

BRECKLAND DISTRICT COUNCIL

Report of: Mark Kiddle-Morris, Executive Member for Strategic Development

To: Cabinet (24th March)

(Author: Phil Mileham - Deputy Planning Manager)

Subject: Changes to Neighbourhood Plan Area Designation

Purpose: To advise Members of changes to the Neighbourhood Planning Regulations and seek delegation to Officers to confirm Neighbourhood Areas.

Recommendation(s):

- 1) That Members consider the report and endorse Option 1 to:

Cabinet delegate authority to Officers to confirm or refuse Neighbourhood Plan areas that are submitted on a single Parish basis, and confirm multi-area Neighbourhood Plan applications that meet the criteria set out in the Town and Country Planning Act 1990 (as amended) and have received no adverse comment to the contrary during the publication period.

1.0 BACKGROUND

- 1.1 Members will be aware that the Neighbourhood Planning Regulations have been in place since 2012. Since then, the Council has considered and confirmed three Neighbourhood Areas within the District (Attleborough and part of Besthorpe, Croxton and Kilverstone and Brettenham, and most recently Kenninghall), with a fourth at Mattishal proposed to be designated.
- 1.2 During July 2014, the Government consulted on a range of changes to various aspects of the Planning System to further streamline a range of regulatory processes. As part of that consultation, it was proposed that the current regulations relating to the designation of Neighbourhood Areas (the first step in preparing Neighbourhood Plans) were to be amended.
- 1.3 Furthermore, the Council is supporting Neighbourhood Plans and has recently announced top-up funding to help support communities and a further resource to provide a central point of contact for NPs. A separate report on the role and scope of a dedicated resource in the form of a Neighbourhood Plan Coordinator is included elsewhere on this Cabinet agenda.
- 1.4 Changes to Neighbourhood Plan Regulations**
- 1.5 The Government's response to the consultation on further streamlining planning in 2014, was that on 9th February 2015, a new Statutory Instrument took effect which are known as the Neighbourhood Planning (amendment) Regulations 2015.
- 1.6 For Members information, the effect of these changes is a reduction in the time specified for consultation on Neighbourhood Plan areas where these submitted on a single Parish basis. The publication period has now reduced from 6 weeks to 4 weeks. In addition, a 'backstop' deadline now applies that for a single Parish application for a Neighbourhood Plan area to be confirmed must be within a *total* time of 8 weeks from first publication.
- 1.7 Furthermore, multi-parish NP applications must be subject to a minimum 6 weeks

publication period and be determined within a *total* time of 13 weeks from first publication. NP applications that cross Local-authority boundaries must be determined within 20 weeks.

1.8 In the event that the Council was not able to confirm the Neighbourhood Plan area within this period, this would be confirmed automatically and therefore granted by deemed consent.

1.9 **Current approach and changes required**

1.10 The Council's current approach to the designation of Neighbourhood areas requires a decision of Cabinet.

1.11 Due to the changes to the Regulations described in paragraphs 1.3-1.6 above, the Council's current reporting process means that it would not be possible to continue with the current approach and confirm these areas within the total time period prescribed in the amended Regulations having regard to the fact that only 4 weeks would be available between the close of the publication period (4 weeks) and the backstop end date.

1.12 Members will be aware that there is a continued need to assess NP areas against the requirements of the TCPA 1990 (as amended), and this fact, combined with a need to consider any responses received during the publication period and follow the reporting path mean that it is no possible to designate within the time. Therefore, an alternative approach needs to be considered.

1.13 **Proposed Approach**

1.14 In order to meet the new deadlines, it is recommended that Cabinet delegate responsibility for designating or rejecting NP areas on single Parish basis to Officers (Planning Manager, Deputy Planning Manager and the new Neighbourhood Plan Coordinator role).

1.15 This approach would allow for the relevant assessments to be made and areas designated or refused before the deadline that would otherwise grant such in default.

