NEIGHBOURHOOD PLAN UPDATES FOR GREAT TOTHAM, WICKHAM BISHOPS AND BURNHAM-ON-CROUCH AND PROPOSED UPDATES TO THE COUNCIL’S SCHEME OF DELEGATION FOR DESIGNATING NEIGHBOURHOOD AREAS

1. PURPOSE OF THE REPORT

1.1 Recent legislative changes have brought about changes for the need for consultation on Neighbourhood Area applications, where the application meets certain criteria. For the avoidance of doubt, this report seeks approval to update the Council’s Scheme of Delegation to clarify that the Director of Planning and Regulatory Services has delegated powers to designate Neighbourhood Areas where there is no legislative requirement for consultation on a Neighbourhood Area application.

1.2 To report to the Planning and Licensing Committee the progress of the Neighbourhood Area applications received from Great Totham and Wickham Bishops Parish Councils.

1.3 To report on the progress of the Burnham-on-Crouch Neighbourhood Plan.

2. RECOMMENDATIONS

(i) that the designations of Neighbourhood Areas for Great Totham and Wickham Bishops, be noted;

(ii) that progress on the Burnham-on-Crouch Neighbourhood Plan be noted.

To the Council:

(iii) that the Planning and Licensing Committee Terms of Reference, Section (c) Scheme of Delegation – To the Director of Planning and Regulatory Services, paragraph 28 be updated as set out below, taking into account the change in legislation:

28 To determine neighbourhood area applications where no representations objecting to the proposal have been received to a public consultation, or where public consultation is not required by regulation, and where the area to be designated is coterminous with or wholly within the area of a civil parish. Any such decisions made are to be reported to the Members of the Planning and Licensing Committee.
3. SUMMARY OF KEY ISSUES

3.1 CHANGES TO THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012

3.1.1 To produce a Neighbourhood Plan, the Neighbourhood Planning (General) Regulations 2012 requires the community group, Parish or Town Council, or other relevant body proposing the production of a plan, to formally apply to the local planning authority for designation as a Neighbourhood Area. Under the regulations the relevant body is required to submit to the District Council:

- a map which identifies the area to which the 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.

3.1.2 The Council is not required to consider the appropriateness of why a local community may wish to produce a Neighbourhood Plan. The role of the local authority as a decision making body is only to administer the neighbourhood planning process in accordance with the Regulations.

3.1.3 The Neighbourhood Planning (General) Regulations 2012 were amended on 1 October 2016. For Neighbourhood Areas, a new regulation 5A has come into force.

“Designation of the whole of the area of a parish council
5A.—(1) This regulation applies where—
(a) a local planning authority receive an area application from a parish council;
(b) the area specified in the application consists of the whole of the parish council’s area; and
(c) if any part of the specified area is part of a neighbourhood area, none of that neighbourhood area extends outside the parish council’s area.
(2) The local planning authority must exercise their powers under section 61G of the 1990 Act to designate the specified area as a neighbourhood area.
(3) Where this regulation applies, regulations 6 and 6A do not apply.”

3.1.4 This means that where a Parish Council applies for the designation of the whole of its parish as a Neighbourhood Area, the Local Planning Authority (LPA) must designate the whole of the area. In these circumstances:

- the requirement to hold a public consultation on the proposed Neighbourhood Area is removed;
- the LPA has no power to amend the boundaries of the proposed Neighbourhood Area.

3.1.5 It is recommended that the Planning and Licensing Committee Terms of Reference, Section (c) Scheme of Delegation – To the Director of Planning and Regulatory Services is updated to take account of these changes in the Regulations. As the LPA is required to designate these specific Neighbourhood Areas as they are proposed, there is no decision for the District Council to make and it is therefore more efficient for their designation to be delegated to Officers. The current Scheme of Delegation enables the Director of Planning and Regulatory Services to designate a
Neighbourhood Area if no representations are received following a public consultation (paragraph 28). As the new regulation removes the public consultation requirement for certain Neighbourhood Area applications, it is proposed to update paragraph 28 as follows:

28 To determine neighbourhood area applications where no representations objecting to the proposal have been received to a public consultation, or where public consultation is not required by regulation, and where the area to be designated is coterminous with or wholly within the area of a civil parish. Any such decisions made are to be reported to the Members of the Planning and Licensing Committee.

