

BASSETLAW DISTRICT COUNCIL

FULL COUNCIL

24 September 2020

REPORT OF THE HEAD OF REGENERATION

**NEIGHBOURHOOD PLANNING: REQUEST TO DESIGNATE A
NEIGHBOURHOOD AREA – NETHER LANGWITH PARISH**

Cabinet Member: Regeneration
Contact: Beverley Alderton Sambrook

1. Public Interest Test

- 1.1 The author of this report Beverley Alderton Sambrook has determined that the report is not confidential.

2. Purpose of the Report

- 2.1 To secure Council approval for the designation of Nether Langwith Parish as a neighbourhood area for the purposes of producing a neighbourhood plan, as defined in the Neighbourhood Planning (General) Regulations 2012 (as amended).

3. Neighbourhood Plans

- 3.1 The Localism Act was given Royal Assent on 15 November 2011. The Act makes provision for neighbourhoods to produce their own land use plans, in general conformity with the strategic policies in the development plan for the local area. The development of a neighbourhood plan is overseen by a 'qualifying body', this generally being a parish council in parished areas, or a bespoke neighbourhood forum in unparished areas. Neighbourhood plans have the ability to promote more development in an area than that set out by the District Council (but cannot be used to block development proposals already set out in higher level plans) and can, for example, identify where new development should go and how it should be designed.
- 3.2 Proposals must be consulted upon extensively, undergo independent examination and then be put to a local referendum before they can be adopted as part of the statutory Development Plan for the District.
- 3.3 Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended 2016) require a relevant body (e.g. a parish council) to make a request of the District Council for designation of the area (the 'neighbourhood area') that will be covered by that body's neighbourhood plan. A request to this effect was submitted by Nether Langwith Parish Council to Bassetlaw District Council on 13 August 2020, identifying the full extent of the parish as the proposed designated neighbourhood area (Appendix 1).

- 3.4 Regulation 5A of the same act requires that the District Council must make the requested designation, as the proposed neighbourhood area matches that of the parish area. For information, a period of public consultation was previously required for all designation requests before they could be considered by the District Council. Following amendments to the legislation in 2016, public consultation is now only required in instances where the proposed neighbourhood area does not match a parish boundary.

4. Implications

- a) For service users:

A Council decision on this matter will give comfort to Nether Langwith Parish Council that their endeavours have Member support.

- b) Strategic & Policy:

The requested designation and subsequent progression through the development process to full adoption of the Nether Langwith Neighbourhood Plan will assist in delivering the District Council's corporate growth strategy as required by the hierarchical Local Plan. It offers a continuation of the ethos of enabling our communities to be empowered through managing their own spatial distribution of growth, with a key focus on locally-specific matters. The designation of the neighbourhood area is the first stage of that process.

- c) Financial – Ref: 21/92

There are no immediate financial implications arising from the report. Local authorities have a legal obligation to assist (the level of assistance being at the discretion of the District Council) parish/town councils and neighbourhood forums to prepare plans. Any costs have been funded from the Neighbourhood Planning budget (grants awarded to the District council to support hosting neighbourhood plan referendums) and through grants awarded to the Parish Council, to date, and any future budget implications will be identified through further reports to be brought to Cabinet as necessary.

- d) Legal - Ref: 87/09/2020

The report details statutory processes as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended 2016).

- e) Human Resources:

There are no human resource implications arising from this report.

- f) Community Safety and Environmental:

There are no community safety or environmental implications arising from this report.

- g) Equalities – Ref: NP-NL-0820

A completed Equality Impact Assessment Screening report is included as Appendix 2, identifying no negative implications arising from this report, and positive outcomes

in respect to impact on socio-economic factors, the provision of legislative clarity, and the assignment of value to local knowledge and aspirations.

- h) General Data Protection Regulation (GDPR):

There are no GDPR implications arising from this report.

- i) Whether this is a key decision and, if so, the reference number:

This is not a key decision.

5. Options, Risks and Reasons for Recommendations

- 5.1 There are two options available to Members:

- 5.2 First, **to approve the designation of the neighbourhood area**. There are no obvious risks associated with this approval, as the area mirrors pre-existing administrative boundaries. This option will ensure that the District Council fulfils its statutory obligations under Regulation 5A of the Neighbourhood Planning (General) Regulations 2012 (as amended 2016), and allow Nether Langwith Parish Council to progress with developing a neighbourhood plan.

