

<b>This report is public</b>	
<b>Application for the Designation of a Neighbourhood Area for the Parish of Heyford Park</b>	
<b>Committee</b>	Executive
<b>Date of Committee</b>	10 June 2024
<b>Portfolio Holder presenting the report</b>	Portfolio holder for Planning & Development Management, Councillor Jean Conway
<b>Date Portfolio Holder agreed report</b>	29 May 2024
<b>Report of</b>	Assistant Director - Planning and Development, David Peckford

## Purpose of report

Heyford Park Parish Council has submitted an application for the designation of the whole of their parish as a Neighbourhood Area, in order to prepare a neighbourhood development plan. The Council must determine the application.

## 1. Recommendations

The Executive resolves:

- 1.1 To designate the Parish of Heyford Park 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).
- 1.3 To amend the existing designated Mid Cherwell Neighbourhood Area boundary to exclude Heyford Park parish, as shown in Appendix 4 to this report.

## 2. Executive Summary

- 2.1 Heyford Park Parish Council has submitted a valid application for the designation of their parish as a neighbourhood area. It is their intention to prepare a neighbourhood development plan for the parish. Heyford Park Parish is currently within the designated Mid Cherwell Neighbourhood Area. The Council must determine the application in accordance with neighbourhood planning legislation and Government guidance. This report sets out the issues the Council must consider, the implications of that decision for the designated Mid Cherwell Neighbourhood Plan Area, and neighbourhood plan making in the area more generally.

## Implications & Impact Assessments

Implications	Commentary			
<b>Finance</b>	<p>There are no direct financial implications arising from this report. The work required by the Council to support the preparation of neighbourhood plans is met within existing budgets.</p> <p>Comments checked by: Kelly Wheeler, Finance Business Partner, 14 May 2024</p>			
<b>Legal</b>	<p>As the application has been confirmed as valid and the legal requirements for the area application and proposed designation of the neighbourhood area of Heyford Park parish have been met, the Council acts lawfully in approving the designation.</p> <p>Shahin Ismail Interim Head of Legal Services, 15 May 2024</p>			
<b>Risk Management</b>	<p>There is no risk to the 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 the parish of Heyford Park have been met. Any risks arising will be managed by the service operational risk and escalated to the leadership risk register as and when required.</p> <p>Celia Prado-Teeling, Performance Team Leader, 14 May 2024</p>			
Impact Assessments	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>		X		<p>Not applicable at this stage. This report only seeks approval for the proposed neighbourhood area designation currently. The preparation of the Neighbourhood Plan will be led by the local community and will be subject to extensive collaboration and consultation, culminating in a local referendum. All sections of the community, including all socio-economic and minority groups will therefore have the opportunity to influence the 'making' of the neighbourhood plan. An Equalities Impact Assessment will be completed when the plan is developed.</p> <p>Celia Prado-Teeling, Performance Team Leader, 14 May 2024</p>
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		N/A
<b>B</b> Will the proposed decision have an impact upon the lives of people with		X		N/A

protected characteristics, including employees and service users?				
<b>Climate &amp; Environmental Impact</b>				The Parish Council as qualifying body will determine whether a Sustainability Appraisal is required to support the neighbourhood plan.
<b>ICT &amp; Digital Impact</b>				N/A
<b>Data Impact</b>				N/A
<b>Procurement &amp; subsidy</b>				N/A
<b>Council Priorities</b>	This report links to the strategic priorities from the Business Plan 2024/25: <ul style="list-style-type: none"> <li>• Housing that meets your needs;</li> <li>• Supporting environmental sustainability;</li> <li>• An enterprising economy with strong and vibrant local centres;</li> <li>• Healthy, resilient, and engaged communities.</li> </ul>			
<b>Human Resources</b>	Not applicable			
<b>Property</b>	Not applicable			
<b>Consultation &amp; Engagement</b>	The area application has been the subject of a 6 week public consultation as required by law.			

## Supporting Information

### 3. Background

- 3.1 Heyford Park Parish Council wishes to produce a neighbourhood plan for the parish. The parish is currently within the designated Mid Cherwell Neighbourhood Area. As required, the Parish Council submitted a formal application to the District Council specifying the area to be covered by the Neighbourhood Area. Appendix 1 to this report contains this application. The Council must consider this application, but certain considerations are required in making a formal decision.

