

Cherwell District Council

Lead Member Decision - Lead Member for Planning

1 February 2019

Application for the Designation of a Neighbourhood Area for the Parish of Shipton-on-Cherwell and Thrupp

Report of Assistant Director – Planning and Economy

This report is public

Purpose of report

Shipton-on-Cherwell and Thrupp Parish Council has submitted an application for the designation of a Neighbourhood Area for the Parish of Shipton-on-Cherwell and Thrupp in order to prepare a Neighbourhood Development Plan for the Parish and the Council must determine the application.

1.0 Recommendations

The Lead Member is recommended:

- 1.1 To designate the Parish of Shipton-on-Cherwell and Thrupp as a Neighbourhood Area.
- 1.2 To determine that the Neighbourhood Area should not be designated as a business area under Section 61(H) of the Town and Country Planning Act 1990 (as amended).

2.0 Introduction

- 2.1 Shipton-on-Cherwell and Thrupp Parish Council wishes to produce a Neighbourhood Plan for the Parish of Shipton-on-Cherwell and Thrupp and is required to submit an application to the District Council specifying the area to be covered by the Neighbourhood Plan. Appendix 1 to this report contains this application. The Council must designate the area but certain considerations are required in making a formal decision.

3.0 Report Details

The Area Application

- 3.1 Under section 61G of the Town & Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) Shipton-on-Cherwell and Thrupp Parish Council has submitted an application for the designation of a Neighbourhood Area for the Parish of Shipton-on-Cherwell and Thrupp. The application was made on 9 January 2019.

- 3.2 Regulation 5 of the Neighbourhood Planning Regulations 2012 (as amended) states that where a relevant body submits an area application to the local planning authority it must include—
- (a) a map which identifies the area to which the area application relates;
 - (b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - (c) a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.
- 3.3 The area applied for is the whole Parish and is shown in the area application (Appendix 1 to this report). The area application explains that it is considered that the area is appropriate for designation as a Neighbourhood Area as it covers the whole Parish and is a well-recognised and clearly defined area. A meeting of the local community in March 2018 concluded with unanimous support for a Neighbourhood Plan based on the Parish boundary. Shipton-on-Cherwell and Thrupp Parish Council wishes to ensure that future planning decisions within the Parish boundary reflect the views of the local community.
- 3.4 As stated in the application, Shipton-on-Cherwell and Thrupp Parish Council is a 'relevant body' for the purpose of section 61G of the Town & Country Planning Act 1990 (as amended), and is therefore as a Parish Council qualified to undertake neighbourhood planning and produce the Neighbourhood Plan.
- 3.5 The legal requirements for the area application (Appendix 1) are deemed to have been met.

Designation of the Area

- 3.6 Regulation 5A of the Neighbourhood Planning (General) Regulations 2012 (as amended) states that the local planning authority must exercise their powers under section 61G of the Town & Country Planning Act 1990 to designate the specified area as a neighbourhood area where -
- (a) a local planning authority receive an area application from a parish council;
 - (b) the area specified in the application consists of the whole of the parish council's area; and
 - (c) if any part of the specified area is part of a neighbourhood area, none of that neighbourhood area extends outside the parish council's area.
- 3.7 Government Guidance states (Paragraph: 035 Reference ID: 41-035-20161116), "In certain circumstances, the local planning authority must designate all of the area applied for. These circumstances are where a Parish Council applies for the whole of their parish to be designated."
- 3.8 The area application for the designation of a Neighbourhood Area for the Parish of Shipton-on-Cherwell and Thrupp is confirmed to have been made in accordance with Neighbourhood Planning Regulations and section 61G of the Act and therefore the area must be designated. The considerations are;
- The application has been made by a 'relevant body' the Parish Council (the Qualifying Body)
 - The area applied for consists of the whole of the Shipton on Cherwell and Thrupp Parish Council area

- No part of the proposed area is part of an existing designated Neighbourhood Area.

3.9 The Neighbourhood Planning (General) Regulations 2012 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Regulations 2015 (as amended) specify that where the criteria in paragraph 3.6 have been met no formal publicity period is required for the area application. No consultation is therefore proposed by the District Council on the area application and consultation will take place for the next stages of producing the Neighbourhood Plan.

3.10 The Council is required to consider if the area should be designated as a Business Area under Section 61(H) of the Town and Country Planning Act 1990 (as amended). This is not requested by the Parish Council and as a rural area the Parish is not considered 'business in nature' and therefore should not be designated a business area.

3.11 The Regulations prescribe time limits for the determination of a neighbourhood area application. Except where a local planning authority is required to designate the whole of a parish, applications must be determined within 13 weeks of first being publicised.

3.12 Following the Lead Member's decision, the next steps would be to:

- publish the Lead Member decision and the required information relating the area application;
- continue to work with the Parish Council to assist them in producing the Neighbourhood Plan, the next stage of which will be community and public consultation.

4.0 Conclusion and Reasons for Recommendations

4.1 The area application for the designation of a Neighbourhood Area for the Parish of Shipton on Cherwell and Thrupp has been made in accordance with Neighbourhood Planning Regulations and section 61G of the Town & Country Planning Act 1990 and the Council must designate the area for the purposes of the Parish Council producing a Neighbourhood Plan for the Parish.

5.0 Consultation

5.1 Councillor Colin Clarke, the Lead Member for Planning, was given prior notice that this report would be published ahead of his consideration.

6.0 Alternative Options and Reasons for Rejection

6.1 A formal decision is required to be made. There are no alternative options because the application meets the criteria specified at paragraph 3.6 above.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no direct financial implications arising from this report and Neighbourhood Planning is accounted for within existing budgets.

Comments checked by:

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Legal Implications

- 7.2 As the application has been confirmed as valid and the legal requirements for the area application and proposed designation of the Neighbourhood area for Shipton-on-Cherwell and Thrupp Parish have been met, the Council acts lawfully in approving the designation.

Comments checked by:
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8.0 Decision Information

Key Decision	No
Financial Threshold Met:	No
Community Impact Threshold Met:	No

Wards Affected

Launton and Otmoor

Links to Joint Corporate Strategy and Policy Framework

- 8.1 This report directly links to all three themes from the Joint Corporate Strategy 2018-19:
- District of Opportunity & Growth
 - Protected, Green & Clean
 - Thriving Communities & Wellbeing

Lead Councillor

Councillor Colin Clarke – Lead Member for Planning

Document Information

Appendix No	Title
Appendix 1	Application for the designation of the Neighbourhood Area
Report Author	Chris Thom, Principal Planning Policy Officer
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