- 5.3 Second, **not to approve the designation**. This will result in the District Council not fulfilling its statutory obligations, and will prevent Nether Langwith Parish Council from progressing the development of a neighbourhood plan.

6. Recommendation

- 6.1 It is recommended that Members approve the designation of the Nether Langwith Neighbourhood Area, as outlined at 5.2 above.

For more information contact:	Will Wilson Lead Neighbourhood Planner 01909 533 495 will.wilson@bassetlaw.gov.uk
Background papers available for inspection:	Electronic copies of the documents submitted to the District Council can be found at: https://www.bassetlaw.gov.uk/planning-and-building/planning-services/neighbourhood-plans/all-neighbourhood-plans-in-bassetlaw/nether-langwith/
List of appendices:	Appendix 1: Designation request letter and map of proposed neighbourhood area Appendix 2: Equality Impact Assessment Screening

Appendix 1: Designation request letter and map of proposed neighbourhood area

Will Wilson
Planning Policy Officer
Bassetlaw District Council
Queen's Buildings
Potter Street
Worksop
S80 2AH

Dear Will

Re: Application to designate a Neighbourhood Plan boundary

Following the public meeting held to consider the need for a Neighbourhood Plan, Nether Langwith Parish Council hereby applies for the establishment of a Neighbourhood Area to be known as the "Nether Langwith Neighbourhood Plan". The area for the proposed Neighbourhood Plan is the designated Parish Boundary, the proposed area covers the whole of a single parish boundary area.

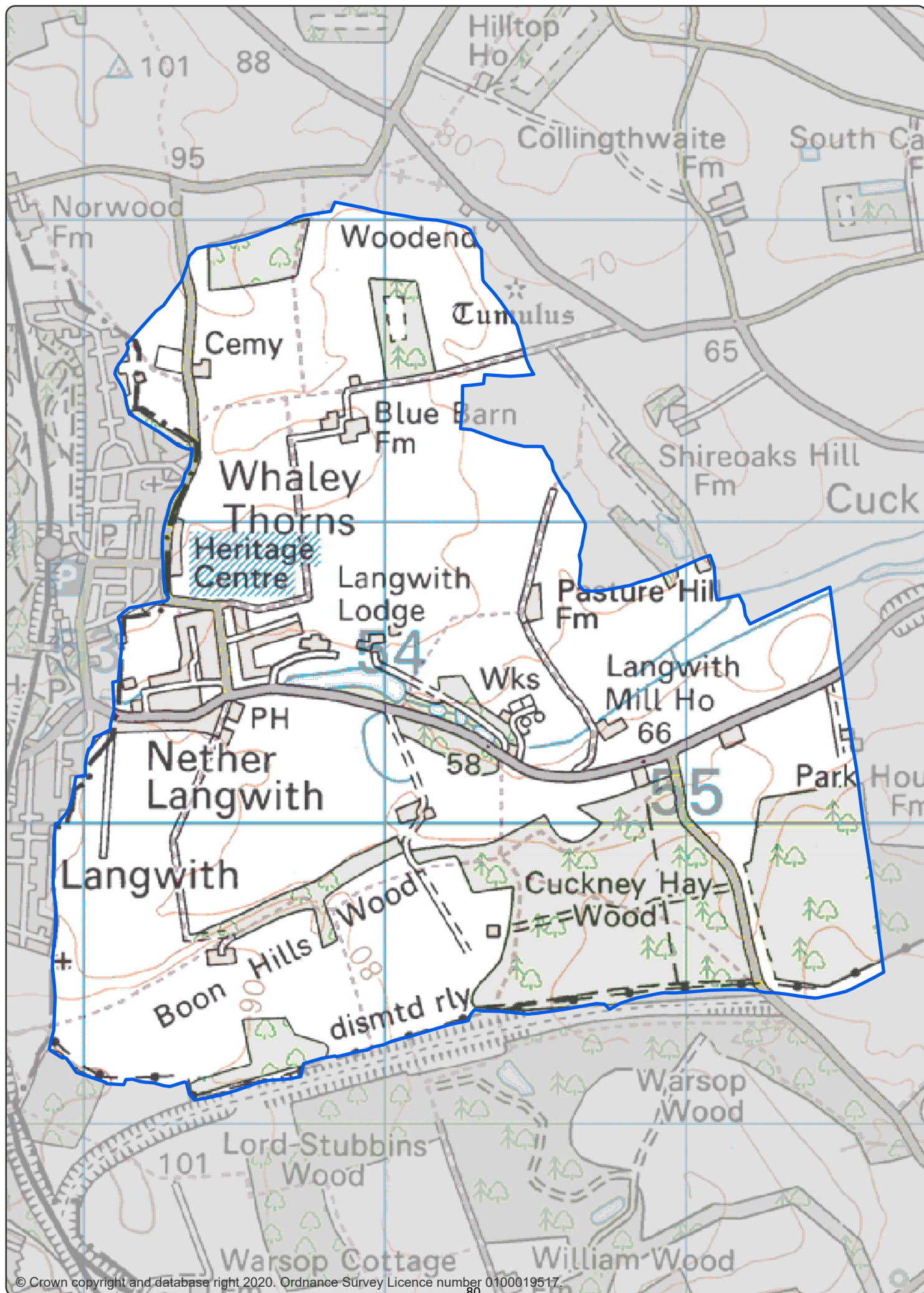
Upon designation, it is intended to create a Neighbourhood Plan Steering Group (NPSG), a sub-committee to Nether Langwith Parish Council, with a mix of residents and Parish Councillors. Representatives from the NPSG will attend Parish Council meetings to provide updates on the progress of the plan.

