
REPORT TO THE MEETING OF THE EXECUTIVE 2 MARCH 2016**PORTFOLIO: PLANNING****REPORT FROM: ASSISTANT DIRECTOR, PLANNING SERVICES****SUBJECT: CANEWDON AND WALLASEA NEIGHBOURHOOD AREA APPLICATION****1 DECISION BEING RECOMMENDED**

- 1.1 That the Canewdon and Wallasea Neighbourhood Area as shown on the map accompanying the application (Appendix 1) be approved. Following approval, the designation will be published on the Council's website.

2 REASON/S FOR RECOMMENDATION

- 2.1 Information submitted by Canewdon Parish Council, consultation responses received, legislation and planning guidance have been taken into consideration and, on balance, the proposed Neighbourhood Area is not considered to be inappropriate.

3 NEIGHBOURHOOD AREA APPLICATION

- 3.1 Neighbourhood planning is a discretionary plan-making framework which was introduced by the Localism Act (2011). In areas such as Rochford District it is the Parish and Town Councils (known as the 'qualifying body') that have the legal right to produce a Neighbourhood Plan. The preparation of a Neighbourhood Plan is regulated by The Neighbourhood Planning (General) Regulations 2012 (as amended). Rochford District Council, as the Local Planning Authority, has a statutory duty to provide support and advice to Parish and Town Councils that wish to produce a Plan.
- 3.2 The first stage in the preparation of a Neighbourhood Plan is for a Parish or Town Council to submit an application to designate an area that the Neighbourhood Plan will cover – a Neighbourhood Area application. Canewdon Parish Council submitted an application to designate the Parish of Canewdon as a Neighbourhood Area for planning purposes in December 2015, referred to as the Canewdon and Wallasea Neighbourhood Area. This application included:
- a map which identified the area to which the area application related;
 - a statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area; and
 - a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

4 CONSULTATION ON THE NEIGHBOURHOOD AREA APPLICATION

- 4.1 Under The Neighbourhood Planning (General) Regulations 2012 (as amended) once a valid application has been submitted the Local Planning Authority must publicly consult on the application. In the case where an application relates to the whole of a Parish then the consultation must last for a minimum of four weeks. Following this consultation, the Local Planning Authority has a further four weeks within which to make a decision on whether to designate the area applied for or not. It is only following successful completion of this stage that Canewdon Parish Council can formally progress with the preparation of its Neighbourhood Plan.
- 4.2 Canewdon Parish Council's application was consulted on between 12 January 2015 and 9 February 2015. This application was consulted on using a number of methods as set out in the attached Consultation Statement (Appendix 2). A total of thirteen responses from individuals and organisations were received during the consultation period.
- 4.3 In summary, the representations predominately acknowledged the start of the Canewdon and Wallasea Neighbourhood Plan process, providing points of reference and sources of information, and asking to be consulted on the draft Plan in due course. There was some specific support expressed for the proposed area and Canewdon Parish Council's intention to prepare a Neighbourhood Plan. The RSPB however raised an objection to the inclusion of Wallasea Island in particular. A summary of the representations received is provided in the Consultation Statement at Appendix 2.

5 INCLUSION OF WALLASEA ISLAND

- 5.1 The RSPB is responsible for the delivery of the nature reserve at Wallasea Island. It is the largest conservation and engineering project ever to have been undertaken in the UK and Europe, with its development expected to be ongoing until around 2025. Therefore the continuing construction of the nature reserve until this time and any future development phases would need to comply with local planning policies.
- 5.2 The RSPB's response to the consultation confirms that they do not feel that it is appropriate to include the Island within the proposed Neighbourhood Area. The general thrust of their comments is that Canewdon village is at the heart of the Plan area.
- 5.3 Canewdon Parish Council, however, has consulted and engaged with the local community using a number of methods and has subsequently considered that the whole of the Parish should be covered by their future Neighbourhood Plan. In their statement it has been highlighted that Wallasea Island is not often referred to and as such features in the proposed title of the Plan – and subsequently the proposed Neighbourhood Area.
- 5.4 The Localism Act (2011) requires local authorities when determining applications “to have regard to the desirability of designating the whole area of

a Parish Council as a Neighbourhood Area” (S61 (G)(4)). The presumption is that Local Authorities will designate Neighbourhood Areas on existing Parish and Town Council boundaries unless there is a valid planning reason not to do so. In this respect, it is for the Council to ensure that Neighbourhood Areas are coherent, consistent and appropriate. As well as taking on board any comments received during consultation, other factors for the Council to consider include:

