

**SOUTH HAMS DISTRICT COUNCIL**

<b>NAME OF COMMITTEE</b>	<b>Executive</b>
<b>DATE</b>	<b>11 December 2014</b>
<b>REPORT TITLE</b>	<b>Neighbourhood Plan area approval process</b>
<b>REPORT OF</b>	<b>Strategic Planning Officer</b>
<b>WARDS AFFECTED</b>	<b>All</b>

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**Summary of report:**

Early in the Neighbourhood Plan (NP) preparation process the first formal stage is reached – designation of the plan area.

Following consultation on the proposed area for a six week period the decision whether to approve the area is the responsibility of the local planning authority. As set out in the Council’s Neighbourhood Planning Protocol, this decision is referred to the Executive. As this step is purely procedural and has in each case to-date been non-contentious, it is proposed that this decision be delegated.

**Financial implications:**

The financial implications of the duty to support the preparation of a NP will be neutral, due to the Council being able to claim back associated costs as detailed in paragraph 4.2. Where applications for plan areas are successful, the Council can bid for central government funding up to £5,000 per plan to help cover the associated costs of preparation.

**RECOMMENDATIONS:**

It is recommended that Executive:

1. Agrees that the authority to approve the designation of Neighbourhood Plan areas be delegated to the Head of Planning, Economy and Community in consultation with the Planning, Economy and Community Portfolio Holder and the appropriate ward member(s).
2. Subject to approval of recommendation 1 above, agrees that the appropriate changes be made to the Council’s Neighbourhood Planning Protocol (as set out in the Appendix to this report) to reflect this change.
3. Agrees that the authority to amend the Neighbourhood Planning Protocol to reflect any future changes to the Neighbourhood Planning Regulations be delegated to the Head of Planning, Economy and Community in consultation with the Planning, Economy and Community Portfolio Holder.

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## **1. BACKGROUND**

1.1 The Localism Act and National Planning Policy Framework (NPPF) both came into effect in 2012. These encourage and support communities to prepare plans for their area.

1.2 The Council has adopted a Neighbourhood Planning Protocol which provides clear information on the procedures that will guide the NP process.

1.3 The first formal step in the NP process is to designate a plan area. This requires communities to make an application to the Council. Such applications are then subject to a six week period during which those who live, work or carry out business in the area are invited to comment on whether the proposed area is appropriate. There are other opportunities during the NP process to put forward ideas about what the plan should contain.

1.4 This Executive report considers the internal Council process for approving the designation of NP areas. The expectation is that NP areas will normally be based on parish boundaries. Area designation applications are reviewed by the Executive and the decision whether or not to designate the NP area is assessed against the following five criteria, as set out in the Neighbourhood Planning Protocol:

1. The applicant is an appropriate body with responsibility for leading the plan process (i.e. a town or parish council);
2. Terms of Reference for the group have been prepared and signed by all members of the group;
3. The proposed area is suitable and reasons have been adequately demonstrated if it does not follow the boundaries of existing parishes;
4. The plan area does not overlap any other designated Neighbourhood Plan area; and,
5. The plan area does not prejudice other Neighbourhood Plan areas coming forward in the future.

## **2. ISSUES FOR CONSIDERATION**

2.1 Each time a new NP area designation has been proposed and has completed a six week consultation period a report has been taken to the Executive. So far within the South Hams ten NP areas have been approved and a further two are recommended for approval in a separate report to this Executive meeting. In all cases the proposed NP areas have not been contentious and have been approved as recommended. Given the procedural nature of this approval process this report recommends that the approval decision be delegated to the Head of Planning, Economy and Community in conjunction with the service portfolio holder and the appropriate ward member(s).

2.2 The Council's Neighbourhood Planning Protocol provides information on how the Council will support communities preparing a NP and how it will assess applications to designate NP areas. If the change to the approval process as set out in recommendation 1 in this report is agreed, it will be necessary to make minor changes to the wording of the NP Protocol to reflect this. The current and proposed wording is set out in the Appendix to this report.

2.3 It is anticipated that there will be occasional future changes to the Neighbourhood Planning Regulations which set out the process for producing neighbourhood plans. The Council's Neighbourhood Planning Protocol may need to be amended to reflect such changes which are likely to be procedural and relatively minor in terms of their implications. Accordingly, it is recommended that the authority to make such changes to the protocol be delegated to the Head of Planning, Economy and Community in consultation with the service portfolio holder.

### 3. LEGAL IMPLICATIONS

3.1 The Localism Act and National Planning Policy Framework make provision for communities to prepare plans that influence planning and development in their area.

3.2 The assessment and approval of applications to designate NP areas are made in accordance with the Council's adopted Neighbourhood Planning Protocol.

3.3 The Town and Country Planning, England, Neighbourhood Planning (General) Regulations 2012 set out the procedures which govern the processes of Neighbourhood Planning.

### 4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications of this proposed change of process for approving Neighbourhood Plan areas.

4.2 When applications for plan areas are approved, the Council can bid for central government funding of up to £5,000 per area to support the communities in the preparation of their plans. If the bids are successful, the money will be held by the Council to cover any costs incurred as a result of supporting the communities with the progression of their plans.

### 5. RISK MANAGEMENT

5.1 The risk management implications are shown at the end of this report in the Strategic Risks Template.

### 6. OTHER CONSIDERATIONS

Corporate priorities engaged:	All
Statutory powers:	National Planning Policy Framework (NPPF) 2012 Localism Act 2011 Town and Country Planning, England Neighbourhood Planning (General) Regulations 2012
Considerations of equality and human rights:	This report seeks to improve the Council's internal decision-taking process relating to the

	designation of NP areas and to improve the responsiveness to local communities.
Biodiversity considerations:	There are no direct biodiversity implications arising from the report.
Sustainability considerations:	There are no direct sustainability implications arising from the report.
Crime and disorder implications:	There are no proposals contained within this report that have direct crime and disorder implications to consider.
Background papers:	
Appendices	Neighbourhood Planning Protocol

## STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Speed and efficiency of decision-taking process	The change to the approval process will represent a more efficient process and will enable the Council to respond more quickly to applications to designate NP areas.	2	2	4	↑	Approve the recommended change to the NP area designation approval process and make the appropriate amendments to the Neighbourhood Planning Protocol and the Council's Scheme of Delegation.	Strategic Planning

Direction of travel symbols ↓ ↑ ↔

## **Appendix**

### **Current wording in the Neighbourhood Planning Protocol relating to the approval of NP areas**

Following this six week notice period, applications will be reviewed by the Executive. Any issues raised regarding the designation of a neighbourhood area will be debated in this forum. The Executive will take account of any comments made during the six week notice period and will use the criteria in the following table to decide whether or not to designate the neighbourhood area.

### **Proposed wording to replace the paragraph above**

Following this six week notice period, applications will be reviewed by the Council. Any issues raised regarding the designation of a neighbourhood plan area will be taken into account. The decision whether or not to approve the proposed plan area has been delegated to the Head of Planning, Economy and Community in consultation with the Planning, Economy and Community Portfolio Holder and the appropriate local ward member(s). In coming to this decision the proposed area will be assessed against the criteria in the following table.