

Appendix C

Key decision making in neighbourhood planning

Stages in Plan making where South Cambridgeshire District Council has to make decisions	Key Decision to be delegated to the Planning Portfolio Holder (PPH) and other decisions proposed to be delegated to Officer Decision
Submission of neighbourhood area application to South Cambridgeshire District Council	
<p>A Parish Council(s) (PC/s) is asked to complete the 'application for area designation' form, which can be found at https://www.scambs.gov.uk/npguidance. The form asks questions about the proposed area and the early consultation that the PC/s has undertaken.</p> <p>A valid application is one where a 'relevant body'¹ has submitted an application to the Council which must include:</p> <ul style="list-style-type: none"> • a map which identifies the area to which the area application relates • 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. 	<p>A Council must designate a neighbourhood area if it receives a valid application and some or all of the area has not yet been designated.²</p> <p>An officer can consider if the application form is valid.</p> <p><u>Proposed that this to be a delegated officer decision</u></p>
<p>Depending on the nature of the proposed neighbourhood area being proposed by the PC/s different regulations apply.</p> <p>a) If the application from the Parish Council is for the whole of its parish and is valid the Council is required to designate the whole area.</p>	<p>Decisions made about neighbourhood area designations will have to be made within the timescales set out in the regulations. If these time limits are not met the Council must designate all of the area applied for.</p> <p>a) Where the application is for the whole of a parish and is valid it is <u>proposed that this be a delegated officer decision</u>. The decision can be made quickly once it has been</p>

¹ In South Cambridgeshire the relevant body is a parish council

² See section 61G(5) of the Town and Country Planning Act 1990 Act as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004

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<p>b) For all other applications the Council must publicise and consult on the neighbourhood area applications for the appropriate timescales as set out in the neighbourhood planning regulations. The form of consultation to be guided by its normal practice for development plan documents and supplementary planning documents as set out in its adopted Statement of Community Involvement (SCI).</p> <p>The Council will carry out the consultation on the proposed neighbourhood area with the assistance of the relevant parish council/s (PC/s). The PC/s will help publicise the consultations by placing information about it in any local village newsletters or on their website. The Council also produces posters which they ask the PC/s to place around their parish/s at key locations to help publicise the consultation.</p> <p>According to the regulations the timescales within which the Council must make a decision on designating an area are as follows:</p> <ul style="list-style-type: none"> • Decisions will be made within 20 weeks where the proposed area falls across two or more Local Authorities; • Decisions will be made within 13 weeks in all other cases³. The consultation will be a minimum of 6 weeks for these longer decision periods. 	<p>ascertained that the application is valid.</p> <p>b) Where a consultation has taken place the Council will take the representations into consideration and decide whether to designate the area.</p> <p>Unless substantive objections are received to the proposed neighbourhood area <u>it is proposed that the decision is delegated to officers to designate the neighbourhood area.</u></p> <p>If substantive objections are received during the consultation it is <u>proposed that this decision be delegated to the Planning Portfolio Holder through a decision outside of a meeting in view of the prescribed timescales.</u></p>
<p>Following designation, the Council publicises its decision on its website, including the name of the Parish Council(s) nominating it, and a map showing the area.</p>	<p><u>Proposed that this be delegated to officers to carry out.</u></p>

³ All other cases could include where a number of parish councils decide to work together on a plan covering more than one parish area or where a parish council proposes an area smaller/larger than their individual parish.

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<p>Pre-Submission consultation carried out by Parish Council/s</p>	
<p>A PC/s must publicise the draft neighbourhood plan for at least 6 weeks and consult any of the consultation bodies whose interests it considers may be affected by the draft plan.</p> <p>During this consultation the Council has an opportunity to submit comments to the PC/s on their draft plan.</p> <p><u>Note: This stage precedes submission of the neighbourhood plan to the District Council, and a further formal consultation is then held during which Cabinet would be invited to make representations to the plan that would then be considered by the independent examiner.</u></p>	<p>If the Council has concerns that the draft plan does not meet the basic conditions it will be appropriate for the Planning Portfolio Holder to be made aware of these concerns. Any comments submitted by the Council would need to be done during the 6 week consultation. Where there are concerns it is <u>proposed that comments are submitted on the plan and this is delegated to officers.</u></p> <p>There will be a further opportunity for a formal response to be agreed by the Planning Portfolio Holder/ Cabinet when the Council carries out the formal submission consultation on the neighbourhood plan.</p>
<p>Decision on Examiner’s Report and whether to Proceed to Referendum</p>	
<p>The Council must consider the Examiners Report and decide whether:</p> <ul style="list-style-type: none"> • to accept the recommendations proposed by the examiner, • the draft Neighbourhood Plan meets the basic conditions, and • to send the Neighbourhood Plan to referendum. <p>The Council has five weeks from the date of receipt of the Examiners Report to make a decision.</p>	<p>The Council will need to consider the examiners report and decide whether to accept its recommendations. Also at this stage a formal view must be made about the Neighbourhood Plan and whether it meets the basic conditions. If it is decided that the plan does meet these conditions it can be submitted for referendum.</p> <p><u>It is proposed that this decision is delegated to officers where the examiner has concluded that the Neighbourhood Plan is legally compliant, meets the Basic Conditions (with or without modifications), and should proceed to referendum. If the examiner raises any significant concerns relating to the Neighbourhood Plan and is therefore not recommending</u></p>

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	<p><u>that the Neighbourhood Plan should proceed to referendum, it is proposed that the decision on the way forward be considered by the Planning Portfolio Holder (as set out in the Cabinet Report, 19 January 2017) through a decision outside of a meeting in view of the prescribed timescales.</u></p>
<p>Making the Neighbourhood Plan</p>	
<p>If the majority of those who vote in a referendum are in favour of the draft neighbourhood plan then the neighbourhood plan must be made by the local planning authority within 8 weeks of the referendum. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum.</p>	<p>As the neighbourhood plan becomes part of the statutory development plan for the district it is <u>proposed that the making of a neighbourhood plan is delegated to the Joint Director of Planning and Economic Development, in consultation with the Planning Portfolio Holder before it is referred to Full Council where there has been a positive vote in the referendum.</u></p>