- any natural or man-made features (e.g. rivers, roads, railways etc.);
- catchment areas for current or planned infrastructure;
- development proposals and allocations; and
- environmental designations.

5.5 It is considered that there are no such ‘anomalies’ in respect of the proposed Canewdon and Wallasea Neighbourhood Area.

5.6 The Planning Practice Guidance (PPG) provides advice and guidance to the Local Planning Authority, as the responsible body for determining Neighbourhood Area applications and for overseeing the Neighbourhood Plan making process itself (paragraphs 32-35 in particular). A Local Planning Authority should aim to designate the area that has been applied for – thus applications should be considered positively. A Local Planning Authority can refuse to designate an area if it considers that the area applied for is not appropriate, however, a Local Planning Authority should not pre-judge what will be included within a Neighbourhood Plan when considering designating an area.

5.7 Furthermore the National planning Policy Framework (NPPF) reinforces that Neighbourhood Plans must be in general conformity with strategic policies in the Local Plan, and Neighbourhood Plans should reflect these policies and should plan positively to support them (paragraph 184).

5.8 The Council has strategic policies within its adopted local development plan (primarily the Core Strategy) that support the development of Wallasea Island over the current plan period i.e. up to 2025. Work has commenced on a review of adopted planning policies and it is anticipated that the emerging new Local Plan will continue to contain strategic policies relating to the development of Wallasea Island as a nature reserve.

6 CONCLUSION

6.1 The consultation generated a limited response, and those who did comment were generally statutory consultees. Comments received in general did not specifically refer to – and therefore did not raise any issues with – the proposed area. However an issue was raised by the RSPB with respect to the designation of the proposed Neighbourhood Area as it includes Wallasea Island.

- 6.2 The Council has taken into consideration the statement submitted by Canewdon Parish Council, the consultation responses received, in particular the objection from the RSPB to the proposed area, legislation and planning guidance. On balance, and in the interests of not pre-judging the content of the Neighbourhood Plan, the proposed Neighbourhood Area is not considered to be inappropriate. It is therefore recommended that the area submitted by Canewdon Parish Council be designated as the Canewdon and Wallasea Neighbourhood Area.
- 6.3 The Neighbourhood Plan must be in general conformity with the Council's local development plan. Canewdon Parish Council will need to work with Rochford District Council – who has a duty to provide support and advice – as well as other key stakeholders including the RSPB, Essex County Council, Natural England and Historic England in the preparation of their Plan to ensure that it is in general conformity with strategic policies, is robust and fit-for-purpose.

7 ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The Council is legally obliged to make a decision on whether to designate the Parish of Canewdon within four weeks of the end of the consultation i.e. by 8 March 2015.
- 7.2 The alternative option is to not recommend that the area be designated as a Neighbourhood Area; however this is not considered to be reasonable recommendation taking into account the legislation, guidance and information provided to the Council.

8 RISK IMPLICATIONS

- 8.1 As a statutory process, failure to make a decision on the Neighbourhood Area application runs the risk of Canewdon Parish Council being unable to proceed with their Neighbourhood Plan. It is possible for a Local Authority not to approve a Neighbourhood Area, but it must demonstrate why the proposed area is not appropriate.

9 ENVIRONMENTAL IMPLICATIONS

- 9.1 The designation of the Canewdon and Wallasea Neighbourhood Area will not have any environmental implications itself.

