

Agenda Item

REPORT OF Senior Planning Policy Officer

To: Full Council

Subject: Parkham Parish Neighbourhood Area Designation

Date: 31st October 2022

Reference:

PURPOSE OF REPORT: To seek the designation of Parkham Civil Parish as a Neighbourhood Area under Section 61G of the Town and Country Planning Act 1990, as amended.

1. INTRODUCTION

Parkham Parish Council has applied to Torridge District Council to seek the formal designation of the entirety of Parkham Civil Parish as a 'neighbourhood area'; the designation of a neighbourhood area being the first step in the process of preparing a Neighbourhood Development Plan (commonly referred to as a Neighbourhood Plan). This report seeks the formal designation of the requested neighbourhood area.

2. BACKGROUND

The Localism Act 2011 introduced legislation that provided local communities more power to plan for the future of their areas, offering them the opportunity to prepare Neighbourhood Plans and Neighbourhood Development Orders. Once "made" (the term for adoption) Neighbourhood Plans carry full weight as part of the statutory Development Plan for the area, from which due regard must be had when making decisions on planning applications.

The legislative framework governing the preparation of neighbourhood development plans is set out in the Town and Country Planning Act 1990 (as amended) along with a series of subordinate regulations. The power to designate a Neighbourhood Area being conveyed to local planning authorities under Section 61G of the Town and County Planning Act 1990, as amended.

The Neighbourhood Planning (General) Regulations 2012 came into force on 1st April 2012 and set out the steps that must be complete in order to progress the preparation of a Neighbourhood Plan. The first formal step towards the preparation of a Neighbourhood Plan is the designation of a Neighbourhood Area, which is achieved through the application of a qualifying body to the relevant local planning authority.

The organisations or bodies eligible as a 'qualifying body' are defined by legislation, comprising parish councils, and others capable of being, or already designated as 'neighbourhood forums' in areas that are not governed by parish councils; with neighbourhood forums required to be designated by the local authority. A Parish Council, as a 'relevant body' under the Town and Country Planning Act 1990 (Section 61G) is able to submit an area application to the local planning authority.

The process, as prescribed by the referenced regulations, requires the following to be provided by a qualifying body:

- a) a map which identifies the area to which the area application relates;
- b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
- c) 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.

If the required elements of an application are provided, the local planning authority is explicitly directed to exercise its powers to designate the specified area as a neighbourhood area; if the tests are met, then the neighbourhood area must be designated.

Neighbourhood Plans are required to be 'pro-development'. They can not be used to stop development already allocated or permitted or propose less development than that set out in the Local Development Plan. The process does, provide an opportunity for local communities to work with the local planning authority in the preparation or delivery of additional sites for housing, employment or community uses, have a say on what development should look like and include other matters in their neighbourhood plan that are important to the community.

3. PARKHAM NEIGHBOURHOOD AREA DESIGNATION

Parkham Parish Council formally submitted an application to this Council (Appendix 1), in the form of a letter on 18th August 2022, seeking the designation of the entirety of the Civil Parish of Parkham as a Neighbourhood Area.

The application is considered to be duly made, comprising all of the information necessary to meet the requirements prescribed within the referenced regulations.

On this basis, Regulation 5A(2) of The Neighbourhood Planning (General) Regulations 2012 dictates that the Council must exercise its powers under Section 61G of the 1990 Act and designate the specified area as a neighbourhood area. The Council is afforded no discretion in this process and has no opportunity to deviate from designation if a valid application is received. On this basis, it is recommended (Recommendation 1) that the area contiguous with that of Parkham Civil Parish is designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act 1990, as amended.

Consequences of Neighbourhood Area Designation

Designation of a neighbourhood area is the first step in the preparation of a neighbourhood plan. Once a neighbourhood area is designated the next stage is for the town/parish council to engage with their communities and prepare the neighbourhood plan. The process requires at least one formal 6-week consultation period on the draft neighbourhood plan. Assistance with this process may be sought, and the Council is obligated to provide such in accordance a 'duty to support'. However, the Localism Act makes it clear that neighbourhood plans should be led by parish/ town councils in consultation with their communities.

The draft neighbourhood plan will then be submitted to the Council who will carry out a check to ensure that it has been prepared correctly and meets the right basic standards. The Council will then undertake a further 6-week consultation focused on the local community and stakeholders. Following this the Council will facilitate and fund an independent examination into the neighbourhood plan. Providing that the Examiner recommends that the neighbourhood plan is taken forward then a referendum will be called for which the Council will be responsible for facilitating and funding.

