



Report To: Cabinet

19 January 2017

Lead Officer: Joint Director of Planning and Economic Development

Neighbourhood Area Designating – Updating the process.

Purpose

1. The purpose of this report is to update the process South Cambridgeshire District Council (SCDC) will follow when designating a Neighbourhood Area (NA) within the district and to set out the decision making process to be followed once a draft Neighbourhood Plan (NP) is submitted to the Council. The changes arise from new national regulations which came into force on 1 October 2016.
2. This is not a key decision because it will only impact on those parishes within the district wishing to prepare neighbourhood plans and it was first published in the November 2016 Forward Plan.

Recommendations

3. It is recommended that Cabinet
 - (i) approves the process for designating Neighbourhood Areas as set out in paragraphs 12-13
 - (ii) approves the decision making process once a Neighbourhood Plan is submitted to the Council as set out in paragraphs 14-15

Reasons for Recommendations

4. The new national regulations that came into force on 1 October 2016 mean the Council needs to update its procedures regarding neighbourhood planning decision making. The regulations particularly affect how the Council designates neighbourhood areas. Also a number of Parish Councils (PC) who have already a designated area, are making progress with their plans and there is a need for clarity on how the Council will make decisions at the key stages in the plan making process once these plans are submitted to the Council.

Background

5. A neighbourhood area must be designated before a Parish Council can prepare a neighbourhood plan. There are national regulations guiding how this designation should be carried out which were revised in February 2015 and again in October 2016. (See background papers for links to these regulations).
6. The approach that South Cambridgeshire District Council has used for designating neighbourhood areas was agreed by Cabinet on 8 May 2014. This approach is set out in **Appendix A**.

7. The Government is keen to make the process of neighbourhood planning as simple as possible for local communities and to ensure that timely decisions are made hence the changes made to regulations which include timescales within which Local Planning Authorities must make decisions in dealing with neighbourhood plans.
8. This Council has designated twelve neighbourhood areas. **Appendix B** sets out a list of the areas in South Cambridgeshire following the approach for designating areas agreed in 2014. No Parish Councils have as yet reached the stage of submitting a draft plan to the Council.
9. The Council is currently reviewing how it should work with Parish Councils preparing plans through a Neighbourhood Planning Task and Finish Group which was agreed by the Planning Portfolio Holder at his meeting in June 2016. The group comprises of both Ward and Parish Councillors and parish clerks and has met twice in October and December 2016.
10. Officers consider that it is an appropriate time to review the Council's approach to neighbourhood planning because
 - i. The changes to the regulations in 2015 and particularly those in October 2016.
 - ii. Experience gained by SCDC from carrying out consultations on neighbourhood area designations
11. The changes to the regulations are as follows:
 - (a) Revisions to regulations in February 2015: These revisions introduced timescales within which a local planning authority (LPA) must make a decision on designating an area. In all cases the time period runs from the date immediately following that on which the application is first publicised by the LPA.
 - Decisions will be made within 8 weeks where the Parish Council is the relevant body and the entire parish area is nominated. There will be a period of not less than 4 weeks of statutory public consultation when the Council will invite comments on the application;
 - 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 cases. The consultation will be a minimum of 6 weeks for these longer decision periods.

These timescales have been met in decision making on the designation of neighbourhood areas in South Cambridgeshire post February 2015 however the procedures agreed by Cabinet in 2014 were not updated at this time.
 - (b) Revised regulations October 2016: These revisions made further changes to the timescales and simplified the procedure where a Parish Council applies to have its whole parish designated as a neighbourhood area. It has removed the need to carry out the 4 weeks of consultation introduced in February 2015 (see paragraph 12a above, bullet point 1).

The regulations now state that 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.¹ Where a Parish Council has applied for the whole of their parish to be designated the Council must designate all of the area applied for. There is no timescale set out.

A valid application is one where a 'relevant body'² has submitted an application to the Council which must include:

- 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.

Also it is now the case that if a Council does not make a decision about designating a neighbourhood area within the times limits set out in the regulations it must designate all of the area applied for.

