



OFFICER DECISION RECORD

This form should be used to record Executive decisions taken by Officers

Decision Ref. No:			
Service Area:	Growth & Infrastructure	Date:	27/10/20
Contact Name:	Mark Axford	Tel No:	-
E-mail:	mark.axford@bcpcouncil.gov.uk		
Subject:	Designation of Highcliffe & Walkford Parish Neighbourhood Area		
Decision taken:			
<p>Designate the area covered by the Highcliffe and Walkford Parish Council, as shown on the attached plan, as a Neighbourhood Area.</p>			
Reasons for the decision:			
<p>The Council as Local Planning Authority is required to consider and determine an application from Highcliffe and Walkford Parish Council to designate the parish area as a Neighbourhood Area. In situations such as this where a Parish Council applies to designate the whole of a parish's area as a Neighbourhood Area, the LPA is required to designate the area. Designation will enable the Parish Council to start preparing a Neighbourhood Plan for the area.</p>			
Background:			
<p>The LPA has received an application from Highcliffe and Walkford Parish Council to designate a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan. The formal details of the submitted request for designation, which include a map identifying the area, are attached as Appendix 1 to this report. The boundaries of the area correspond to the designated area of the Parish Council and do not extend beyond the boundaries of the Parish Council; and there are no other existing neighbourhood area designations over any part of the application area.</p> <p>The Localism Act 2011 (amending the Town and Country Planning Act 1990) introduced powers for community groups to prepare Neighbourhood Plans for their local areas. A Neighbourhood Plan is a plan which sets out policies in relation to the development and use of land in the whole or part of a Neighbourhood Area. Once adopted, the plan forms part of the Statutory Development Plan for the area, and the policies and proposals will carry weight in the determination of planning applications.</p> <p>The Neighbourhood Planning (General) Regulations 2012 (as amended) set out the statutory requirements that the Council must meet - https://www.legislation.gov.uk/uksi/2012/637/contents</p> <p>The first formal step towards a Neighbourhood Plan is an application to the LPA for designation of a Neighbourhood Area, the area to be covered by the plan. Regulation 5 states that the application must be made by a parish or town council or neighbourhood forum and must include a statement explaining why the proposed Neighbourhood Area is an appropriate area.</p>			

The LPA must make a decision by exercising the powers in Regulation 5A to determine the designation of the area. Under amendments to the regulations enacted by the [Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016](#), where the LPA receives an area application from a parish council to designate the whole of the parish's area, the LPA must designate the specified area as a Neighbourhood Area and the requirement for publicity is not applied. The LPA has no discretion in the matter.

In accordance with the Town and Country Planning Act 1990 section 61(H) the LPA must consider whether they should designate the area concerned as a 'business area'. In this instance it is not considered appropriate to designate the area as a 'business area' because the area in question is principally residential in nature, it is not considered that the area is wholly or predominantly business in nature.

There is no prescribed time period within which the LPA must make a decision on designation of an area where there is no publicity required, but it would seem appropriate that a decision is made as soon as possible after receipt of application.

Regulations on publicising the designation of a Neighbourhood Area (Regulation 7) require that as soon as possible after designating a Neighbourhood Area, the LPA must publish on their website "and in such other manner as they consider is likely to bring the designation to the attention of people who live, work or carry out business in the neighbourhood area" the name of the Neighbourhood Area, a map which identifies the area and the name of the body who applied for the designation.

The Parish Council are about to start their Neighbourhood Plan process, and planning officers will offer support in this wherever possible. At this stage however, the decision to undertake a Neighbourhood Plan should be welcomed, and the Council is encouraged to support the process by designating the Neighbourhood Area.

Consultations undertaken:

Consultation:

The amended regulations do not require the LPA to consult on an application from a Parish Council to designate the whole of the Parish's area. The application to designate the Neighbourhood Area was submitted by Councillor Brooks on behalf of the Parish Council.

The following officers are being consulted:

Chief Finance Officer -see financial implications
Monitoring Officer (Legal) – see legal implications

Legal Officers were consulted in respect of the appropriate Council decision making process for such an application and gave advice accordingly.

Note: It is the responsibility of the 'Responsible Officer' – that is the Officer making the decision – to obtain the comments and signature of the Chief Finance Officer and Monitoring Officer **before** taking the decision and then send the completed record of the decision to Democratic Services for publication.