The intention of the NPSG will be to develop a Neighbourhood Plan so that residents will have greater involvement and influence over the future vision of the village of Nether Langwith. The Parish Council also wishes to ensure that any future planning and development of the village is supported with the correct and necessary infrastructure.

The point of contact for all communication and correspondence regarding this application is the Clerk to the Parish Council. Mrs Mary Welch, 20 Stonebridge Lane, Warsop, Notts, NG20 0DS, email: netherlangwithparish@gmail.com.

Yours sincerely,

Mr Matthew Evans
Chairman



Equality Impact Assessment

Part 1: Screening

Version: 2020 2.0

When reviewing, planning or providing services Bassetlaw District Council needs to assess the impacts on people. Both residents and staff, of how it works - or is planning to – work (in relation to things like disability). It has to take steps to remove/minimise any harm it identifies. It has to help people to participate in its services and public life. “Equality Impact Assessments” (EIAs) prompt people to think things through, considering people’s different needs in relation to the law on equalities. The first stage of the process is known as ‘screening’ and is used to come to a decision about whether and why further analysis is – or is not – required. EIAs are published in line with transparency requirements.

A few notes about the laws that need to be considered are included at the end of this document. Helpful questions are provided as prompts throughout the form.

1. Name of policy/activity/project/practice

This is:

~~New policy/activity/practice~~ - No

A change to existing policy/activity/practice - Yes

~~Existing policy/activity/practice~~ - No

~~A pilot programme or project~~ - No

Neighbourhood Planning: Request to designate a neighbourhood area – Nether Langwith Parish

2. Screening undertaken (please complete as appropriate)

Person undertaking EIA: Will Wilson – Lead Neighbourhood Planner

Lead Officer for developing the policy/activity/practice: Will Wilson – Lead Neighbourhood Planner

Other people involved in the screening: (this may be people who work for BDC or a related service or people outside BDC) Richard Gadsby – Policy & Scrutiny Officer

3. Brief description of policy/activity/project/practice: including its main purpose, aims, objectives and projected outcomes. Who is it intended to affect or benefit (the target population)? How do these fit in with the wider aims of the organisation?

Is it linked to BDC’s Corporate Plan? Service Plan? Other? Please explain:

Neighbourhood planning provides communities direct power to develop a shared vision for their neighbourhood and to manage future development and growth, subject to general conformity with the District's strategic planning needs and priorities.