10 RESOURCE IMPLICATIONS

- 10.1 The Localism Act (2011) places a duty to support the preparation of Neighbourhood Plans on Local Authorities through officer advice and guidance, making evidence available and organising/paying for the examination and referendum.
- 10.2 New Neighbourhood Planning funding was introduced by the Department for Communities and Local Government in May 2013 to support both Local

Authorities and local communities in preparing a plan. This amounts to £30,000 per Neighbourhood Plan that goes to the Local Authority to cover the cost of supporting the process, paying for the examination and referendum. The first payment of £5,000 will be made following designation of the Neighbourhood Area. The second payment of £5,000 will be made when the final pre-examination version of the Neighbourhood Plan is publicised by the Local Planning Authority prior to examination. The third payment of £20,000 will be made on successful completion of the neighbourhood planning examination.

11 LEGAL IMPLICATIONS

- 11.1 It is a statutory requirement to support the preparation of Neighbourhood Plans and for the Council to adopt, or 'make' them, if supported by the referendum. Failure to support the Parish or Town Councils to prepare a Neighbourhood Plan would result in legal challenge with any subsequent consequences for the Council.

I confirm that the above recommendation does not depart from Council policy and that appropriate consideration has been given to any budgetary and legal implications.



LT Lead Officer Signature: _____

Assistant Director – Planning Services

Background Papers:-

None.

For further information please contact Natalie Hayward (Principal Planner) on:-

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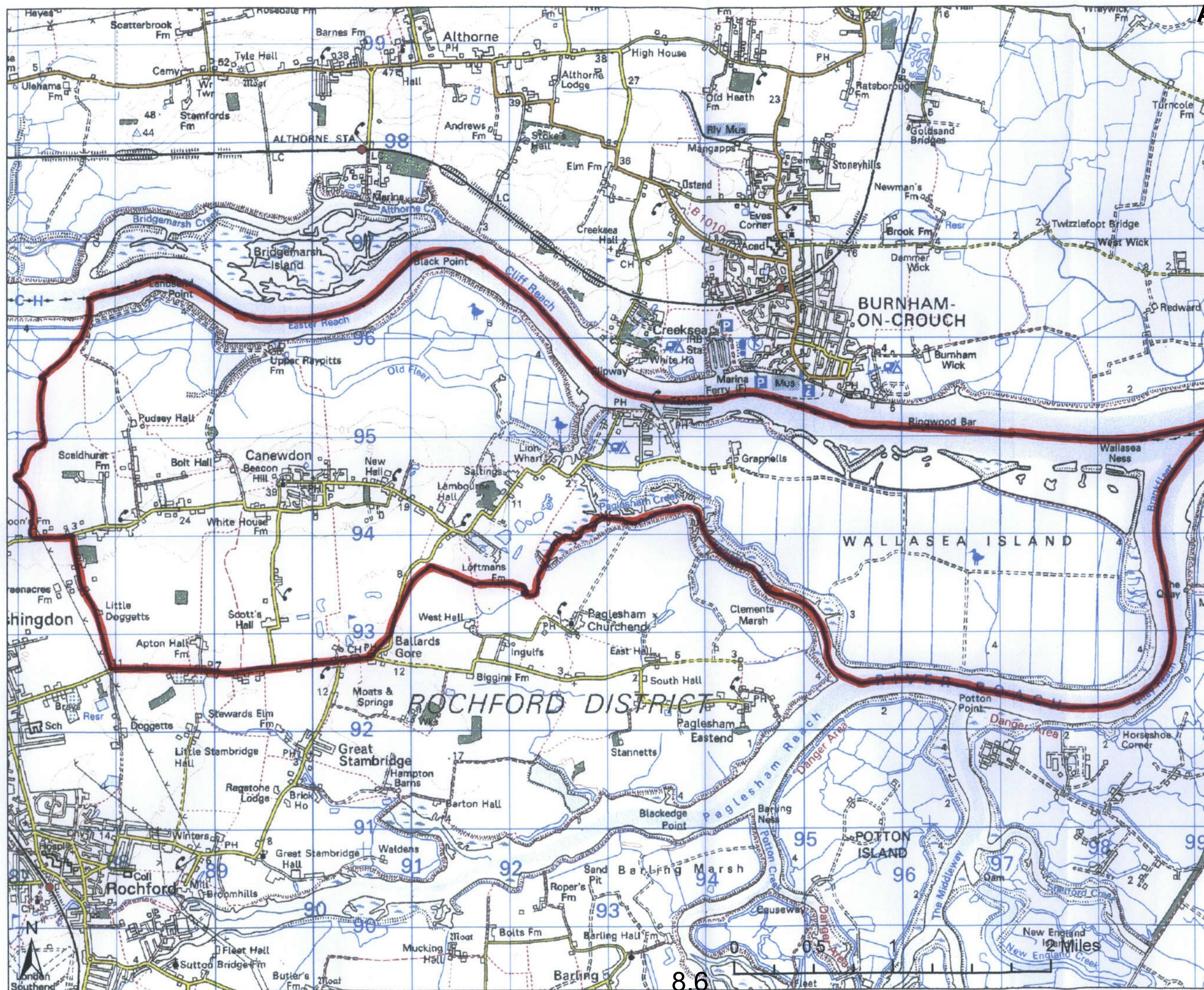
If you would like this report in large print, Braille or another language please contact 01702 318111.

