



Council 8 April 2015

Amendment to the Scheme of Delegation – Designation of Neighbourhood Areas

Purpose of report

This report requests that Members give approval to delegated authority to the Head of Planning Services, under the Scheme of Delegation, to confirm the designation of Neighbourhood Areas (for the purposes of preparing Neighbourhood Development Plans).

Attachment(s)

1.0 Background

1.1 The initial formal stage in preparing area-based Neighbourhood Plans consists of a statutory consultation regarding the proposed Neighbourhood Area designation. This involves inviting interested parties (i.e. statutory consultees, local businesses, community groups, residents etc) to make representations to East Northamptonshire Council about the extent (boundary) of the area that a Neighbourhood Plan should cover.

1.2 Currently, when an application for the designation of Neighbourhood Area is received under the Neighbourhood Planning (General) Regulations 2012 (as amended), Part 2(5); the Council is required to undertake a four to six week statutory consultation regarding the proposed Neighbourhood Area boundary. Following this consultation, the proposed Neighbourhood Area has to be presented to the Planning Policy Committee for formal approval.

2.0 Changes to the Neighbourhood Planning regulations

2.1 To simplify the process for designating Neighbourhood Areas, the Government has introduced some amendments to the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Planning (General) (Amendment) Regulations 2015 have introduced statutory deadlines, within which local planning authorities are required to complete the process for designating Neighbourhood Areas. These deadlines (Regulation 6A) are as follows:

- **Joint Neighbourhood Area applications, covering more than one local authority area (e.g. Barrowden and Wakerley, which lies within the Rutland County Council and East Northamptonshire Council local authority areas respectively) – 20 weeks from the date of receipt of the application notice to designate a Neighbourhood Area;**
- **Single Town or Parish Council application, covering the entire Parish area – 8 weeks from the date of receipt of the application notice to designate a Neighbourhood Area;**
- **Other cases (e.g. part of a Parish area; joint Town and/ or Parish Council applications, or Neighbourhood Forum applications) – 13 weeks from the date of receipt of the application notice to designate a Neighbourhood Area.**

2.2 The 2015 amendments to the Neighbourhood Planning regulations require the Council to rapidly progress the statutory process for designating a Neighbourhood Area in order to meet the statutory deadlines. It is emphasised that the “clock begins ticking” at the date that a Neighbourhood Area application is received.

3.0 The current process for designating Neighbourhood Areas

3.1 The current process requires a statutory notice to be placed in the next available edition of the Nene Valley News as part of the consultation process. The Nene Valley News is prepared on a two-weekly cycle, so it is possible that around **three to four weeks** could elapse before the statutory consultation for a Neighbourhood Area could be formally launched.

3.3 For a single whole Town or Parish area application, the Regulations require a **four week** consultation regarding the proposed Neighbourhood Area designation. At the end of the process, likely to take six to eight weeks from the date of the application notice, at present it is then necessary for the designation of a Neighbourhood Area to be approved by the Planning Policy Committee. Given that the Planning Policy Committee meets on average around every six weeks, it is extremely unlikely that a single whole Town or Parish area application could be designated within the statutory **eight weeks** timeframe.

With the exception of the Barrowden and Wakerley Neighbourhood Area, **all** of the Neighbourhood Areas approved to date relate to a single whole Town or Parish area. It is therefore considered desirable to streamline the normal process for designating Neighbourhood Areas, through the general delegation of powers for these to be approved without the agreement of the Planning Policy Committee.

4.0 Proposed amendment to the Council's process for designating Neighbourhood Areas

4.1 It is proposed that the following wording be added to the Scheme of Delegation (Part 3.2 of the Constitution) under Section D -

<u>Neighbourhood Development Plans</u>	
Approval to designate a Neighbourhood Area for the purpose of Neighbourhood Planning, where an application has been made by a "relevant body" (Town Council, Parish Council or designated Neighbourhood Forum)	Head of Planning Services, SUBJECT TO CONSULTATION WITH THE CHAIRMAN (OR VICE-CHAIRMAN IN THEIR ABSENCE) OF THE PLANNING POLICY COMMITTEE PLUS THE WARD COUNCILLOR(S) FOR THE PROPOSED AREA

5.0 Equality and Diversity Implications

5.1 There are no equality and diversity implications arising from the proposals.

6.0 Legal Implications

6.1 Designation of Neighbourhood Areas must be undertaken in accordance with the statutory requirements of the Neighbourhood Planning (General) Regulations 2012, as amended. The proposed amendment to the Scheme of Delegation regarding the designation of Neighbourhood Areas would fulfil the requirements of the amended Neighbourhood Planning Regulations.

7.0 Risk Management

7.1 The introduction of statutory deadlines for the designation of new Neighbourhood Areas under the Neighbourhood Planning (General) (Amendment) Regulations 2015 presents a risk; insofar as it is unlikely that a designation could be made within the statutory timescales (eight or 13 weeks) under the current arrangement. The proposed changes to the Scheme of Delegation would reduce this risk.

8.0 Resource and Financial Implications

8.1 There are no resource or financial implications arising from the proposals.

9.0 Constitutional Implications

9.1 The designation and revision of Neighbourhood Areas has previously been delegated to the Planning Policy Committee. This report proposes an amendment to the Scheme of Delegation (part 3.2 of the Council's Constitution) through the further delegation of powers for the designation of Neighbourhood Areas to the Head of Planning Services

10.0 Corporate Outcomes

10.1 The relevant Corporate Outcomes are:

- Effective Management – providing the necessary support to ensure that Neighbourhood Plans are legally compliant and that the relevant bodies (Town or Parish Councils) are able to make a timely start in the preparation of Neighbourhood Plans

11.0 Recommendation

11.1 The Council is recommended to:

- (1) Agree the delegation of powers for the designation of statutory Neighbourhood Areas to the Head of Planning Services, subject to consultation with the Chairman (or Vice-Chairman in their absence) of the Planning Policy Committee plus the appropriate Ward Councillors for the proposed area.
- (2) Approve the proposed amendment to the Scheme of Delegation (part 3.2 of the Council's Constitution), as set out in paragraph 4.1 to this report.

(Reason – to streamline the process for designating Neighbourhood Areas in accordance with the requirements of the Neighbourhood Planning (General) Regulations 2012, as amended)

Legal	Power: Neighbourhood Planning (General) Regulations 2012 Neighbourhood Planning (General) (Amendment) Regulations 2015 Localism Act 2011; Section 61G of The Town And Country Planning Act 1990				
	Other considerations: None				
Background Papers:					
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Date: 30 March 2015					
CFO		MO		CX	