



Application to declare Stoke Hammond Parish as a Neighbourhood Area by Stoke Hammond Parish Council

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The purpose of this report is to recommend that the Director of Planning and Environment in consultation with the Cabinet Member for Planning and Enforcement exercises his delegated authority to declare that the whole of Stoke Hammond Parish Council area be designated as a Neighbourhood Area.

Recommendation

That the Director of Planning and Environment uses his delegated powers to declare that the whole of Stoke Hammond Parish Council area has been designated as a Neighbourhood Area in accordance with Regulation 5A of The Neighbourhood Planning (General) Regulations 2012 as amended.

Background

On the 26th August 2021 Stoke Hammond Parish Council submitted a Neighbourhood Area Application to declare the entire Parish Council area as a Neighbourhood Area.

The Stoke Hammond Parish Council application was submitted under the Regulation 5A inserted into the 2012 Neighbourhood Planning Regulations¹ by amending regulations which came into force on the 1st October 2016².

The effect of Regulation 5A is that if a parish council submits a Neighbourhood Area Application to include the whole of its parish area within the Neighbourhood Area the Local Planning Authority (Buckinghamshire Council in this case) has to use its powers under the Act³ to designate the whole of the parish area as a Neighbourhood Area.

In addition, the regulations state that where a parish has submitted a Neighbourhood Area application to include the whole of its parish in the neighbourhood area that the Local Planning Authority is not required to consult or publicise the Neighbourhood Area Application. Therefore, Buckinghamshire Council does not need to carry out any publicity of the Neighbourhood Area Application in advance of the Neighbourhood Area being designated.

Next Steps

Following designation of the Neighbourhood Area and in accordance with Regulation 7 of the 2012 Regulations the Local Planning Authority has to publicise the Neighbourhood Area Designation on its website and in any other way they consider would let people who live, work or carry on business in the neighbourhood area that the area has been designated.

¹ The Neighbourhood Planning (General) Regulations 2012

² The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016

³ Section 61G of the Town and Country Planning Act 1990

The published information should include the name of the neighbourhood area; a map which identifies the area; and the name of the relevant body who applied for the designation.

In terms of notification in addition to the website the Buckinghamshire Council procedure note advises that the Director of Planning and Environment, the Head of Planning and Development and the Head of Planning Policy and Compliance be advised of the designation together with Development Management Team Leaders in the relevant development management team. Notification of the designation is also sent to the Portfolio Holder for Planning and Enforcement and relevant Council ward members in the area covered by the Neighbourhood Area Designation. The neighbourhood plan group –Stoke Hammond Parish Council in this case are advised of the designation and invited to publicise the decision on their own website and on local notice boards throughout the designated area.

What designating a Neighbourhood Area Means

In most cases the designation of a neighbourhood Area is in relation to the proposal to create a neighbourhood plan for the area. Before a neighbourhood plan can be produced for an area there has to be a designated neighbourhood area in place. Essentially in this case it means that Stoke Hammond Parish Council can now go on to produce a neighbourhood plan for their area.

Financial and Legal Implications

Financial – there are no significant costs, other than officer time, involved in the designation of a neighbourhood Area. Potentially there may be some postage costs if it is necessary to notify anyone by post of the neighbourhood area designation. Councils can receive grants from government for the designation of a neighbourhood area, however this is limited to five per council area and Buckinghamshire Council has already exceeded this limit. Further grant funding is available should a neighbourhood plan be produced and the Council determines that the plan should proceed to a referendum. This grant is available per neighbourhood plan. However, it should be borne in mind that the Government could amend the neighbourhood grants scheme or end the grants at any time.

Legal – as explained above the Council is legally required to designate a neighbourhood area where a valid application has been made by a Parish Council (Stoke Hammond Parish Council in this case) for a neighbourhood area covering the whole of its parish area.

Delegated authority

The Council's Scheme of Delegations to Officers contained at Part I paragraphs 2.10 and 2.18a of the Council's Constitution authorises the Director of Planning and Environment to determine all decisions relating to neighbourhood planning. This is further delegated under the scheme of delegation to the Head of Policy and Compliance, Planning Policy Manager and Policy Team Leaders.

Exercise of Delegated Authority

I, Chris Schmidt-Reid, Planning Policy Team Leader agree the above recommendation.

Signed: 

Dated: 28/09/21

Background papers

Stoke Hammond Council neighbourhood area application letter and proposed Neighbourhood Area Map.