Finance and Resourcing Implications:

Staff Time

As part of its statutory duty to support the community in neighbourhood planning there will be implications for officer time within the Planning Service. This will include, for example, attending meetings, providing mapping and giving advice on Local Plan policies and the neighbourhood planning process. This is covered within existing budgets.

Costs

The most significant costs to the LPA will be towards the end of the neighbourhood planning process when it is required to pay for an examination and referendum. Although the LPA can claim £20,000 towards the costs, this may not cover the total cost. It may be possible for the cost to be reduced if the referendum coincides with an election.

Funding available from central government

LPA's can claim funding from central government to help towards additional costs.

- £5,000 for the first 5 neighbourhood forums and neighbourhood areas they designate. However the limit of 5 has already been reached for BCP Council.
- £20,000 when they issue a decision statement detailing their intention to send the plan to referendum This is not subject to a limit on number of claims per authority.

The following link provides details of funding the LPA can access;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923286/200622_2020-21_Chief_Planners_Letter_NP_grant.pdf

Name: Adam Richens

Date: 28.10.20

Redacted

Signature (of Chief Finance Officer):

Legal Implications:

None, save to the extend as already identified elsewhere in this decision record.

Name: Susan Zeiss

Date: 1 December 2020

Signature (of Monitoring Officer):

Redacted

Risk Assessment:

- A neighbourhood group may have particular expectations regarding the amount of officer time / Council support available which could lead to pressure on existing staff resources.
- A neighbourhood group may fail to represent the needs and views of its members as a whole although a plans adoption is subject to a public referendum.

- The intention of neighbourhood planning is to give local people a greater say over development in their area. This may sometimes differ from the Council's plans, strategies or priorities.
- A Neighbourhood Plan may fail to be completed and adopted so there is a risk that officer time spent supporting the community will be abortive

Name: Mark Axford

Date: 27/10/20

Signature (of Officer Completing Assessment): M. Axford

Impact Assessments:

There are 5 basic conditions set in legislation which a Neighbourhood Plan must comply with. These include:-

- Contributes to sustainable development
- Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017
- The Plan must also not breach and otherwise be compatible with Human Rights requirements

It is not considered necessary to undertake an EINA and EIA in making a decision to designate a Neighbourhood Area. The issues assessed in both these impact assessments are required to be considered as part of the Neighbourhood Planning process.

Information for publication / not for publication

Information for publication because is of public interest and the Regulations require the Council to publish the decision on designating a Neighbourhood Area – see above.

Background Papers

- Planning Policy Guidance on Neighbourhood Planning
<https://www.gov.uk/guidance/neighbourhood-planning--2>

Any declaration of interest by the Officer responsible for the decision	Nature of Interest
No	

Note: No Officer having an personal financial interest in any matter should take a decision on that matter. Other interests of a non-disqualifying matter should be recorded here.

Any conflict of interest declared by a Cabinet Member who is consulted by the Officer taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
No	Councillor Phillip Broadhead		

Decision taken by: Julian McLaughlin Service Director Growth and infrastructure

Signature:

Redacted

(Julian McLaughin)

Date of Decision: 2nd Dec 2020

Date Decision Effective: 2nd Dec 2020

Date of Publication of record of decision: (to be inserted by Democratic Services)

Note: A record of this decision should be kept by the Service Area within which the decision falls.

Appendix 1: Application for the Designation of the Highcliffe and Walkford Neighbourhood Plan Area

Submitted on behalf of the Highcliffe & Walkford Parish Council

The Neighbourhood Planning (General) Regulations 2012

This Application to BCP Council is for the designation of a neighbourhood area by Highcliffe & Walkford Parish Council for the purpose of the preparation of a Neighbourhood Plan for the Parish of Highcliffe & Walkford, in accordance with paragraph 5 of the above Regulations.

Map identifying the area to which the area application relates

Map with boundaries of the area which correspond to the designated area of the Parish Council is shown on the following page.

Statement explaining why this area is considered appropriate to be designated as a neighbourhood area.

The Parish Council came into being on the 31st March 2019 in accordance with Christchurch Borough Council's approval and direction.

Having regard to the Localism Act 2011 the Parish Council have agreed to use its powers to prepare a Neighbourhood Plan in order to shape the future of the Parish area. The Plan is being prepared by the Parish Council on behalf of its residents and will set down planning policies to assist the determination of Planning Applications in the area.

Statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

The Highcliffe & Walkford Parish Council is a relevant body in accordance with the Town and Country Planning **Act 1990, Section 61G**



Parish Councillor Nigel Brooks
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21th September 2020