Considerations

Neighbourhood Area Designation

12. New Regulations: To comply with the regulations the Council must amend the approach that was agreed by Cabinet in 2014 to take account of the timescales within which decisions must be made when designating neighbourhood areas.
13. The revised approach to designating a neighbourhood area is set out in **Appendix A** and is as follows:
 - (a) A Parish Council(s) is asked to complete the 'application for area designation' form, which can be found at www.scambsgov.uk/neighbourhood-planning. The form asks questions about the proposed area and the early consultation that the Parish Council has undertaken.
 - (b) If the application from the Parish Council is for the whole of its parish and is valid the Council must designate the whole area. The decision to designate the area will be delegated to the Planning Portfolio Holder. This decision will be made through a Decision Notice unless there is an available scheduled formal meeting of the Portfolio Holder. The Council wishes to ensure that a timely decision is made on designation of an area to comply with Central Government requirements for reducing delays to decision making by the Local Planning Authority.

¹ 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

² In South Cambridgeshire the relevant body is a parish council

- (c) 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).
- (d) Where a consultation has taken place the Council will take the representations into consideration and decide whether to designate the area. This decision has been delegated to the Planning Portfolio Holder.
- (e) 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.

Procedures Post Submission

- 14. Within the regulations there are also further timescales for a local planning authority to make decisions / act once a plan is formally submitted to them. These relate to the examination and referendum stages. Although no Parish Council has as yet reached the submission stage in South Cambridgeshire, in order to be ready for this (as some are approaching this stage) it is appropriate to set out how the Council will carry out these later stages in the plan making process. The National Planning Practice Guidance states that a local planning authority should set out a clear and transparent decision making timetable and share this with those wishing to prepare a neighbourhood plan
- 15. Once a neighbourhood plan is submitted to the Council there are some key decisions that must be made. These are set out in **Appendix C** and summarised below:
 - (a) The Council carries out a six week consultation and invites representations on the neighbourhood plan and its associated documents. The Council can submit its own comments at this stage. This would need to be done during the 6 week consultation. It is proposed that the decision whether to make its own comments on a neighbourhood plan would be a key decision for the Planning Portfolio Holder to make.
 - (b) An independent examiner appointed by the Council will carry out an examination of the plan. These examinations are different to those for Local Plan as they are usually done by way of written representations and are normally completed within a week. The examiner will issue a report shortly after this which the Council would need to consider and decide whether to accept the recommendations. Also at this stage a formal view must be made by the Council about if the neighbourhood plan meets the basic conditions set out in the regulations for a neighbourhood plan and whether the plan can be submitted for referendum. These are key decisions which it is proposed should be made by the Planning Portfolio Holder.
 - (c) If the Council proposes to make a decision which differs from that recommended by the examiner it must carry out a targeted consultation inviting representations. An additional examination may need to be carried out. The Council would need to consider these further representations and where appropriate the examiner's report. It is proposed that decisions concerning these matters would be a key decision for the Planning Portfolio Holder.

- (d) The Council organises the referendum and if a majority of those who voted in a referendum are in favour of the draft plan then it must be made (brought into legal force) by the Council within 8 weeks. It is proposed that a further report be submitted to Cabinet to consider the options available for this aspect of the post-submission procedure.

Local Experience

16. To date the consultations carried out by the Council on neighbourhood area designations whilst providing an opportunity for the local community to comment on the proposed areas have not generally generated many comments and only very few objections. The statutory bodies have increasingly not responded or have simply provided a standard response including links to national guidance on neighbourhood planning.
17. As part of the process of applying to have an area designated the Council has asked Parish Councils to provide a list of local contacts in their area alongside its completed application form for area designation. This was to ensure that all those who live and work in the area were directly consulted by the Council when it carries out the consultation on any area application. Parish Councils have provided such information. It is a useful list which they will need as they prepare their plan and have to carry out consultations with their local community. This list of local contacts will be have to be included in the 'Consultation Statement' that is submitted alongside their draft plan to the Council to show the range of people and groups that have been consulted during the preparation of the plan.
18. Currently we ask Parish Councils to help publicise neighbourhood area consultations by placing information about it in any local village newsletters or on their website. We also produce posters which we ask the Parish Council to place around their parish at key locations to help publicise the consultation. Officers consider that this publicity is sufficient to ensure that the local community are aware of the fact that the Parish Council is proposing to prepare a plan. Given the lack of comments that are generated during such consultations it is proposed that unless requested by the Parish Council that we do not in future ask for local contact lists.

