

DELEGATED DECISION REPORT

RUGBY BOROUGH COUNCIL

WILLOUGHBY NEIGHBOURHOOD AREA DESIGNATION
OFFICER DECISION ACTING UNDER DELEGATED POWER

Date of application	Wednesday 9 th August 2017
Date of decision	Thursday 5 th October 2017
Name of the proposed area	Willoughby Neighbourhood Area

1. Introduction

- 1.1 The Localism Act 2011 introduced new processes for communities to become involved in the planning of their areas through the preparation of neighbourhood plans. The powers came into force on 1st April 2012 with the publication of associated neighbourhood planning regulations.
- 1.2 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area
- 1.3 This report sets out that Willoughby Parish Council have submitted an area application to designate the parish of Willoughby for the purpose of neighbourhood planning. It also sets out the current regulatory framework for designating a neighbourhood area and consequently a delegated authority officer decision to designate Willoughby Parish as a Neighbourhood Area for the purposes of neighbourhood planning.

2. Background

- 2.1 The first stage in the process of preparing a neighbourhood plan is to identify the relevant area to be covered by the Plan. This is done by a 'relevant body' submitting an application to the local planning authority for designation of a neighbourhood area. Each application must include a statement explaining why the proposed neighbourhood area is an appropriate area.
- 2.2 In a parish area a local planning authority is required to have regard to the desirability of designating the whole of the area of a parish or town council as a neighbourhood area. At the same time the local planning authority must also consider whether the area should be designated as a business area but this designation would only occur if it was considered that the area is wholly or predominately business in nature.
- 2.3 A local planning authority must designate a neighbourhood area if it receives a valid application. In doing so it should take into account the relevant body's statement explaining why the area applied for is considered appropriate to be designated as such and should aim to designate the area applied for. However, a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons.
- 2.4 When a neighbourhood area is designated, a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft

neighbourhood plan. It should not make assumptions about the neighbourhood plan that will emerge from developing, testing and consulting on the draft neighbourhood plan when designating a neighbourhood area.

- 2.5 Under The Neighbourhood Planning (General) (Amendment) Regulations 2015, the Council were required to determine whether to designate a Neighbourhood Plan area where it consists of the area of a whole Parish within 8 weeks of receiving an application. Within this period was required a minimum of a 4 week public consultation period.
- 2.6 Further changes to these regulations (2016 amendment regulation 5A), coming into force on 1st October 2016, now mean a local authority must designate a neighbourhood area where the following criteria are met:
 - an application is received from a parish council;
 - the area specified in the application consists of the whole parish area; and
 - if any part of the specified area applied for is already part of a neighbourhood area, none of that extends outside the parish council's area.

The requirement for a consultation period on the area application does not apply in these circumstances.

3. Willoughby Neighbourhood Area Application

- 3.1 Willoughby Parish Council submitted an area application which included a map identifying 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 body making the area application is a 'relevant body' as set out in legislation (set out in appendix 1). The submission of the application complies with the relevant Regulations and is therefore a complete and valid application.
- 3.2 The area application received from Willoughby Parish Council relates to the whole of Willoughby parish area. No part of the specified area is part of another neighbourhood area already designated. The application meets the criteria set out in 2.6 above and therefore complies with the Regulations.

4. Appraisal

- 4.1 The issue to consider when determining the application is whether or not the specified area is an 'appropriate area to be designated as a Neighbourhood Area' as required by section 61G(4)(a) of the Act, and not the potential content of the plan itself.
- 4.2 In determining whether the specified area is an appropriate area to be designated as a Neighbourhood Area the following should be considered:
 - a) The desirability of designating the whole of a parish as a Neighbourhood Area;
 - b) The desirability of maintaining the existing areas already designated as Neighbourhood Areas (as Neighbourhood Areas must not overlap);
 - c) Whether the authority should designate the area concerned as a business area (in accordance with section 61H of the 1990 Act).
- 4.3 The proposed area for designation covers the whole of the Willoughby civil parish area and there is no existing neighbourhood area designation for any of the specified area.

The area is coherent, consistent and appropriate in planning terms and is considered an 'appropriate area to be designated as a neighbourhood area'. The area is not wholly or predominately business in nature and therefore it would be inappropriate for the area to be designated as a business area.

5. Decision

- 5.1 Willoughby Neighbourhood Area is hereby designated (to coincide with the Willoughby civil Parish Council area) for the purposes of neighbourhood planning, in accordance with section 61G of the Town and Country Planning Act 1990 (as amended) and pursuant to the Neighbourhood Planning (General) Regulations 2012 (as amended). A copy of decision under Regulation 7 of the Neighbourhood Planning (General) Regulations 2012 is contained at Appendix 1 of this document.
- 5.2 To publicise the designation of Willoughby Neighbourhood Area to people who live, work or have an interest in Willoughby Parish, the following steps will be taken:
- A copy of the notice of decision to designate the neighbourhood area, including map of the specified area, placed at Willoughby Parish Council noticeboard in the centre of the village;
 - A copy of the neighbourhood area application statement submitted by the Parish Council at the same location as above;
 - The above documents and a copy of this report placed on Rugby Borough Council's website at <https://www.rugby.gov.uk/willoughbypnp>

Rob Back

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5th October 2017