3.1.6 Other changes introduced to the Regulations on 1 October 2016 - The 2016 amendments introduce new timescales for a number of elements of Neighbourhood Plan making, to ensure that the process is not unduly delayed. However, these changes could potentially divert Council resources away from other tasks and responsibilities. The new timescales are as follows:

- Following the Examination, in most cases, the Council has five weeks from the receipt of the Examiners report to issue its decision on what action will be taken in response to each recommendation;
- After the LPA decides to submit a Neighbourhood Plan to referendum, in most cases, the referendum will need to be held within 56 working days of that decision;
- After a successful referendum, the LPA must “make” the Neighbourhood Plan within eight weeks.

3.2 NEIGHBOURHOOD PLAN UPDATES

3.2.1 Great Totham Neighbourhood Area

3.2.1.1 Great Totham Parish Council applied for the designation of a Neighbourhood Area on 15 September 2016. The proposed Neighbourhood Area covers the entire parish area except for that part allocated in the draft Local Development Plan as North Heybridge Garden Suburb (see Map at APPENDIX 1). The consultation on this Neighbourhood Area commenced on 26 September 2016 and ends on 6 November 2016. No objections were received to the neighbourhood area consultation, and it was designated on 7 November 2016.

3.2.2 Wickham Bishops Neighbourhood Area

3.2.2.1 Wickham Bishops Parish Council applied for the designation of a Neighbourhood Area on 22 September 2016. The proposed Neighbourhood Area covers the whole of the parish area (see map at APPENDIX 2). Therefore, it falls within Regulation 5A of the Neighbourhood Planning (General) Regulations 2012. Following advice from the Committee Services Manager, the Neighbourhood Area was designated on 7 November 2016 by the Chief Executive.

3.3 BURNHAM-ON-CROUCH NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION

3.3.1 The final public consultation (Regulation 16) on the Burnham-on-Crouch Neighbourhood Plan commenced on 3 November 2016 for six weeks, ending on 15
December 2016. Following the consultation the Council will collate the representations and pass them onto the independent Examiner for the Examination in 2017.

4. CONCLUSION

4.1 The changes made to the Regulations relating to Neighbourhood Areas will make the process of designating all parish areas simpler and quicker. The introduction of set timescales for some of the formal elements of the Neighbourhood Planning process will ensure the timely progress of Plans, although these may have resource implications for the Council.

4.2 The interest local communities are taking in the future of their local area, through developing Neighbourhood Plans is welcomed.

5. IMPACT ON CORPORATE GOALS

5.1 Neighbourhood planning has the potential to support the following corporate goals which underpin the Council’s vision for the District:

- Strengthening communities to be safe, active and healthy;
- Protecting and shaping the District;
- Creating opportunities for economic growth and prosperity.

6. IMPLICATIONS

(i) Impact on Customers:

- The removal of the need for a public consultation before designating certain Neighbourhood Areas does remove the opportunity for people to comment on straightforward Neighbourhood Area proposals. However, members of the public do have opportunities to participate in the creation of the Neighbourhood Plan and to comment on draft versions of the Plan.
- Neighbourhood planning gives communities the opportunity to directly plan the future of their area.

(ii) Impact on Equalities:

- Neighbourhood Area designation itself does not have any impacts on equalities.
- Neighbourhood planning has the potential to identify and manage local inequalities that may not have been identified by the Council.

(iii) Impact on Risk:

- There is no impact on risk arising from the change in legislation relating to consultations on Neighbourhood Area applications.
• The setting of time limits for different stages of Neighbourhood Plan making could impact on existing Council resources, and could potentially divert resources away from other tasks and responsibilities, in order to ensure that the prescribed timescales are met.

• Neighbourhood Plans can reduce risk in the development management process by providing support for the Council in determining planning applications and defending planning appeals.

(iv) **Impact on Resources (financial):**

• The ability to designate relevant Neighbourhood Area applications without the need for public consultation will reduce the costs incurred by the Council for designating Neighbourhood Areas.

• The setting of time limits for different stages of Neighbourhood Plan making could impact on existing Council resources, and could potentially divert resources away from other tasks and responsibilities, in order to ensure that the prescribed timescales are met.

(v) **Impact on Resources (human)** - The ability to designate certain Neighbourhood Area applications without the need for public consultation will reduce the amount of staff time required to designate Neighbourhood Areas.

(vi) **Impact on the Environment** - Neighbourhood Plans have the potential to improve the local environment where plans are being produced.

**Background Papers:** None.

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