If the referendum indicates community support the neighbourhood plan will normally then be 'made' by the Council and become part of the statutory development plan. This Council and other decision makers will then be obliged, by law, to take the neighbourhood plan into account when considering proposals for development in the subject area.

4. IMPLICATIONS

Legal Implications

It is a statutory requirement to support the preparation of neighbourhood plans and for this Council to adopt, or 'make' them, if supported by a referendum, following a positive examination. Failure to support Parkham Parish Council in the preparation of a neighbourhood plan could result in legal challenge.

The Council is legally required through the Town and Country Planning Act 1990 and associated subordinate regulations to consider and determine applications for the designation of neighbourhood areas. In the case of this application, the legislation requires that the Council designate the area specified in the application.

Financial Implications

The costs associated with designating the neighbourhood area can be met within existing Local Plan budgets. Funding to support the Council's obligations in supporting neighbourhood plan preparation in respect of examination and referendum costs has to date been supported by grant funding. At this time grant awards can be claimed for £20,000 when the Council sets a date for undertaking a referendum.

Human Resources Implications

The local planning authority has a duty to support communities preparing neighbourhood plans: through the provision of advice and guidance, making evidence available, checking draft plans meet certain basic conditions and through the funding and organisation of an independent examination and referendum. The requirements of supporting the neighbourhood plan process will require staff resource from both Planning Policy and Democratic Services.

Sustainability/Biodiversity Implications

The development of a neighbourhood plan by a local community will need to comply with the provisions of national planning policy which is founded on the principles of sustainable development. As such, the preparation of a Neighbourhood Plan for Parkham should provide an opportunity for the advancement of sustainability.

Equality/Diversity

Neighbourhood plans, through a democratic process of consultation and referendum, provide an opportunity for all sectors of the local community to have a say in the future development of their area.

Risk Management

There are no implications arising from the designation of the Parkham Neighbourhood Area. A service level agreement between the Council and Parish Council would usefully aid the management of the delivery process. At this time the Council has no established protocol in respect of the level of resource it will provide in support of the neighbourhood plan process.

Compliance with Policies and Strategies

There are no implications arising from this report. One of the basic conditions, which a neighbourhood plan must meet, is that it is in general conformity with the strategic policies contained in the local development plan.

Data Protection (GDPR) Implications

There are no implications arising from this report.

Ward Member and Lead Member Views

Lead Member for Planning and Development – Cllr Watson: Supports the Neighbourhood Area designation.

Ward Members:

Cllr Dart: As ward member for Parkham, amongst several other rural parishes, I am aware that there is a desire within the parish & the parish council, to regain some element of control and provide a steering mechanism in regard to future decisions which directly affect their parish.

I wholeheartedly support this application for a neighbourhood plan, which will potentially provide some cohesive neighbourhood planning brought about by the people it directly affects

Cllr Boughton: Fully support the designation of the parish as a neighbourhood plan area.

Cllr Harding: Supports the Parish Council in their application to secure the designation of a neighbourhood plan area.

5. CONCLUSIONS

The Parkham Neighbourhood Area application is considered to trigger the obligation, in accordance with Regulation 5A(2) of The Neighbourhood Planning (General) Regulations 2012, for the Council to designate the Civil Parish of Parkham as a neighbourhood area. As such, it is recommended that the area of Parkham Civil Parish is designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act 1990, as amended.

6. RECOMMENDATIONS

The Council are requested to consider the following recommendation:

1. That Parkham Civil Parish (as outlined on the map at Appendix 1 to this report) be designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act 1990, as amended.

SUPPORTING INFORMATION

Consultations: Date of Consultation – 18th October 2022
 Members Consulted – Lead Member for Planning and Ward Members
 Officers Consulted:
 Chief Executive
 Head of Communities and Place
 Head of Legal and Governance.
 Finance Manager and S151 Officer

Contact Officer(s): Dawn Burgess – Senior Planning Policy Officer

Background Papers: Torridge District Council Constitution; available at:
<http://intranet.torridge.gov.uk/CHttpHandler.ashx?id=726&p=0>

The Town and Country Planning Act 1990, as amended; available at:
<http://www.legislation.gov.uk/ukpga/1990/8/contents>

Localism Act 2011; available at:
<http://www.legislation.gov.uk/ukpga/2011/20/contents>

The Neighbourhood Planning (General) Regulations 2012; as amended:
<http://www.legislation.gov.uk/uksi/2012/637/contents/made>