**CANEWDON
+ WALLASEA
NEIGHBOURHOOD
AREA**

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Canewdon and Wallasea Neighbourhood Area Application: Consultation Statement February 2016

Introduction

- 1.1. Canewdon Parish Council submitted an application to Rochford District Council, as the Local Planning Authority, to designate the Parish of Canewdon as a Neighbourhood Area in December 2015. As the Neighbourhood Area application related to the whole of the Parish, the application was consulted on for a period of four weeks in accordance with The Neighbourhood Planning (General) Regulations 2012 (as amended).

Consultation Methods

- 1.2. The Neighbourhood Area application was available for comment between 12 January 2016 and 9 February 2016. A number of methods were used to highlight the statutory consultation on Canewdon Parish Council's application as detailed in the table below.

Method	Details
Consultation letters and emails to stakeholders in the Council's database of consultees	<p>Letters and emails were sent to a total of 727 individuals and organisations on the Council's database. The notification was targeted at residents with the Canewdon postcode area (SS4 3), planning agents / developers, and statutory consultees, including Parish and Town Councils, neighbouring Local Authorities, Essex County Council, utilities companies, Natural England, Heritage England, NHS, Environment Agency, Fire and Police services and RSPB.</p> <p>The breakdown of letters and emails to each group identified above was as follows:</p> <ul style="list-style-type: none"> Residents: 225 emails and 115 letters Planning agents / developers: 156 emails and 25 letters Statutory consultees: 167 emails / 39 letters
Posters	A 'Have Your Say' poster was produced and sent to Canewdon Parish Council to display in their parish noticeboards. The posters provided information on the consultation, how to submit comments, and contact details for Canewdon Parish Council.
Rochford and Rayleigh Reception Areas	Paper copies of the Neighbourhood Area application were available in reception areas during normal opening hours.
Website	The consultation featured prominently on the homepage

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Method	Details
	of the Council's website (under <i>In Focus</i>). This linked directly to information on the document, provided access to the consultation material and advice on how and when comments can be made.
Twitter	Twitter was used to highlight the consultation (@RochfordDC). The tweets provided a direct link to the consultation page on the Council's website, provided access to the consultation material and information on how to comment.

1.3. Comments on the application were accepted in the following ways:

- Online: using a dedicated webform
- Email: planning.policy@rochford.gov.uk
- Post: Planning Policy Team, Rochford District Council, Council Offices, South Street, Rochford, Essex. SS4 1BW.
- Fax: 01702 318181

Consultation Responses

1.4. Responses to the Canewdon and Wallasea Neighbourhood Area designation consultation. were predominately received from statutory consultees. A summary of the nature of the representations received during the consultation is set out in the table below.

