

Wards Affected:

Sherington

ITEM 3**DELEGATED DECISION****21 APRIL 2015****NEIGHBOURHOOD AREA DESIGNATION APPLICATION FOR SHERINGTON PARISH COUNCIL**

Responsible Cabinet Member: Councillor Legg (Cabinet member for Public Realm)

Report Sponsor: Anna Rose, Service Director, Planning and Transport

Author and contact: Bob Wilson, Development Plans Manager, Tel: (01908) 252480

Executive Summary:

This report deals with the application to designate a Neighbourhood Area for the purpose of Neighbourhood Planning, in accordance with the Neighbourhood Planning (General) Regulations 2012. The application is from Sherington Parish Councils. The application has been publicised for six weeks of public consultation from 9 March 2015 to 20 April 2015. No comments have been received on either application.

1. Recommendation(s)

1.1 That the Neighbourhood Area application for Sherington Parish Council area be approved in accordance with Section 61G of the Town and Country Planning Act, 1990 (as amended).

2. Issues

2.1 Sherington Parish Council have submitted an application to Milton Keynes Council to designate their parish area as a Neighbourhood Area. The area for Sherington is shown in Annex B. The application has been made in accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, which requires any local council submitting an area application to include:

- a map which shows the area to be designated;
- a statement explaining why the local council considers the area to be appropriate for designation; and
- confirmation that the local council concerned is the relevant body for the purpose of neighbourhood planning for that area.

2.2 In accordance with Regulation 6 of those Regulations, Milton Keynes Council published the area application, and held a six week public consultation period

between 9 March 2015 and 20 April 2015. The application was advertised in the MK News, on the Council's website, in the Council's internal Tuesday Bulletin communication, in the Members' Weekly News, and through direct emails to the Councillors of the wards affected and all Parish Councils. At the close of the consultation period no comments have been received in respect of the application.

- 2.3 National Planning Practice Guidance advises that a local planning authority must designate a neighbourhood area if it receives a valid application and some or all of the area has not yet been designated.
- 2.4 In reaching its decision on a neighbourhood area application a local planning authority should consider:
- the statement accompanying the application,
 - the desirability of designating the whole of the area of a parish as a neighbourhood area,
 - any representations received during the consultation period; and
 - whether it is appropriate to define the area as a business area under Section 61H of the Act.

In parished areas, the legislation recognises that the parish council's administrative boundaries will form logical boundaries for neighbourhood planning unless circumstances dictate otherwise. The Sherington neighbourhood area covers the area for which Sherington Parish Council is the elected body and the relevant body for the purposes of neighbourhood planning under the Act and the 2012 Regulations.

- 2.5 Given the predominantly residential nature of the parish it is not appropriate to define the area as a business area under Section 61H of the Act.
- 2.9 On the basis of the above, it is considered appropriate to designate the neighbourhood area as proposed by the Parish Council, and as shown in Annex A.

3. Options

- 3.1 This report recommends that the area proposed by the Parish Council is approved as their respective Neighbourhood Area. This is in line with National Planning Practice Guidance which advises that local planning authorities should aim to designate the area applied for. This is the preferred option.
- 3.2 If the area applied for is not considered appropriate, then an alternative option would be for Cabinet to refuse to designate but reasons for that refusal must be given. Section 61G (5) requires the local planning authority to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas. It is considered that the parish represents an appropriate area in which to carry out neighbourhood planning. This option is not therefore recommended.

4. Implications

4.1 Policy

Neighbourhood Plans must be in general conformity with the strategic policies of the development plan. In Milton Keynes, the strategic policies are set out in the adopted Milton Keynes Local Plan and the adopted Core Strategy.

Once a Neighbourhood Plan has successfully passed all of the stages of preparation, including an examination and referendum, it is 'made' by the local planning authority and forms part of the authority's Development Plan, meaning it will be a material consideration when considering development proposals.

4.2 Resources and Risk

Finance

- a. The Localism Act and the 2012 Regulations place new duties on local planning authorities in relation to Neighbourhood Planning. These new duties have considerable implications for staff resources and include taking decisions at key stages in the process; being proactive in providing advice to communities about neighbourhood planning; providing advice or assistance to a parish council, neighbourhood forum or community organisation that is undertaking neighbourhood planning.
- b. In recognition of the additional burdens that these new duties place on local planning authorities, DCLG has made available grants to local planning authorities up to £30,000 for each neighbourhood plan. In the case of a Business Neighbourhood Plan, a further £10,000 is available in recognition of the costs associated with the additional business referendum. The funding is claimed in stages - £5000 upon the designation of a Neighbourhood Area; £5000 once a submitted plan is publicised and the remainder upon a successful examination of the plan. The funding claimed contributes to staff costs associated with supporting the neighbourhood plan and the costs associated with publicity, the appointment of an examiner and the running of the referendum.
- c. Staff resources to support Neighbourhood Planning will come from the existing staff within the Development Plans team.

	Capital	Y	Revenue		Accommodation
	IT		Medium Term Plan		Asset Management

4.3 Carbon and Energy Management

The proposals in this report do not impact on carbon and energy management. These matters could be included in the subsequent neighbourhood plans that are produced.

4.4 Legal

- a. Neighbourhood planning is part of the Government's initiative to empower local communities to take forward planning proposals at a local level, as outlined in Section 116 of the Localism Act, 2011. The Act and the subsequent 2012 Regulations confer specific functions on local planning authorities in relation to neighbourhood planning and lay down the steps that must be followed in relation to Neighbourhood Planning.
- b. Consultation on the neighbourhood area application has been carried out in accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations, 2012.
- c. Cabinet on 25 July 2012 (Minute C35 3[f]) agreed a scheme of delegation for decisions on neighbourhood plans. All decisions were delegated to the Cabinet portfolio holder for Planning.
- d. Risk is being managed by ensuring that the regulations are followed and that the Council's decision making process is clear and transparent. Once a Neighbourhood Plan is made it carries real weight and the LPA is obliged to consider proposals for development against the policies in the Plan.

4.5 Other Implications

The proposed Neighbourhood Area application has been the subject of consultation for six weeks, and the views of stakeholders are reported in this report.

Consultation and involvement of stakeholders is an important part of the neighbourhood planning process, and will ultimately be tested by a single issue referendum at the end of the process.

	Equalities/Diversity		Sustainability		Human Rights
	E-Government	Y	Stakeholders		Crime and Disorder

Background Papers: Sherington Parish Council application (Annex A)
 Sherington Neighbourhood Plan area (Annex B)
 Localism Act, 2011
 Neighbourhood Planning (General) Regulations 2012
 Town and Country Planning Act, 1990 (as amended).