Options

19. With reference to the process for decision making in neighbourhood planning Cabinet could:
- (i) Approve;
 - (ii) Reject or
 - (iii) Amend
- the proposed process as set out in paragraphs 12-13 (area designation) and in paragraphs 14-15 (decision making after submission of the draft NP to SCDC).
20. With reference to future decisions on Neighbourhood Planning matters, Cabinet could:
- (i) Continue to delegate decisions to the Planning Policy Portfolio Holder
 - (ii) Delegate to an alternative portfolio holder;
 - (iii) Make the decision itself or
 - (iv) Delegate decisions to an officer.

Implications

21. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Financial

22. The Council is able to apply for a grant of £20,000 from the Department of Communities and Local Government (DCLG) once a Neighbourhood Plan has been through examination and a referendum date set. This grant money is intended to cover the cost of the examination and referendum which the Council is responsible for paying for.

Staffing

23. The capacity of the Planning Policy Team was increased during 2016 when a Project Officer post was added to this team. The funding of this post is from the Neighbourhood Planning grant from Central Government.

Risk Management

24. The Council has a statutory duty to assist Parish Councils with Neighbourhood Plans and with increasing workloads more resources may need to be directed to fulfilling this function. Funding from DCLG comes at the end of the process of plan-making so there is a risk that the Council may use resources to carry out its statutory duties to assist Parish Councils with their planning but this grant is dependent on a plan being successful at examination and a referendum date set before the DCLG grant funding can be applied for.

Consultation responses (including from the Youth Council)

25. None.

Effect on Strategic Objectives

Objective 1 – Living Well

26. By preparing a neighbourhood plan local communities are being given the opportunity to create policies in their plan that will enhance the character of their local surroundings to contribute to ensuring an outstanding quality of life

Objective 2 – Homes for our Future

27. Local communities can within neighbourhood planning consider the existing and future needs for housing in their area and positively plan to meet this need through the range of policies.

Objective 3 – Connected Communities

28. This is an opportunity for the local community to shape through neighbourhood planning their local area whilst working with all parties engaged in developing the strategic site and involvement in planning for strategic transport needs

Objective 4 – An innovative and dynamic organisation.

29. Neighbourhood planning engages local people in the planning process by giving them a tool to guide the future development, regeneration and conservation of an area. The Council has a duty to support Parish Councils preparing plans and is a great opportunity for the Council to work in partnership and to develop new ways of working together with the Parish Councils.

Appendices

- Appendix A: Approach for designating a Neighbourhood Area
- Appendix B: The designated neighbourhood areas within South Cambridgeshire
- Appendix C: Key Decisions to be made following submission of the neighbourhood plan to the Local Planning Authority

Background Papers

- i. The Neighbourhood Planning (General) Regulations 2012
(http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf)
- ii. The Neighbourhood Planning (General) (Amendments) Regulations 2015
(http://www.legislation.gov.uk/uksi/2015/20/pdfs/uksi_20150020_en.pdf)
- iii. The Neighbourhood Planning (General) Regulations (Amendments) 2016
(http://www.legislation.gov.uk/uksi/2016/873/pdfs/uksi_20160873_en.pdf)

National Planning Practice Guidance – online: The role of the LPA
(http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/the-role-of-the-local-planning-authority-in-neighbourhood-planning/#paragraph_081)

Report Author: Alison Talkington – Senior Planning Policy Officer
Telephone: (01954) 713182