



Executive Director/Director Non-Key Executive Decision Report

Author/Lead Officer of Report: Debbie Merrill
Tel: 2735254

Report to: Colin Walker - Interim Head of Planning
Date of Decision: 29th June, 2020
Subject: Neighbourhood Planning:
Ecclesfield Parish Neighbourhood Area
Designation

Which Cabinet Member Portfolio does this relate to? Transport and Development

Which Scrutiny and Policy Development Committee does this relate to? Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

Has an Equality Impact Assessment (EIA) been undertaken? Yes No

If YES, what EIA reference number has it been given? 799

Does the report contain confidential or exempt information? Yes No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below: -

*"The (**report/appendix**) is not for publication because it contains exempt information under Paragraph (**insert relevant paragraph number**) of Schedule 12A of the Local Government Act 1972 (as amended)."*

Purpose of Report:

To seek approval of the designation of the Ecclesfield Parish Council area as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act 1990 for the purpose of producing a Neighbourhood Plan.

Recommendations:

It is recommended that:

- 1) The Ecclesfield Parish Neighbourhood Area is designated with immediate effect from 29th June 2020, in accordance with Section 61G of the Town and Country Planning Act 1990.
- 2) The Ecclesfield Parish Neighbourhood Area designation is publicised in accordance with Regulation 7 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Background Papers:**Background Paper 1. (PDF)**

Application to designate Ecclesfield Parish as a Neighbourhood Area

Background Paper 2. (PDF)

Map of Ecclesfield Parish Neighbourhood Area boundary

Lead Officer to complete: -	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Sarah Uttley
	Legal: Portia Watkins
	Equalities: Annemarie Johnston
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	Lead Officer Name: <i>Debbie Merrill</i>
	Job Title: <i>Principal Planning Officer</i>
Date: 18/6/20	

PROPOSAL

1.1 Background

Under the Localism Act 2011 parish councils and, where there are no parish areas designated, neighbourhood forums have a 'community right' to prepare a neighbourhood plan for their parish area or designated neighbourhood plan area. At the end of the neighbourhood plan process, and after an independent examination, the plan is subject to a local referendum. If successful at referendum the plan is 'made' (brought into force) and becomes part of the statutory development plan for the city.

1.2 An application has been made by Ecclesfield Parish Council to Sheffield City Council ('the Council') to designate a Neighbourhood Area. This is the first stage in the neighbourhood plan process. The boundary of the proposed Ecclesfield Parish Neighbourhood Area follows the whole of the boundary of the Parish of Ecclesfield. Ecclesfield Parish Council is the relevant body who can prepare a neighbourhood plan for this parish area¹².

1.3 The application:

This application consists of a letter from Cllr Terence Bawden, the Chair of the Parish Council, see Background paper 1. Under the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations'³) Regulation 5 sets out what a valid application for designation must include.

1.4 The application requirements are:

a) A map which identifies the area to be covered by the Neighbourhood Plan.

The application includes a map see Background paper 2.

b) A statement explaining why the area concerned is appropriate to be designated a neighbourhood area.

*The application includes a statement at paragraph 3 which says:
'It is considered that the entire Parish is appropriate to be designated as a neighbourhood plan area especially as it is self-contained, mirrors the existing boundary of the Parish Council and is generally considered to be meaningful and coherent for policy making purposes'*

c) A statement confirming that they are a 'relevant body' under the legislation.

The application includes a statement at paragraph 2 which says:

¹ [Neighbourhood planning - GOV.UK](#) Paragraph: 015 Reference ID: 41-015-20160211

² Section 61G(2)(a) of the Town and Country Planning Act 1990

³ [The Neighbourhood Planning \(General\) Regulations 2012](#)

'We can confirm that Ecclesfield Parish Council is a relevant body (as a Parish Council) for the purposes of Section 61G of the 1990 Town and Country Planning Act'.

