in detail in respect of the proposed boundary. | Noted |
| | In the event of the area being adopted we would ask that consideration is given to ensuring positive and complimentary policies for the management of archaeology in the Archaeological Priority Area to the north of the proposed neighbourhood area. | Noted. Only the extent of the neighbourhood area is currently being consulted upon and there are no proposals yet for a neighbourhood plan or development order. |
| Environment Agency | The River Crane forms a boundary of the proposed area, with some areas within Flood Zones 2 and 3. Development should follow the recommendations of the SFRA. | Noted. Only the extent of the neighbourhood area is currently being consulted upon and there are no proposals yet for a neighbourhood plan or development order. |
| | The new forum should be made aware of the recommendations in the Surface Water Management Plan for Hounslow in the creation of any Neighbourhood plans. | Noted. Only the extent of the neighbourhood area is currently being consulted upon and there are no proposals yet for a neighbourhood plan or development order. |
| Highways Agency | No comments | Noted |
| London Borough of Hillingdon | No comments | Noted |
| Natural England | The proposed area partly includes the Crane Park Island Local Nature Reserve as well as being adjacent to the Pevensy Road Local Nature Reserve. Account should be taken of the relevant management plans for these areas in consultation with the London Wildlife Trust. | Noted. Only the extent of the neighbourhood area is currently being consulted upon and there are no proposals yet for a neighbourhood plan or development order. |
| | Consideration should be given to whether the plan or proposal impacts on protected species. | Noted. Only the extent of the neighbourhood area is currently being consulted upon and there are no proposals yet for a neighbourhood plan or development order. |

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| | <p>Neighbourhood plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, and use natural resources more sustainably.</p> | <p>Noted. Only the extent of the neighbourhood area is currently being consulted upon and there are no proposals yet for a neighbourhood plan or development order.</p> |
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