

This report is public	
Application for the Designation of a Neighbourhood Area for the parish of Chesterton	
Committee	Portfolio Holder Decision – Portfolio Holder for Planning and Development
Date of Report	21 February 2024
Portfolio Holder presenting the report	N/A
Date Portfolio Holder agreed report	21 February 2024
Report of	Assistant Director Planning and Development, David Peckford

Purpose of report

Chesterton Parish Council (the “**Parish Council**”) has submitted an application for the designation of a Neighbourhood Area for the parish of Chesterton in order to prepare a Neighbourhood Development Plan. The District Council must determine the application.

1. Recommendations

The Portfolio Holder for Planning and Development resolves:

- 1.1 To designate the whole of the parish of Chesterton 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. Executive Summary

- 2.1 The Parish Council wishes to produce a Neighbourhood Plan for the parish of Chesterton. The first stage is the requirement for the Parish Council 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 District Council must designate the area, but certain conditions are required to be considered and determined as met in making a formal decision.
- 2.2 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.”*
- 2.3 The area application for the designation of a Neighbourhood Area for the parish of Chesterton 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.

Cherwell District Council

Implications & Impact Assessments

Implications	Commentary			
Finance	There are no direct financial implications arising from this report. The work required by the District Council to support the preparation of Neighbourhood Plans is met within existing budgets. Kelly Wheeler, Finance Business Partner			
Legal	As the application has been confirmed as valid and the legal requirements for the area application and proposed designation of the Neighbourhood area for Chesterton parish have been met, the District Council acts lawfully in approving the designation. Kim Maher, Solicitor Legal Services			
Risk Management	There is no risk to the District Council as the application has been confirmed as valid and the legal requirements for the area application and proposed designation of the Neighbourhood area for Chesterton parish have been met. Any arising risks will be managed by the service operational risk and escalated to the leadership risk register as and when required. Celia Prado-Teeling, Performance & Insight Team Leader			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	x			At this stage there are unlikely to be any applicable impacts, however, through the development of a neighbourhood plan, it is considered likely that there could be positive impacts if the process captures the views of the whole community.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	x			At this stage there are unlikely to be any applicable impacts, however, through the development of a neighbourhood plan, it is considered likely that there could be positive impacts if the process captures the views of the whole community.
Climate & Environmental Impact				not applicable
ICT & Digital Impact				not applicable

Data Impact				not applicable
Procurement & subsidy				not applicable
Council Priorities	<p>This report links to the strategic priorities from the Business Plan 2023/24:</p> <ul style="list-style-type: none"> • Housing that meets your needs; • Supporting environmental sustainability; • An enterprising economy with strong and vibrant local centres; • Healthy, resilient, and engaged communities. 			
Human Resources	not applicable			
Property	not applicable			
Consultation & Engagement	Councillor Daniel Sames, the Portfolio Holder for Planning and Development, has been consulted on this application for area designation.			

Supporting Information

3. Background

- 3.1 Under section 61G of the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) the Parish Council has submitted an application for the designation of a Neighbourhood Area for the parish of Chesterton. The application was made on 10 January 2024.
- 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 map which identifies the area to which the area application relates;
 - a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - 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 of Chesterton 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 of the area within the parish boundary and is a well-recognised and clearly defined area.
- 3.4 The application also states that the Parish Council is a '*relevant body*' for the purposes of Section 61G of the Town and Country Planning Act 1990 and is

therefore qualified to undertake neighbourhood planning and produce a Neighbourhood Plan. The Parish Council is a democratically elected body representing the whole community and it wishes to ensure future planning and development decisions within the parish boundary reflect the views of the local community.

- 3.5 The legal requirements for the area application (Appendix 1) are deemed to have been met.

4. Details

- 4.1 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 and Country Planning Act 1990 to designate the specified area where: -
- a) a local planning authority receives 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.
- 4.2 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."*
- 4.3 The area application for the designation of a Neighbourhood Area for the parish of Chesterton 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.
- 4.4 Clause 5A(1)(3) of 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 4.7 have been met no formal publicity period is required for the area application. No consultation is therefore proposed.
- 4.5 The District Council is also 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 designation has not been 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.
- 4.6 Clause 6A of the Neighbourhood Planning Regulations 2012 (as amended) prescribes time limits for the determination of a neighbourhood area application. Where a local planning authority is required to designate the whole of a parish, applications must be determined within 13 weeks of first being validated.
- 4.7 Following the Portfolio Holder's decision, the next steps would be to:
- Cherwell District Council

- publish the Portfolio Holder 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.

5. Alternative Options and Reasons for Rejection

5.1 The following alternative options have been identified and rejected for the reasons as set out below.

A formal decision is required to be made. There are no alternative options as the application meets the criteria specified at paragraph 4.7 above.

6 Conclusion and Reasons for Recommendations

6.1 The area application for the designation of a Neighbourhood Area for the parish of Chesterton has been made in accordance with Neighbourhood Planning Regulations and section 61G of the Town and Country Planning Act 1990. The District Council must designate the area for the purposes of the Parish Council producing a Neighbourhood Plan for the parish.

Decision Information

Key Decision	No
Subject to Call in	Yes
If not, why not subject to call in	N/A
Ward(s) Affected	Fringford and Heyfords

Document Information

Appendices	
Appendix 1	Appendix 1: Application for the designation of the Neighbourhood Area.
Background Papers	None
Reference Papers	None
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