Neighbourhood plans are produced through a collaborative, democratic process, involving various rounds of consultation, scrutiny, and culminating in a public referendum, where the residents of the area in question are able to decide whether to 'make' the plan. Subject to a positive result at the referendum, the neighbourhood plan becomes part of the statutory development plan, alongside the Bassetlaw Core Strategy and Development Management Policies Development Plan Document (DPD).

Nether Langwith Parish Council expressed an interest in producing a neighbourhood plan in mid-2019, and hosted an open public meeting to discuss the idea with local residents. An informal vote at the end of the meeting demonstrated overwhelming support for developing a plan for the area and, resultantly, the Parish Council agreed to pursue this. The request to designate the neighbourhood area is the first stage in the process of developing a neighbourhood plan. It identifies the area to be covered by the plan, and the body that will administer the process, known as the 'qualifying body'. In the case of Nether Langwith, the proposed neighbourhood area matches the parish boundary, and the 'qualifying body' is proposed as Nether Langwith Parish Council, with development of the plan proposed to be delegated to a Steering Group (sub-committee), with membership open to all local residents. The report that is the subject of this screening is to seek Full Council approval for the proposed designation, as is customary practice.

4. Impact

How will the aims affect our duty to:

- Promote equality of opportunity?
- Eliminate discrimination, harassment and victimisation?
- Promote good community relations?
- Promote positive attitudes towards people with protected characteristics?
- Encourage participation of people with protected characteristics?
- Protect and promote Human Rights?

For example, think about it from the perspectives of different groups in society. Does it cause harm or a benefit to any group(s) differently to others? Will it differentially affect:

- Black, Asian or other ethnic minority and/or cultural groups?
- Disabled people? And their carers?
- Transgender people?
- Men and women?
- Lesbians, gay men and/or bisexual people?
- Different religious communities/groups?
- People of a particular age e.g. older people or children and young people?
- Any other groups?
- People with flexible or agreed working patterns?

Are there any aspects, including how it is delivered, or accessed, that could contribute to inequalities? (This should relate to all areas including Human Rights.)

If the proposals will have negative impacts then a FULL Assessment (Appendix 2) MUST be completed.

The proposal has the potential to impact upon all residents of Nether Langwith Parish (as the proposed neighbourhood area), as a successful designation will allow the community to develop a neighbourhood plan, something which is not possible without a designation. At present, the planning regulations that relate to Nether Langwith have been produced by professional planners at District and National levels and are, consequently, general rather than specific. The production of a neighbourhood plan provides the opportunity for the community itself to develop planning policies that are specific to the neighbourhood area, thus providing significant opportunities for empowerment, democratisation, and the assignment of value to local knowledge and lived experience.

The proposal for Nether Langwith Parish Council to act as the qualifying body will ensure that there is a recognisable and accountable body in charge of proceedings. This will be complemented by the proposed Steering Group, which will ensure that the opportunity to shape the development of the neighbourhood plan is open to all residents, not solely Parish Council members. The District Council will recommend to the Parish Council that a Terms of Reference is produced for the Steering Group, providing clarity as to the expectations of members.

5. Within this table, state whether the policy or function will have a positive or negative impact across the following factors and provide any comments.

Factor	Positive Impact	Neutral Impact	Negative Impact	Comments
All residents and/or those who work/shop/play in the district	Positive			The proposed designation of Nether Langwith Parish as a neighbourhood area is the first step towards providing residents of the Parish, and other interested parties, with the opportunity to shape the development of locally-specific planning policies, in the form of a neighbourhood plan. Designation will ensure legislative clarity, and assist the Parish Council to take advantage of grant funding and technical support provided by central government to support neighbourhood planning. Developing a neighbourhood plan will also provide an opportunity to empower the local community, and to assign value to local knowledge and lived experience.
Age		Neutral		It is not regarded that the proposed designation of Nether Langwith Parish as a neighbourhood area will have an impact on this sector of society in particular.
Disability		Neutral		It is not regarded that the proposed designation of Nether Langwith Parish as a neighbourhood area will have an impact on this sector of society in particular.
Sex		Neutral		It is not regarded that the proposed designation of Nether Langwith Parish as a neighbourhood area will have an impact on this sector of society in particular.
Gender reassignment		Neutral		It is not regarded that the proposed designation of Nether Langwith Parish as a neighbourhood area will have an impact on this sector of society in particular.

