

# Neighbourhood Area Designations – determination of applications for designation

Report of the Cabinet Member for Economic Growth, Environment & Development Services:  
Councillor I. Pritchard



Date:	4 September 2018
Agenda Item:	7
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Key Decision?	YES
Local Ward Members	All ward members

**CABINET**

## 1. Executive Summary

- 1.1 In July 2015 a meeting of the Full Council determined to grant delegated powers to the Cabinet Member for Economic Growth, Environment & Development and the Strategic Director for Democratic, Development and Legal services to determine applications from parish councils for their areas to be designated as Neighbourhood areas. Since that time the Neighbourhood Planning Regulations have been amended with regard to Neighbourhood area designation to require Council's to automatically designate a Neighbourhood area where a Parish Council applies for all of its area to be designated without the need for consultation. As such this report seeks to clarify the delegated authority previously granted in line with the amended Neighbourhood plan regulations.

## 2. Recommendations

- 2.1 That the Cabinet supports a recommendation to Full Council to maintain the delegated authority granted to the Cabinet Member for Economic Growth, Environment & Development Services and the Director of Place and Community to determine applications for the designation of a neighbourhood area.

## 3. Background

- 3.1 Neighbourhood planning is one of the provisions of the 2011 Localism Act allowing local communities to bring forward detailed policies and plans which can form part of the statutory planning process for an area and its residents. The first statutory stage in the production of a neighbourhood plan is for the relevant body (in Lichfield District this must be the Parish Council) to have their area designated as a neighbourhood area.
- 3.2 Previously applications for the designation of a neighbourhood area were required to be subject to six weeks formal consultation prior the District Council's consideration of the designation. In 2015 amendments were made to the regulations which required the District Council to undertake this process, inclusive of the six week consultation, within 8 weeks of the application being made. Following this the District Council resolved to grant delegated authority to the Cabinet Member for Economic Growth, Environment & Development Services to determine such applications where these could not be made by committee within the 8 week timescale prescribed by the regulations.
- 3.3 Since that time further amendments have been made to the Neighbourhood Planning regulations. One such amendment inserts regulation 5A which requires the Local Authority to designate the

neighbourhood area as applied for where this area is the whole area of a Parish Council without the requirement for public consultation. Now that the Cabinet member title and regulations have changed since the original delegated authority was granted it is important that a Cabinet members are brought up to speed with this changes. Subject to Cabinet agreement this will result in an update to the constitution. This will ensure neighbourhood area designations can be made without delay and in accordance with the amended neighbourhood planning regulations.

- 3.4 It is therefore recommended that the delegated authority previously granted be maintained and that where a neighbourhood area designation application is made by a Parish Council for their whole area that the Cabinet Member for Economy, Environment & Economic Growth would determine the application and designate the area.

Alternative Options	<ol style="list-style-type: none"> <li>1. Members receive a report for each area designation following an application by a Parish Council. This would result in a delay to the designation of neighbourhood areas which is not consistent with the updated regulations.</li> </ol>
Consultation	<ol style="list-style-type: none"> <li>1. In line with the Regulations any draft neighbourhood plan will be required to be subject to at least two formal public consultations. These consultation stages are required by legislation and must take place in order for the neighbourhood plan to progress.</li> </ol>
Financial Implications	<ol style="list-style-type: none"> <li>1. The Government has made grant aid available to District Councils in recognition of the level of resourcing required in the administration of Neighbourhood Plans. Government guidance states that ‘this money is to ensure LPAs receive sufficient funding to enable them to meet new legislative duties on neighbourhood planning. Specifically, it covers the neighbourhood planning duties in the Localism Act which are to provide advice and assistance; to hold an examination; and to make arrangements for a referendum’. However it should be noted that the level of grant aid has decreased over time.</li> <li>2. Upon successful referendum the District Council becomes eligible and can apply for a grant of £20,000.</li> <li>3. Communities with Neighbourhood Plans in place will also be entitled to 25% of the Community Infrastructure Levy (CIL) receipts generated by eligible development in their area (uncapped). Communities with no Neighbourhood Plan will be entitled to 15% (capped).</li> </ol>
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> <li>1. The Neighbourhood Plan will need to demonstrate that it is in broad conformity with the Local Plan Strategy which conforms with the Strategic Plan.</li> </ol>
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> <li>2. The extensive consultation procedures provided for by the Planning and Compulsory Purchase Act 2004 ensure that consultation is undertaken with the wider community.</li> </ol>
Crime & Safety Issues	<ol style="list-style-type: none"> <li>1. Crime and Community safety issues may be considered as part of an emerging Neighbourhood Plan.</li> </ol>

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Cabinet do not agree to delegation of authority. This would result in a delay in the designation for future neighbourhood area designation applications.	Report designation applications to members through Cabinet. This would result in a delay to designations which would not accord with the regulations.	Y
B	Further changes made to neighbourhood planning regulations.	Officers assess any future regulation changes and prepare future advice/reports for members if any such regulatory changes would require changes to delegated authority.	Y

### Background documents

1. [Neighbourhood Planning \(General\) Regulations 2012](#)

### Relevant web links

[Local Plan](#)

[Neighbourhood Plans](#)