1.5 The designation process:

The designation process, where it relates to the whole of a parish council area, is set out under Regulation 5A of the Regulations; see paragraph 4.3 under 'Legal Implications'.

1.6 Once the designation decision is made then the Council will need to comply with Regulation 7 by publicising the designation decision. See also paragraph 4.3.

1.7 The decision:

The report seeks approval from the Interim Head of Planning (in consultation with the Director of Growth and the Cabinet Member for Transport and Development) that with immediate effect from 29th June, 2020 the Ecclesfield Parish Neighbourhood Area is designated for the purpose of producing a Neighbourhood Plan in accordance with Section 61G of the Town and Country Planning Act 1990 (the '1990 Act').

2. HOW DOES THIS DECISION CONTRIBUTE?

2.1 A Neighbourhood Plan for the Ecclesfield Parish ultimately allows the local community to promote development within their area while having a greater say in the way that development takes place.

2.2 Neighbourhood planning contributes directly to delivering the outcomes of Corporate Plan priority:

- Thriving neighbourhoods and communities - this outcome relates the activities and assets that make local neighbourhoods attractive, inclusive, safe, accessible, and vibrant so that Sheffield people feel happy and content and proud of where they live.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 Regulation 5A (3) says in relation to area applications where the specific criteria of Regulation 5A are met (please see paragraph 4.3.4), then regulations 6 and 6A (which relate to consultation and timetables for designation) do not apply. This is the case with the Ecclesfield Parish Council application.

3.2 This is due to changes made to the Regulations in October 2016 by regulation 2(2) of the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016/873.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

4.1.1 The Council has a statutory Public Sector Equality Duty under Section 149 of the Equality Act 2010 to, when exercising public functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other prohibited conduct
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a protected characteristic and persons who do not share it.

4.1.2 The Council must ensure that this duty is discharged when carrying out its functions, including neighbourhood planning. An Equality Impact Assessment has been completed (no.799). Overall, there are no significant differential, positive or negative, equalities impact from designating an Ecclesfield Parish Neighbourhood Area.

4.2 Financial and Commercial Implications

4.2.1 The Government's current financial support to local planning authorities for neighbourhood planning allows local planning authorities to recoup some of the cost they incur during the neighbourhood planning process.⁴

4.2.2 The designation of a neighbourhood area will allow a claim for £5,000 towards the costs of supporting and administering the designation of the neighbourhood area. The Council has not yet met the limit of 5 area designations set by Government and so the Council will be entitled to claim costs.

4.2.3 Any additional costs that cannot be recouped from the Government's current financial support are met from the existing service budgets.

4.2.4 In October 2018, Cabinet approved proposals for the distribution of the Community Infrastructure Levy (CIL) neighbourhood portion, including that 10% be retained to support the development of neighbourhood plans⁵, forming part of a separate neighbourhood planning budget to be managed by the Planning Service.

4

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814380/June_2019_Chief_Planner_Letter_-_NP_Grant_2019-20.pdf

5

<http://democracy.sheffield.gov.uk/documents/s32595/Community%20Infrastructure%20Levy%20Neighbourhood%20Portion.pdf> Paragraph 1.14

4.3 **Legal Implications**

4.3.1 In considering the application for neighbourhood area designation the Council must be satisfied that the Ecclesfield Parish Council is a relevant body authorised to act in relation to the Ecclesfield Neighbourhood Area. Ecclesfield Parish Council is a relevant body in accordance with Section 61G(2)(a) of the Act.

4.3.2 Section 61F(1) of the 1990 Act sets out that a parish council is authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council. For this reason, there is no requirement to designate a Parish Council as a neighbourhood forum for the purposes of neighbourhood planning.

4.3.3 Regulation 5(1) deals with the area application process and confirms what an application should contain. The application has met the requirements of Regulation 5(1) as demonstrated at paragraph 1.4 above. The full application can be read at Background Paper 1. Regulation 5(2) states that a local planning authority may decline to consider an area application if the relevant body has already made an area application and a decision has not yet been made on that application. No other application has been made by Ecclesfield Parish Council.

