

HIGH PEAK BOROUGH COUNCIL

Report to Corporate Select Committee

20th March 2017

TITLE:	Amending the Scheme of Delegation for designation of Neighbourhood Areas in specified circumstances
PORTFOLIO HOLDER:	Cllr Tony Ashton – Leader
CONTACT OFFICER:	Pranali Parikh – Regeneration Manager
WARDS INVOLVED	All

1. Reason for the Report

- 1.1 To consider an amendment to the scheme of delegation to enable designations of Neighbourhood Areas, in those circumstances where the Council must exercise its powers of designation to designate the neighbourhood area applied for, to be made by the relevant Portfolio Holder with responsibilities for planning, in consultation with ward members who represent the proposed neighbourhood area.

2. Recommendations

- 2.1 To recommend that the Executive amend the Scheme of Delegation to delegate authority to the Executive Member whose responsibilities include planning policy to act in accordance with the protocol for decision making by an individual executive member, and in consultation with the ward members who represent the proposed neighbourhood area, to designate neighbourhood areas in those circumstances where the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 apply.

3. Executive Summary

- 3.1 The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 came into force on October 1st 2016. Under the Regulations, in those instances when a Parish Council is applying for the whole of the parish to be designated; where a parish is enlarging an existing neighbourhood area to encompass the whole of the parish; or in all other cases where an application has not been determined within the statutory 8 week period - the Local Planning Authority must exercise its powers to designate the specified area as a neighbourhood area.

- 3.2 The implications of these new Regulations include that the requirement to publicise a Neighbourhood Area is removed; and the Council should approve an application once that application is considered to be valid and complete.
- 3.3 Given that Regulations now prescribe circumstances for which a Local Planning Authority must use its powers of designation, it is proposed that in the case of applications that meet these criteria, the decision to approve the designation of a Neighbourhood Area should be delegated to the Executive Member whose responsibilities include planning policy (currently the Leader) in consultation with ward members who represent the proposed neighbourhood area.

How this Report Links with Corporate Priorities

- 4.1 Given the broad nature of Neighbourhood Planning, there will be direct implications for all of the Council's corporate priorities.

4. Options and Analysis

- 5.1 Options in relation to amending the scheme of delegation are:
1. Amend the Scheme of Delegation to delegate authority to the relevant Executive Member in consultation with the ward members who represent the proposed neighbourhood area – to designate neighbourhood areas in certain circumstances in the future (those circumstances when under the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 a Neighbourhood Area must be designated. (This will enable a Parish Council to continue work on preparation of a Neighbourhood Development Plan in a timely fashion and avoid taking up committee time where there is limited discretion available for Members in relation to the decision to be taken.) **Recommended.**
 2. Maintain the existing Scheme of Delegation and continue to take all future applications for Neighbourhood Area designation to Committee. (This would add an additional step into the process of designation where the Local Authority must exercise its powers, resulting in delay to the commencement of preparation work on a Neighbourhood Plan.) **Not recommended.**

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

None

6.2 Workforce

The Parish Council will receive support from members of the Regeneration Service planning policy team in the preparation of their Neighbourhood Plan

to help ensure that the Plan will meet the Basic Conditions and be successful at Examination.

6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

6.4 Financial Considerations

The main financial considerations will result from:

- Cost of examination (estimated £8,000).
- Cost of referendum (estimated £10,000).

The Council is eligible for Neighbourhood Planning New Burdens funding – paid by DCLG for supporting progression of Neighbourhood Plans. The 2016/17 claims criteria allow the Council to claim £5,000 for the first five neighbourhood areas designated. The limit of five areas applies to the total number of areas designated (i.e. it includes areas designated in previous years). The Council has designated three areas (Chapel-en-le-Frith, Whaley Bridge and Chinley, Buxworth and Brownside). The current claims criteria also allow grant payment of £20,000 to be claimed once a date is set for a referendum, following a successful examination.

6.5 Legal

Under the Town and Country Planning Act 1990 (as amended) the Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans. Applications for designation of a Neighbourhood Area are made under Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016. Neighbourhood Areas are defined under the Town and Country Planning Act 1990 61G. The relevant considerations for the Council include: Before exercising its powers, the Council should consider:

1. Is the organisation making the application a relevant body (as prescribed by the Act this must be a Parish Council or, in unparished areas, a designated Neighbourhood Forum)?
2. Is the area identified for designation as a neighbourhood area considered appropriate (where the applicant is a Parish Council, the area identified could include the whole or any part of the Parish)?
3. Would the area more appropriately be designated a business area i.e. the area is wholly or predominately in business use?
4. Does the area overlap with another designated area?
5. Comments received during any public consultation, where consultation is required.

If a valid application to designate the whole of a Parish is received from a Parish Council, there is limited discretion available in relation to determining

the application. The Council is required to exercise its powers to designate the specified area as a Neighbourhood Area.

6.6 Sustainability

Neighbourhood Development Plans must contribute to the achievement of sustainable development.

6.7 Internal and External Consultation

Neighbourhood Development Plans will be subject to public consultation.

6.8 Risk Assessment

Risks are identified in the report.

**Dai Lerner
Executive Director (Place)**

Web Links and Background Papers

Location

Contact details

Localism Act 2011

Buxton

Pranali Parikh
Phone: 07583 055366

The Neighbourhood Planning
(General) Regulations 2012 (as
amended)

The Neighbourhood Planning
(General) and Development
Management Procedure
(Amendment) Regulations 2016

7. Background and Detail

7.1 Neighbourhood Planning is a tool introduced by the Localism Act 2011 that communities can use to help shape the future of their area.

7.2 Preparation of a Neighbourhood Development Plan can be used to set out a vision for the future of an area, with associated planning policies for the use and development of land. Neighbourhood Development Plans can say where new homes, shops or offices should go; which green spaces should be protected, and what new development should look like.

7.3 Neighbourhood Development Plans are optional and communities can choose whether or not to prepare one.

- 7.4 In areas with a Parish or Town Council, the Parish or Town Council is responsible for writing the Neighbourhood Development Plan. The area covered by the Plan may be the whole parish boundary, or just part of it. The area covered by the Plan is known as the Neighbourhood Area.
- 7.5 New regulations for neighbourhood planning came into force on 1st October 2016. Under these regulations, local planning authorities must exercise their powers of designation to designate the neighbourhood area applied for, when:
- a Parish Council applies for all of the parish area to be designated; or
 - applies to enlarge an existing designation of part of the parish to include all of the parish; or
 - when a LPA has not decided on an area designation within the established timeframes (8 weeks for a Neighbourhood Area).
- 7.6 The exception to this is if any of the area has already been designated (other than where a parish want to enlarge an existing designated area), or if there is an outstanding application for designation).
- 7.7 It is sought to amend the Scheme of Delegation to delegate authority to the relevant Executive Member (currently the Leader) in consultation with the ward members who represent the proposed neighbourhood area, to designate neighbourhood areas in certain circumstances in the future (those circumstances when under the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 – a local planning authority must exercise their powers of designation to designate the neighbourhood area applied for.
- 7.8 This will enable the required consideration of straight forward cases where a Parish or Town Council is applying for designation of the whole of their parish as a Neighbourhood Area to be determined quickly and efficiently without need to take a report to committee.
- 7.9 Should the scheme of delegation be amended, the validity and completeness of future applications that meet the criteria set out in the 2016 Regulations can be considered by the relevant Executive Member in consultation with the ward members who represent the proposed neighbourhood area.