### 4. Details

#### The Area Application

- 4.1 Under section 61G of the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) Heyford Park Parish Council has submitted an application for the designation of a Neighbourhood Area for the whole of their parish. The application was made on 20 December 2023.

- 4.2 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
  - 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
- 4.3 The area applied for is the parish of Heyford Park 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 Parish aligning with the existing administrative boundaries of the parish, ensuring that the Neighbourhood Plan is relevant and representative of the entire community.
- 4.4 Heyford Park 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 application for area designation states that the intention is to develop a neighbourhood plan that reflects the aspirations of the community in terms of development, conservation and enhancement of the local environment. It also states that the plan will be produced by and for Heyford Park and its preparation will involve close working with neighbouring parishes and local developers in an open and transparent way. The Parish Council considers Heyford Park to be vastly different from the surrounding villages and states that the Parish needs its own neighbourhood plan.

### **Legal Requirements and Consultation**

- 4.5 The legal requirements for the area application (Appendix 1) are deemed to have been met.
- 4.6 As Heyford Park Parish is already covered by a designated neighbourhood area (Mid Cherwell) the Neighbourhood Planning (General) Regulations 2012 (as amended) require a local planning authority to publicise the area application within the area to which the application relates and to invite representations as to whether there is any reason why it should not make the designation.
- 4.7 In accordance with the regulations a six week period of consultation was undertaken between 19 January 2024 and 4 March 2024. A copy of the Public Notice is at Appendix 2.
- 4.8 In total 13 representations were received. Natural England, National Highways, Oxfordshire County Council, BOB ICB, Canal and River Trust, and Historic England raised no objections to the designation. One representation from an individual was received in support of the application. Objections were received from Middleton Stoney, Duns Tew, Upper Heyford, Steeple Aston and Somerton Parish Councils, and the Mid Cherwell Neighbourhood Plan Forum. A summary table of all the representations received is at Appendix 3. A copy of each of the representations have also been published on the Council's website.

## Designation of the Area

- 4.9 In determining this application the Council must have regard to:
- a) the desirability of designating the whole of the area of a parish council as a neighbourhood area, and
  - b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.
- 4.10 As local planning authority, this Council can amend the boundary of a neighbourhood area after it has been designated only if responding to a new application for a neighbourhood area to be designated (1990 Act sections 61G (6) and 61H(2)).
- 4.11 The Council may, in determining any application, modify designations already made; but if a modification relates to any extent to the area of a parish council, the modification may be made only with the parish council's consent.
- 4.12 As Heyford Park PC has made the application, and the boundary change only applies to that parish then it is considered that both these requirements are met.
- 4.13 The Council has the power to modify existing designations including:
- a. to change the boundary of an existing neighbourhood area, (this is the case here);
  - b. to replace an existing neighbourhood area with two or more separate neighbourhood areas. (this is the case here);

### *The Mid Cherwell Neighbourhood Plan*

- 4.14 Heyford Park Parish is currently included within the designated Mid Cherwell Neighbourhood Area which consists of 12 parishes. Ardley with Fewcott Parish Council is the qualifying body for that neighbourhood area. An informal neighbourhood forum, the Mid Cherwell Neighbourhood Plan Forum, (MCNP Forum) was formed to lead the preparation the Mid Cherwell Neighbourhood Plan. That neighbourhood area was designated in April 2015 and predates the creation of Heyford Park Parish Council in 2019.
- 4.15 The area application at that time, included a supporting statement advising (inter alia), “...*The extent of the Neighbourhood Area reflects the commitment and desire from the partner Parish Councils and Residents’ Association, as well as the Land Owner of the former RAF Upper Heyford Air Base, to participate in the preparation of a Neighbourhood Plan...*”
- 4.16 The subsequent Mid Cherwell Neighbourhood Plan was ‘made’ on 14 May 2019.
- 4.17 In September 2022 work began on a formal review of the Mid Cherwell Neighbourhood Plan. In December 2023 the Regulation 14 consultation (pre-submission) was published.
- 4.18 Heyford Park PC formally resolved to terminate its membership of the MCNP Forum on 15 November 2023. It subsequently advised Ardley with Fewcott PC , as qualifying
- Cherwell District Council

body, that it did not consent to Heyford Park parish being included within the MCNP Regulation 14 document.