4.3.4 Regulation 5A (1) deals with the designation of the whole of the area of a parish council. It states that where:

- (a) a local planning authority receive an area application from a parish council; and
- (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,

Then in accordance with Regulation 5A (2) the Council must exercise their powers under Section 61G of the 1990 Act to designate the specified area as a Neighbourhood Area. The Ecclesfield Parish Council application relates to the entire Parish area, and it does not include any area outside the Parish boundary, and so the Council must designate the area.

4.3.5 In making a designation the Council is required to consider the provisions of Section 61G of the 1990 Act as follows:

Ecclesfield Parish Council has submitted a valid application for area designation, they are a relevant body as defined in statute, and the application relates only to the Parish area. Ecclesfield Parish Council has complied with Section 61G (1) (2) and (3). See paragraphs 4.3.1-4.3.3.

Section 61G(4)(a) and (b) state that in considering an area application

the Council is required to consider how desirable it is to designate the whole of the Parish Area as a Neighbourhood Area; and how desirable it is to maintain the existing boundaries of areas already designated as Neighbourhood Areas. The Council agrees with the Parish Council that the Parish boundary is a sensible and supportable geographic Neighbourhood Area and that there is no obvious geographic or other reason to exclude any part of the area from the neighbourhood area designation. No other neighbourhood areas in Sheffield would be affected by this designation.

Section 61G (7) states that areas designated as neighbourhood areas must not overlap with each other. The proposed area comprises the existing parish area only and there would be no overlapping with adjacent neighbourhood boundaries.

- 4.3.6 Section 61H of the 1990 Act states that the Council must, whenever exercising powers under Section 61G, consider whether it is appropriate to designate the area as a business area. The area is not wholly or predominantly business in nature and therefore it is not considered appropriate to designate a business area⁶.
- 4.3.7 The requirements of Regulation 5A including Sections 61G, and Section 61H of the 1990 Act have been complied with.
- 4.3.8 Whilst the Council is not under an obligation to consult in accordance with Regulations 6 and 6A, the Council is required to publish a designation of a neighbourhood area as soon as possible after designation in accordance with Regulation 7 in order to bring the designation to the attention of people who live, work, or carry on business in the neighbourhood area. The designation decision will be published on the Council's website in accordance with Regulation 7, and the Parish Council will be asked to publicise the designation via their networking and communication channels to assist with publicity of the designation to all who live and work in the area.

4.4 **Other Implications**

- 4.4.1 There are no other implications relevant to this decision.

5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 Ecclesfield Parish Council is the only body that can apply for designation of an Ecclesfield Parish Neighbourhood Area and so there is no alternative body to consider⁷.
- 5.2 As the criteria under Regulation 5A has been met, no alternative

⁶ Section 61H (3) Town and Country Planning Act 1990

⁷ Section 61(F)(4) Town and Country Planning Act 1990 – “An organisation or body may be designated for a neighbourhood area only if that area does not consist of or include the whole or any part of the area of a parish council”.

boundary has been considered. If the Council is satisfied that the application complies with Regulations, then it must exercise their powers under Section 61(G) of the 1990 Act to make the designation.

6. REASONS FOR RECOMMENDATIONS

- 6.1 A local planning authority must designate a neighbourhood area if the authority is satisfied that it meets certain conditions. The Ecclesfield Parish Council application complies with the relevant criteria as set out in the Regulations and the 1990 Act (summarised in paragraph 4.3) above and so the Council must exercise its powers under Section 61G of the 1990 Act to make the designation of the neighbourhood area and publicise it accordingly.

BACKGROUND PAPERS

Background Paper 1.



Ecclesfield Parish
Council application 24

Background Paper 2.



Ecclesfield_NP_boun
dary 07.02.20.pdf