

Decision under Delegated Powers

Officer Requesting Decision

Liz Hopwell, Principal Planning Officer, Plans Policies and Place Making

Officer Making the Decision

Rob Mitchell, Chief Executive

Recommendation

That the Council approves the application from Thurcaston and Cropston Parish Council for redesignation of the whole of the parish, identified on the Neighbourhood Area application map (Paper 2), as a Neighbourhood Area. This is so that the Neighbourhood Area correctly reflects the revised parish boundary as a result of the Council's Community Governance Review in 2018. The decision is to take immediate effect.

Reason

To all allow Thurcaston and Cropston Parish Council to continue the process of preparing a draft Neighbourhood Plan Review for the area covered by its Parish boundary in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

Authority for Decision

Section 8.3 (7) of the Council's constitution includes a delegation to the Head of Paid Service, to agree and formally designate the neighbourhood area that would be covered by the neighbourhood plan or order and formally approve the neighbourhood forum where appropriate, in consultation with the Lead Member for Planning.

Decision and Date



Rob Mitchell 22/11/2024

Background

The Localism Act (2011) provides the legal basis for neighbourhood planning and establishes neighbourhood plans as part of the statutory development plan alongside the Council's local plan.

The first stage for a neighbourhood plan group preparing a neighbourhood plan, as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended), is to determine the boundary of the neighbourhood plan area and submit to the Borough Council for designation.

Under the Neighbourhood Planning Regulations which came in to force on the 1st October 2016, the designation needs to be made as soon as possible once the local planning authority is satisfied that the application is valid and complete. The requirement for the authority to consult on the application has been removed by these 2016 Regulations where the whole of a parish is to be designated and it is not covered by another designated Neighbourhood Area.

The Thurcaston and Cropston parish boundary was designated by Charnwood Borough Council as a 'Neighbourhood Area' in accordance with Part 2 of the Neighbourhood Planning (General) Regulations 2012 on 9th May 2014. The final plan was 'made' on the 19th December 2016. The parish council have since undertaken a review of the neighbourhood plan and undertook the Regulation 14 consultation between 1st June and 13th July 2024 and submitted a final draft of the plan to the Borough Council during October 2024 for pre-examination consultation (Regulation 16) and examination.

On reviewing the submission documents for the Regulation 16 consultation, officers became aware that the parish boundary for Thurcaston and Cropston was amended as part of the Council's Community Governance Reviews (CGR) during 2018.

As a result of the CGR, the designated neighbourhood area for Thurcaston and Cropston includes part of Birstall and Newtown Linford parishes. Section 61F(1) and (2) TCPA 1990 states that whilst a parish council is a qualifying body for their own administrative area, if a neighbourhood area includes part of another parish council's area the original parish council is only authorised to act if they have received the consent of the other parish council(s).

Officers have sought legal advice and the route forward with the least risk for Thurcaston & Cropston Parish Council to proceed is to withdraw their draft Neighbourhood Plan Review document, apply for re-designation of the amended neighbourhood area and then to re-run the Regulation 14 Consultation. Officers met with the Chair of the Parish Council and their neighbourhood plan consultant on the 7th November and this was agreed as an acceptable way forward.

The application for re-designation of the neighbourhood area was received by the Council on the 8th November 2024 with an accompanying neighbourhood area boundary map. The application states that the area formed by the parish boundary is considered appropriate to be designated as a neighbourhood area as it is self-contained, has meaningful boundaries, reflects the existing local sense of community and is generally meaningful and coherent for policy making purposes. The application letter and boundary map are included at Appendix A of this delegated decision.

The application is considered valid and complete, and the area is not covered by any other Neighbourhood Area. Therefore, the Borough Council must now issue a decision to designate the revised boundary of Thurstaston and Cropston parish as a Neighbourhood Area to enable the Parish Council to continue with the preparation of their draft Neighbourhood Plan Review document.

Financial Implications

The cost of preparing Neighbourhood Plans falls largely to the parish or town council preparing it. However, Charnwood Borough Council must arrange and pay for the Examination and Referendum required as part of the proposal (as set out in Cabinet Resolution Minute 121 03/13) and meet the costs of officer time supporting the process of preparing the plan and advising on evidence and content of the plan. An amount of £20,000 is currently available from MHCLG for all areas where a neighbourhood plan has not previously been made, at the point they issue a decision statement to send a neighbourhood plan to referendum. However, this funding is not relevant in this case as Thurstaston and Cropston is an area where a plan has previously been made.

Grants of up to £10,000 are also available to Town and Parish Councils from Locality and those facing more complex issues can apply for specific packages of technical support where needed and may also be eligible for additional grant funding of up to £8,000. An independent report, "Neighbourhood Planning in Charnwood Borough", found that financial resources were not a barrier to Town and Parish Councils who wished to prepare Neighbourhood Plans in Charnwood.

Checked : U Mistry 19/11/24

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
A lack of adequate staff resources to ensure appropriate support is available to help town and parish councils prepare their neighbourhood plans.	Unlikely	Significant	Resources will be managed effectively and will be prioritised to match the demand from competing neighbourhood plans and existing workloads. Staff resources spent on Neighbourhood Plans will be backfilled using MHCLG grant money where existing activity is at risk of delay.
Changes to	Unlikely	Significant	MHCLG have committed the

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
MHCLG funding impact on the ability to finance Neighbourhood Plan regulatory processes.			funding support program until 2025. Funding will be applied for where possible at the relevant stages of the Neighbourhood Plan preparation. If funding was to be removed the Borough Council would have to fund the Examination and Referendum.

Key Decision: No

Background Papers: Paper 1: Thurcaston and Cropston Parish Council letter requesting redesignation as a neighbourhood area

Paper 2: Boundary map

Paper 1: Letter from Thurcaston and Cropston Parish Council

Liz Hopwell

Principal Planning Officer

Charnwood Borough Council

8 November 2024

Dear Ms Hopwell,

Re: Neighbourhood Plan Review for Thurcaston and Cropston Parish Council – application for revised designation as Neighbourhood Area

As you are aware, the Thurcaston and Cropston Parish boundary was designated by Charnwood Borough Council as a 'Neighbourhood Area' in accordance with Part 2 of the Neighbourhood Planning (General) Regulations 2012 on 21 February 2014.

However, on 1 April 2019, a Community Governance Review amended the Parish boundary and the Parish Council is now applying to amend the Neighbourhood Area in line with the new Parish boundary.

We can confirm that Thurcaston and Cropston Parish Council remains a relevant body for the purposes of Section 61G of the 1990 Town and Country Planning Act which specifically includes Parish Councils.

The area to be covered by the Neighbourhood Plan as reflected in the Neighbourhood Area is the whole of the Parish of Thurcaston and Cropston. A map confirming the area to be designated is attached.

It is still considered that the entire Parish is appropriate to be designated as a neighbourhood area as it is self-contained, has meaningful boundaries, reflects the existing local sense of community and is generally a coherent area for policy making purposes.

We trust that as the whole of the Parish is the area that is the subject of this application it can be dealt with by delegated authority and without the need for a formal six-week consultation, as required through the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.

Please do not hesitate to contact me if you require further information and I look forward to working with yourselves and other partners in its development.

Yours sincerely

Marianne Lane

Parish Clerk, RFO and Burial Registrar

Thurcaston and Cropston Parish Council

Paper 2: Proposed revised Neighbourhood Area