1.16 Multi-Parish NP applications are subject to a 13 week deadline. As such, it is proposed that in this circumstance if no adverse comments are received during the publication period, and meet the necessary criteria in the TCPA these could also be determined under delegated powers. However, if a multi-parish NP application elicits adverse comments, this would be considered by Cabinet for decision and would therefore not fall within the proposed delegation.

1.17 It is considered that any NP applications that cross-local authority boundaries (i.e. those that are subject to a 20 week deadline) should in all cases be determined via Cabinet decision.

1.18 All other stages in the NP process would remain for Member decision. For example, Cabinet would consider and comment on draft NPs, and adoption of NPs post-referendum would still be required by Full Council.

1.19 **Implications**

1.20 The proposed approach would not enable Member decision in the designation process for the relevant NP areas set out above. However, in the majority of cases of single Parish applications received to date, these have been straightforward meeting the relevant criteria and with few, if any comments received during publication.

1.21 In the event of concerns being raised in respect of a proposed NP area, these could be rejected before being granted in default, minimising future concerns and procedural issues as plans develop.

1.22 Benefits of recommended approach

1.23 The recommended approach allows NP areas to be designated or refused within time periods set out in Regulations, whilst allowing Cabinet to consider any more complex multi-parish applications or cross LA boundary applications.

1.24 The recommended approach aims to strike an appropriate balance between ensuring regulatory requirements are complied with prior to deemed consent where this may not be appropriate, and Member consideration on any more significant NP areas (such as cross-boundary).

2.0 OPTIONS

2.1 There are three options available.

2.2 **Option 1** – Cabinet delegate authority to Officers to confirm or refuse NP areas that are submitted on a single Parish basis, and confirm multi-area NP applications that meet the criteria set out in the Town and Country Planning Act (1990) as amended, and have received no adverse comment to the contrary during the publication period.

2.3 **Option 2** – cabinet delegate authority to Officers to confirm or refuse all NP area designations.

2.4 **Option 3** - 'do nothing'.

3.0 REASONS FOR RECOMMENDATION(S)

3.1 Option 1 would enable the Council to ensure that NP applications are fully considered and designated within the prescribed periods set out in the regulations.

3.2 Failure to do so would grant these in default.

4.0 EXPECTED BENEFITS

4.1 The expected benefits are set out in the body of the report but can be summarised as ensuring NP areas can be assessed and confirmed within the required timetable without being granted by deemed consent.

5.0 IMPLICATIONS

5.1 Carbon Footprint / Environmental Issues

5.1.1 It is the opinion of the Report Author that there are no implications.

5.2 Constitution & Legal

5.2.1 It is the opinion of the Report Author that there are no implications.

5.3 Contracts

5.3.1 It is the opinion of the Report Author that there are no implications.

5.4 Corporate Priorities

5.4.1 The contents of this report support the following corporate priorities:

- To Develop Stronger Communities
- To Support Our Local Economy

5.5 Crime and Disorder

5.5.1 It is the opinion of the Report Author that there are no implications.

5.6 Equality and Diversity / Human Rights

5.6.1 It is the opinion of the Report Author that there are no implications.

5.7 Financial

5.6.2 It is the opinion of the Report Author that there are no implications.

5.8 Health & Wellbeing

5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 Risk Management

5.9.1 It is the opinion of the Report Author that there are no implications.

5.10 Staffing

5.10.1 It is the opinion of the Report Author that there are no implications.

5.11 Stakeholders / Consultation / Timescales

5.11.1 It is the opinion of the Report Author that there are no implications.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 The report refers to the approach to confirming Neighbourhood areas. This has the potential to affect any Ward within which a Neighbourhood Plan might be brought forward.

7.0 ACRONYMS

7.1 [DtC – Duty to Cooperate](#)

7.2 [NPPF – National Planning Policy Framework](#)

7.3 [NP – Neighbourhood Plan](#)

Background papers:- [See The Committee Report Guide](#)

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Director / Officer who will be attending the Meeting

Name and Post: Phil Mileham (Deputy Planning Manager)

Key Decision: Yes

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

N/A