- 4.19 Government Planning Practice Guidance states that *'A single parish or town council (as a relevant body) can apply for a multi-parished neighbourhood area to be designated as long as that multi-parished area includes all or part of that parish or town council's administrative area. But when the parish or town council begins to develop a neighbourhood plan or Order (as a qualifying body) it needs to secure the consents of the other parish councils to undertake neighbourhood planning activities. Gaining this consent is important if the pre-submission publicity and consultation and subsequently the submission to the local planning authority are to be valid'. Paragraph: 027 Reference ID: 41-027-20140306'*
- 4.20 As Heyford Park PC has withheld their consent to undertake a neighbourhood plan covering its parish the emerging Mid Cherwell Neighbourhood Plan is, having regard to Government Guidance, unable to progress in its current form.
- 4.21 Whilst the objections raised to the area application by the Mid Cherwell Neighbourhood Forum and some of the individual parishes within the Mid Cherwell area are noted it is clear that Heyford Park PC no longer wish to be part of the MCNP. Without their consent the MCNP cannot progress.
- 4.22 The purpose of neighbourhood planning is to give local communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Heyford Park PC have stated that they wish to prepare a neighbourhood plan for their parish.
- 4.23 The designation of Heyford Park parish as a neighbourhood area, and the consequential changes to the designated Mid Cherwell neighbourhood area would however, enable neighbourhood plans to be prepared for both areas. It is not, therefore, considered desirable to maintain the existing Mid Cherwell neighbourhood area boundaries. Maintaining the status quo would deprive local people the opportunity to shape their own communities through the preparation of neighbourhood plans.
- 4.24 It should however be noted that under current legislation, the existing 'made' Mid Cherwell Neighbourhood Plan remains in force for Heyford Park until such time as it 'makes' its own neighbourhood plan.
- 4.25 Finally, the 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 is not considered 'business in nature'. It should therefore not be designated a business area.
- 4.26 Following the decision of the Executive, the next steps would be to:
- publish the Executive's decision and the required information relating to the Heyford Park area application and the consequential amendments to the Mid Cherwell Neighbourhood Plan area.

- continue to work with all relevant parish councils and the Mid Cherwell Neighbourhood Plan Forum to assist them in producing their respective neighbourhood plans.

## 5. Alternative Options and Reasons for Rejection

- 5.1 There are no grounds to refuse the application. The application has been made in accordance with the regulations and subject to consultation. Moreover, such a refusal will prevent the preparation of neighbourhood plans for the parish and the wider Mid Cherwell area.

## 6. Conclusion and Reasons for Recommendations

- 6.1 The area application for the designation of a Neighbourhood Area for the parish of Heyford Park has been made in accordance with Neighbourhood Planning Regulations and section 61G of the Town and Country Planning Act (as amended). As such a designation would result in the need to amend the boundary of an existing designated neighbourhood area, namely Mid Cherwell, the Council has had to consider the desirability of making such an amendment. After reviewing all the representations received, and acknowledging that the Mid Cherwell Neighbourhood Plan cannot proceed without the consent of Heyford Park PC, it is considered desirable to amend the Mid Cherwell Neighbourhood area boundary by removing Heyford Park parish from it. The creation of two separate neighbourhood areas will allow both communities to progress neighbourhood plans.

## Decision Information

<b>Key Decision</b>	No
<b>Subject to Call in</b>	No
<b>If not, why not subject to call in</b>	N/A
<b>Ward(s) Affected</b>	Deddington, Fringford & Heyfords

## Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Application for the designation of the Neighbourhood Area.
<b>Appendix 2</b>	Public Notice
<b>Appendix 3</b>	Summary Table of representations received
<b>Appendix 4</b>	Revised Mid Cherwell Neighbourhood Area Boundary

<b>Background Papers</b>	None
<b>Reference Papers</b>	<a href="https://www.cherwell.gov.uk/info/221/neighbourhood-plans/1166/heyford-park-neighbourhood-plan">https://www.cherwell.gov.uk/info/221/neighbourhood-plans/1166/heyford-park-neighbourhood-plan</a>
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