Factor	Positive Impact	Neutral Impact	Negative Impact	Comments
Race		Neutral		It is not regarded that the proposed designation of Nether Langwith Parish as a neighbourhood area will have an impact on this sector of society in particular.
Religion or belief (including no belief)		Neutral		It is not regarded that the proposed designation of Nether Langwith Parish as a neighbourhood area will have an impact on this sector of society in particular.
Sexuality		Neutral		It is not regarded that the proposed designation of Nether Langwith Parish as a neighbourhood area will have an impact on this sector of society in particular.
Marriage and Civil Partnership (applies only to work matters)		Neutral		It is not regarded that the proposed designation of Nether Langwith Parish as a neighbourhood area will have an impact on this sector of society in particular.
Pregnancy and maternity (including breastfeeding)		Neutral		It is not regarded that the proposed designation of Nether Langwith Parish as a neighbourhood area will have an impact on this sector of society in particular.
Socio economic (including rural and poverty)	Positive			The proposed designation of Nether Langwith as a neighbourhood area is the first step in producing a neighbourhood plan. A neighbourhood plan will provide a means to maintain local distinctiveness in the Parish, and to support growth that is socially, economically, and environmentally sustainable. It will also provide a positive example of local democracy in action.
Human rights		Neutral		It is not regarded that the proposed designation of Nether Langwith Parish as a neighbourhood area will have

Factor	Positive Impact	Neutral Impact	Negative Impact	Comments
				an impact on this sector of society in particular.

If you have identified negative impacts a FULL assessment (Appendix 2) MUST be completed.

6. Evidence Base for Screening

List the evidence sources you have used to make this assessment (i.e. the known evidence)

(e.g. Index of Multiple Deprivation, workforce data, population statistics, any relevant reports, customer surveys Census 2011, equality monitoring data for the service area.)

- Draft Full Council Report – Neighbourhood Planning: Request to designate a neighbourhood area – Nether Langwith Parish
- Designation request letter from Nether Langwith Parish Council (including boundary map)

Are there any significant gaps in the known evidence base? If so what are your recommendations for how and by when those gaps will be filled?

7. Consultation

Describe what consultation has been undertaken on this function or policy, who was involved and the outcome.

In accordance with Regulation 5A of the Neighbourhood Planning (General) Regulations 2012 (as amended 2016), the request to designate a neighbourhood area that matches a pre-existing parish boundary is not required to be the subject of public consultation. Subject to the approval of the neighbourhood area designation, the development of the Nether Langwith Neighbourhood Plan will be subject to two rounds of formal / statutory consultation during its development, and a public referendum to decide whether it should be adopted.

Head of Service

I am satisfied with the results of the EIA.

Signature of Head of Service



EIA Ref. No: NP-NL-0820

Action Plan

Please list on this sheet the nature of any issues and any recommendation for actions that you plan to implement as a result of undertaking this Impact Assessment.

Issue identified	Action to be taken	Name lead	Date to be achieved	Outcomes
Not applicable				

Equality Impact Assessment

Appendix 2 Stage 2

In depth (FULL) assessment

Q	Equality Duties	Outcome
1	What evidence is there from stakeholders that different equality groups might have different needs, concerns and priorities in relation to issues addressed by the policy or activity (this includes the results of consultation with an involvement of different equality groups)?	
2	How does the proposed policy or activity contribute towards meeting our strategic objective to encourage continual improvement in public services so that they meet the changing needs of diverse communities and provide fair access for all?	
3	How does the policy or activity contribute to our duty to promote positively equality of opportunity?	
4	Will it help eliminate unlawful discrimination or harassment in any way or encourage or hinder community relations?	
5	What evidence is there to suggest that the policy or activity could affect some equality groups differently? This is not just about number but the seriousness and degree of the adverse impact.	
6	If there is an adverse impact, what amendments can be made to the policy or practice to mitigate or remove this negative impact?	
7	If your activity is provided by a partner, private or voluntary sector organisation on a contract basis, please list any arrangements you have made or plan to make to help ensure that these comply with equality.	
8	How will it help ensure that information about this policy or activity is accessible to equality groups?	
9	If this strategy, policy or service development impacts upon other services, please list which services and what arrangements have been made.	
10	Have you compared your policy or activity with similar local authorities? If so, with what results?	

