

Request for Officer Executive Decision

Report to:

Ed Freeman Assistant Director – Planning Strategy and Development
Management



Date 09 May 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Plymtree Neighbourhood Area Designation

Report summary:

An application has been made by Plymtree Parish Council for the whole of the parish of Plymtree to be designated as a Neighbourhood Area. The legislation governing neighbourhood planning is such that the Local Planning Authority does not have the ability to refuse an application for a designation which will cover the whole of a parish (unless exceptional circumstances apply). The constitution makes provision for these applications to be dealt with under delegated authority. As no exceptional circumstances apply, we must approve the application. This report is therefore essentially for information only and to confirm the date of designation.

Recommendation:

(1) That the application to designate the parish of Plymtree as a Neighbourhood Area (to be named as the Plymtree Neighbourhood Area) be noted, welcomed, and confirmed. (2) That the date of designation of the Plymtree Neighbourhood Area be the date that the delegated decision is made by this authority.

Reason for recommendation:

To confirm the designation of the parish of Plymtree as a Designated Neighbourhood Area for neighbourhood planning purposes as the first formal stage in the preparation of a neighbourhood plan, on the basis we are unable to refuse to designate the area unless specified exceptions apply, which they do not in this case.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Delegated Authority:

3.30.32. Neighbourhood Areas: Authority to designate, in consultation with the Leader of the Council and Ward Member(s), Neighbourhood Areas where the area proposed to be designated is contiguous with the Parish boundary and there are no strategic sites contained within the area proposed to be designated.”

Consultation carried out:

Plymtree Parish Council have carried out community engagement with local residents and taken advice from the EDDC Neighbourhood Planning Officer. Their application explains that “There has been debate in Plymtree over several years about the effort required versus the potential benefit of creating a Neighbourhood Plan (NP). Recent planning applications have increased awareness of the potential benefit of a NP so, after taking advice on the process from the EDDC NP Officer, a consultation meeting was held in the village. Attendance was good and the parish council concluded that it should move ahead and initiate the formulation of a NP. See [Parish Council Minutes 12 March 2024 | Plymtree Village](#) item 27/24.

The Ward Member has been notified that the application has been received.

Officer: Angela King, Neighbourhood Planning Officer. Email: aking@eastdevon.gov.uk Phone: (01395) 571740

Financial implications:

No financial implications

Legal implications:

Regulation 5A of the Neighbourhood Planning (General) Regulations 2012 as inserted by SI 2016/873 sets out the requirement for the local planning authority to designate the validly applied for whole area of a parish council as a neighbourhood area and that the publicity requirements of Regulations 6 and 6A do not apply. There are no other legal implications arising from this report.

Equalities impact Low Impact

Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. In due course, all electors in the parish would be invited to vote in a referendum, prior to any Plan being confirmed as made.

Climate change Low Impact

Risk: Low Risk; The Council cannot refuse the application. Failure to confirm the designation or delay to do so would risk legal challenge and the Parish Council feeling disenfranchised and that their right to produce a Neighbourhood Plan under the Localism Act has been thwarted.

Links to background information [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2023\)](#); [Planning Policy Guidance Neighbourhood Planning](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); East Devon District Council [Protocol for Dealing with Neighbourhood Plans](#); [East Devon Neighbourhood Planning webpages](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

1.0 Report in full

- 1.1 Designating a neighbourhood area is the first formal stage in the neighbourhood planning process. Once an area is designated, the local community can commence producing a neighbourhood plan, or neighbourhood development order, for that area.
- 1.2 Plymtree Parish Council have submitted an application to East Devon District Council in April 2024, requesting designation of the whole of the parish of Plymtree as a Neighbourhood Area. This application is appended for information.
- 1.3 The Neighbourhood Planning (General) Regulations 2012 (as amended by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 and others) specify what a local authority must do on receipt of a valid application to designate a parish boundary as a neighbourhood area for the purposes of neighbourhood planning.
- 1.4 Regulation 8) states that an application to the Council for designation of a Neighbourhood Area “must” include:
 - a. A map which identifies the area to which the application relates;
 - b. A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - c. A statement that the organisation is the relevant body for the purposes of section 61G of the 1990 Act (*which in East Devon, is a Parish or Town Council*).
- 1.5 The application meets these requirements.
- 1.6 Following amendment to the neighbourhood planning regulations in 2016, there is no longer any requirement to publicise and invite representations on applications for designation which consist of the full Parish area. Furthermore, the Local Planning Authority can no longer refuse to designate such an application.
- 1.7 The [Government Guidance](#) states that:

“Where a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, the local planning authority must designate the whole of the area applied for. This includes where a parish applies to extend its existing neighbourhood area to its parish boundary. Exceptions to this are where the area applied for:

 - has already been designated as a neighbourhood area which extends beyond the parish boundary; or
 - forms part of another application that has not yet been determined.”
- 1.8 There are no other pending neighbourhood area applications relating to the proposed area, nor any overlap with other existing designated neighbourhood areas, and therefore these exceptions do not apply in this case.
- 1.9 The application advises that consideration has been given to alternative geography for the neighbourhood area, including with adjoining parishes, and it was concluded there was no advantage or rationale in seeking to include parts of other parishes in the Neighbourhood Area.
- 1.10 As noted above, there has been engagement with the local community and evidence that they are in support of embarking on the process of preparing a neighbourhood plan.
- 1.11 The constitution grants delegated authority in respect of designating neighbourhood areas where the area proposed is contiguous with the Parish Boundary and there are no strategic

sites within the area proposed to be designated. Both of these criteria are met in this case. As the LPA is unable to vary or refuse to designate the proposed neighbourhood area as none of the exceptions apply, the reports asks that the application is noted and welcomed, with the designation taking effect from the date of the signed decision overleaf.

1.12 As soon as possible after designating a neighbourhood area, we must publish the following on our website and in any other manner that we consider is likely to bring the application to the attention of people who live, work or carry out business in the area:

- a) the name of the neighbourhood area;
- b) a map which identifies the area; and
- c) the name of the relevant body who applied for the designation.

Appendix 1: Neighbourhood Area Application

(See separate pdf)

Officer's Executive Decision

Decision: Approved

Reason: To enable neighbourhood plan making in Plymtree under the legislation.

Alternative options, if any, considered and rejected: The Council has no real choice as the proposed neighbourhood area aligns with the parish boundaries.

Identify delegated power in constitution or delegation from committee which authorised the officer decision: Para 3.30.32 of the constitution

Signed 

Ed Freeman – Assistant Director – Planning Strategy and Development Management

Date: 10/06/24

Is there any conflict of interest* with any other Cabinet Member consulted?

No

If yes, please [Click here to enter name of officer making executive decision.](#)

If yes, please also indicate if you have a dispensation granted by Head of Paid Service (Chief Executive) for that conflict of interest:

Choose an option

If answering yes to a dispensation being granted, please include a copy with this report.

* A conflict of interest can be any interest which conflicts (or may reasonably be perceived to conflict) with that members' duty to take decisions only in the public interest in the light of material considerations. It is therefore much broader than a pecuniary interest. If you are in any doubt, please seek advice from the Democratic Services Team or the Monitoring Officer.