Organisation / Individual	Nature of Representation	Officer Response
Ashingdon Parish Council	Support for the application.	Noted.
Basildon Borough Council	No comments to make on the designation.	Noted.
Environment Agency	No specific comments on the Neighbourhood Area designation as this is believed to be a local matter but request to be advised as the preparation of the plan progresses.	Noted.
Essex County Council (general	No specific comments on the appropriateness of the proposed boundary.	Comments noted and to be passed on to the

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Organisation / Individual	Nature of Representation	Officer Response
comments)	However it was highlighted that any Plan should have regard to Wallasea Island's special characteristics as a nature reserve, the existing policy framework, planning permissions and proposals, to ensure this character is not diminished. Essex County Council's neighbourhood planning reference guide was highlighted.	Parish Council.
Essex County Council (Passenger Transport)	Information and advice provided on promoting the use of public transport to and from the Canewdon/Wallasea Island area.	Comments noted and to be passed on to the Parish Council.
Essex County Council (Environment and Climate Change)	Information provided on taking environmental considerations into account when preparing a Plan.	Comments noted and to be passed on to the Parish Council.
Essex County Council (Minerals and Waste)	Minerals – Information and advice provided on taking Essex County Council's adopted Minerals Local Plan into account. Waste – The proposed area contains the land permitted by Essex County Council (as Waste Planning Authority) for the Wallasea Island Wild Coast Project.	Comments noted and to be passed on to the Parish Council.
Essex County Council (Sustainable Drainage Systems)	Information provided on taking flood risk into account when preparing a Plan.	Comments noted and to be passed on to the Parish Council.
Essex County Council (Heritage)	No specific comments on the proposed designation but advice provided on accessing historic environment information on the District, including the Canewdon area.	Comments noted and to be passed on to the Parish Council.
Essex County Council (Strategic Environmental Assessment – SEA)	Information and advice for Rochford District Council and Canewdon Parish Council on screening the future Plan in terms of Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA).	Comments noted and to be passed on to the Parish Council.

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Organisation / Individual	Nature of Representation	Officer Response
Highways England	No comments to make on the application.	Noted.
Historic England	No objection to the designation but information and advice provided in relation to Historic England's role and planning for the historic environment in this location.	Comments noted and to be passed on to the Parish Council.
National Grid	No specific comments on the Neighbourhood Area designation but information provided on high and low / medium pressure gas distribution pipes within the application area. Information and advice provided on gas distribution and electricity and transmission assets.	Comments noted and to be passed on to the Parish Council.
Natural England	No specific comments on the Neighbourhood Area designation but information and advice provided in relation to Natural England's role and planning for the natural environment.	Comments noted and to be passed on to the Parish Council.
Resident – Mr S Broad	No specific comments on the Neighbourhood Area designation but support expressed for growth of the village in general.	Comments noted.
Resident – Mr R Chapman	Support for the application but expressed concern about infrastructure in general.	Comments noted.
Resident – Mr D Haggerty	Support for the application but concern regarding accessibility of information on the Council's website.	Comments noted.
RSPB	Request that the area be redrawn to exclude the RSPB Wallasea Island Nature Reserve, as the heart of the Plan area lies within Canewdon itself, and as currently drawn the proposed boundary is not considered to be appropriate.	The RSPB's concerns are noted, and will be considered further in determining the appropriateness of the proposed Neighbourhood Area.
Sport England	No specific comments on the Neighbourhood Area designation but information and advice provided in relation to Sport England's role and planning for	Comments noted and to be passed on to the Parish Council.

Organisation / Individual	Nature of Representation	Officer Response
	sport.	

Conclusion

- 1.5. The majority of representations received did not specifically make reference to the appropriateness of the proposed Neighbourhood Area boundary itself. There was some specific support expressed for the proposed area and Canewdon Parish Council's intention to prepare a Neighbourhood Plan. The RSPB however raises an objection to the inclusion of Wallasea Island.
- 1.6. The issue of including Wallasea Island within Canewdon Parish Council's future Neighbourhood Plan area will be considered in more detail in light of the Localism Act (2011), National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and the Rochford District Council's local development plan.