

Cabinet - 7 February 2022

**Clifton upon Dunsmore Parish Council Neighbourhood Plan -
Designation of Neighbourhood Plan Area**

Public Report of the Chief Officer - Growth and Investment

Recommendation

IT BE RECOMMENDED TO CABINET THAT:

- (1) The boundary Clifton upon Dunsmore propose to use for their neighbourhood plan area is formally agreed; and
- (2) details of the Neighbourhood Area are published on the Council's website and publicised elsewhere where required.

1. Introduction

1.1 This report relates to the beginning of the process of Clifton upon Parish Council forming a neighbourhood plan, through the designation of the neighbourhood plan area.

2. Background

2.1. On the 16 December 2021 the authority received an application from Clifton Upon Dunsmore Parish Council informing the Borough Council that they wished to produce their own neighbourhood plan. The first stage in producing a neighbourhood plan is to define the area that the plan will be applied to. They have chosen to use the parish boundary.

3. Evidence

3.1. The main evidence in relation to this report is the boundary within which Clifton upon Dunsmore wish to operate their neighbourhood plan. This is the parish boundary and is shown in Appendix 1.

3.2. An accompanying application statement has also been submitted confirming the Parish Council are the 'relevant body' and setting out the reasons for selecting the area (included in Appendix 2 to this report). The reasons for selecting the area include that the entire Parish is appropriate as it is self-contained, has meaningful boundaries, reflects the existing local sense of community and is generally meaningful and coherent for policy making purposes.

4. Implications

- 4.1. The detailed provisions around the preparation and adoption of neighbourhood plans are set out in both primary legislation and secondary regulations. The relevant section is Section 5 of The Neighbourhood Planning (General) Regulations 2012 (as amended) which relates to an application for designation of a neighbourhood area.
- 4.2. The correspondence included a map in compliance with section 5 (1) (a) identifying the area to which the application relates; a statement explaining why this area is considered appropriate as per section 5 (1) (b); and which also confirms that the application is from Clifton upon Dunsmore Parish Council as the 'relevant body' for the purposes of Section 61G of the 1990 Town and Country Planning Act.
- 4.3. Section 5A (1) (a) of the above regulations relates to where a local planning authority receives an application from a parish council, as in this case. Their correspondence accords with 5A (1) (b) since it relates to the whole of the parish council's area. The specified area does not extend outside of the parish council's area which is referred to in 5A (1) (c). Since all of these criteria are met, the local planning authority must exercise their powers under section 61G of the 1990 Act to designate the specified area as a neighbourhood plan area.
- 4.4. In accordance with the Section 7 of the regulations, once designated details of the neighbourhood area must be published on the Councils website. It is also necessary to publicise the decision in any other manner likely to bring attention of the designation to those living, working or carrying on business in the neighbourhood area. This will be achieved by notifying the Parish Council of the decision and also making any documents available on request.
- 4.5. In the event that the application to designate the area is refused, a decision notice will be drafted setting out the reasons for refusal. This will also be required to be publicised.
- 4.6. Decisions of this nature relate to the Borough Council's development plan (of which neighbourhood plans form a part) and are covered by Regulation 4 and Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. This sets out that the decision making functions are split between the executive (Cabinet) and the authority (Full Council), depending on the nature of the decision that is required.
- 4.7. Regulation 4 sets out the decisions which Full Council must make. If not specifically required by Regulation 4 to be made by Full Council, then Cabinet can make the decisions. Broadly, in relation to neighbourhood plans, the decisions that Full Council must make relate to going out to public consultation, submissions to the Secretary of State (or PINS) and the final adoption of any plan. Therefore, the designation of a neighbourhood area is a decision that should be taken by Cabinet.
- 4.8. Subject to agreement, the map and application documents will be published on the Borough Council's website. The documents will also be available upon

individual request and the Parish Council will be notified to help bring it to the attention of those in the neighbourhood area, as required by the regulations.

- 4.9. An Equality Impact Assessment has been carried out and is included in Appendix 3, and a Climate and Environmental Impact Assessment is included in Appendix 4. It has not been considered the issues raised in this report have a significant effect on Equality or Climate and Environment impacts.

5. Conclusion

- 5.1. The proposed neighbourhood area matches that of the Parish boundary and has been proposed by the Parish Council as the 'relevant body'. It is legally necessary to confirm acceptance to the boundary for the neighbourhood plan to go forward. Subject to agreement, these details will be published on the Borough Council's website, made available on request and the Parish Council will be notified.

Recommendation

It be recommended to Cabinet that the boundary Clifton upon Dunsmore propose to use for their neighbourhood plan area is formally agreed. The details are to be published on the Council's website and publicised elsewhere where required.

Name of Meeting: Cabinet

Date of Meeting: 7 February 2022

Subject Matter: Clifton Upon Dunsmore Neighbourhood Plan -
Designation of Neighbourhood Plan Area

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A