Q	Equality Duties	Outcome
11	Please list any consultation with equality groups in support of the above equality issues.	
12	Please list the equality groups you have consulted with.	
13	Please list in your Improvement Plan any changes to your policy or activity that you have made, or you plan to make, as a result of consultation with different equality groups.	
14	What are the specific recommendations in the Improvement Plan?	
15	How is it intended to monitor and report on the impact of this assessment?	
16	Please list any performance targets relating to equality that your policy or activity includes.	
17	Please list any changes to your policy or activity that you have made or plan to make as a result of monitoring.	
18	Please list any staff training issues on equality arising from this assessment (and include this in your Improvement Plan).	
19	How do you plan to publicise the results of this assessment? Include this in the Improvement Plan.	

Notes:

1. The in-depth (full) assessment must consider all available data and research. This could include the result of employee or stakeholder surveys, the results of consultation, audits, service reviews, employment monitoring data, population data, research findings and data collected through monitoring the implementation of the policy or activity and evaluation of projects/programmes, data about the performance of local services.
2. The assessment above must also state how the policy was assessed and the details of the methods of involvement of appropriate people, for example, staff networks, external stakeholders and equality groups.

Completed by:**Role:****Date Started:****Date completed:****Declaration**

I am satisfied that an In Depth (Full) Assessment has been undertaken.

I understand that this EIA is required by the Council and take responsibility for its completion and quality.

Countersigned by Head of Service/Senior Manager

--

Date:

Equality Duties to be taken into account in this screening include:

Prohibited Conduct under The Equality Act 2010 including:

Direct discrimination (including by association and perception e.g. carers); indirect discrimination; Pregnancy and maternity discrimination; Harassment; third party harassment; discrimination arising from disability.

Public Sector Duties (Section 149) of the Equality Act 2010 for BDC and services provided on its behalf: (due to be effective from 4 April 2011)

NBC and services providing public functions must in providing services have due regard to the need to: **eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between different groups.** 'Positive action' permits proportionate action to overcome disadvantage, meet needs and tackle under-representation.

Rights apply to people in terms of their "Protected Characteristics":

Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief (including No Belief), Sexuality, Marriage and Civil Partnership (applies only to work matters, and Pregnancy and Maternity (including breastfeeding)

Race – the categories used are those from the Census. Consideration should be given to the needs of specific communities within the broad categories e.g. Polish.

Faith Groups - cover a wide range of groupings, the most common of which are Christians, Muslims, Sikhs, Hindus, Jews, and Buddhists. Consider faith categories individually and collectively when considering impacts. Also consider the position of those with no faith or belief.

Duty to "advance equality of opportunity":

The need, when reviewing, planning or providing services/policies/practices to assess the impacts of services on people in relation to their 'protected characteristics', take steps to remove/minimise any negative impacts identified and help everyone to participate in our services and public life. **Equality Impact Assessments** remain best practice to be used. Sometimes **people have particular needs** e.g. due to gender, race, faith or disability that need to be addressed, not ignored. BDC must have due regard to the **duty to make reasonable adjustments** for people with disabilities. BDC must **encourage people who share a protected characteristic to participate in public life** or any other activity in which their participation is too low.

Duty to 'foster good relations between people'

This means having due regard to the need to tackle prejudice (e.g. where people are picked on or stereotyped by customers or colleagues because of their ethnicity, disability, sexual orientation, etc) and **promote understanding.**

Lawful Exceptions to general rules: can happen where action is proportionate to achieve a legitimate aim and not otherwise prohibited by anything under the Equality Act 2010. There are some special situations (see Ch 12 and 13 of the Equality Act 2010 Statutory Code of Practice – Services, Public Functions and Associations).

National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including:

To improve how services identify and meet needs of adults with autism and their families.

Human Rights include:

Rights under the European Convention include not to be subjected to degrading **treatment; right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education; right to hold free elections by secret ballot.** The European Convention is given effect in UK law by the Human Rights Act 1998.