

# DELEGATED DECISION REPORT

RUGBY BOROUGH COUNCIL

BRINKLOW NEIGHBOURHOOD AREA DESIGNATION  
OFFICER DECISION ACTING UNDER DELEGATED POWER

Date of application	Friday 1 <sup>st</sup> July 2016
Date of decision	Friday 29 <sup>th</sup> July 2016
Name of the proposed area	Brinklow 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 1 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 Brinklow Parish Council have submitted an area application to designate the parish of Brinklow for the purpose of neighbourhood planning, a summary of comments received during the consultation on the area application and officers recommendation as to whether the area should be designated.

## 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 The Council has 8 weeks in which to determine whether to designate a Neighbourhood Plan area where it consists of the area of a whole Parish. Within this period there has to be a minimum of a 4 week public consultation period.

### **3. Brinklow Neighbourhood Area Application**

- 3.1 Brinklow Parish Council submitted an area application which included a map which identifies 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.

- 3.2 In accordance with the regulations a 4 week public consultation period on the area application, which covers the whole of the Brinklow civil parish only, was held during Friday 1st July until Friday 29<sup>th</sup> July 2016. To make people who live, work or have an interest in Brinklow aware of the neighbourhood area application the following consultation measures were undertaken:

- Public notices placed in various locations within Brinklow stating the purpose of the consultation, where the documents can be viewed and how to make comment;
- Consultation documents were available on the Council's website and hard copies were placed at Rugby Borough Council Town Hall and Rugby Library;
- Notification letters sent to statutory consultees, Councillors, parish council's, adjoining neighbouring authorities and developers who have had an interest within the parish.

### **4. Consultation Responses**

- 4.1 During the consultation period 7 responses were received from Coal Authority, Warwickshire Wildlife Trust, Canal and River Trust, Historic England, Highways England, Natural England and Network Rail.
- 4.2 Of the comments received no objections or specific comments on the proposed neighbourhood area were made. The responses received from the Canal and River Trust, Historic England, Natural England and Warwickshire Wildlife Trust highlighted their own respective guidance for neighbourhood planning.

### **5. Appraisal**

- 5.1 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.
- 5.2 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).

5.3 The proposed area for designation covers the whole of the Brinklow 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.

## **6. Decision**

6.1 Brinklow Neighbourhood Area is hereby designated (to coincide with the Brinklow 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. A copy of decision under Regulation 7 of the Neighbourhood Planning (General) Regulations 2012 is contained within appendix 1 of this document.

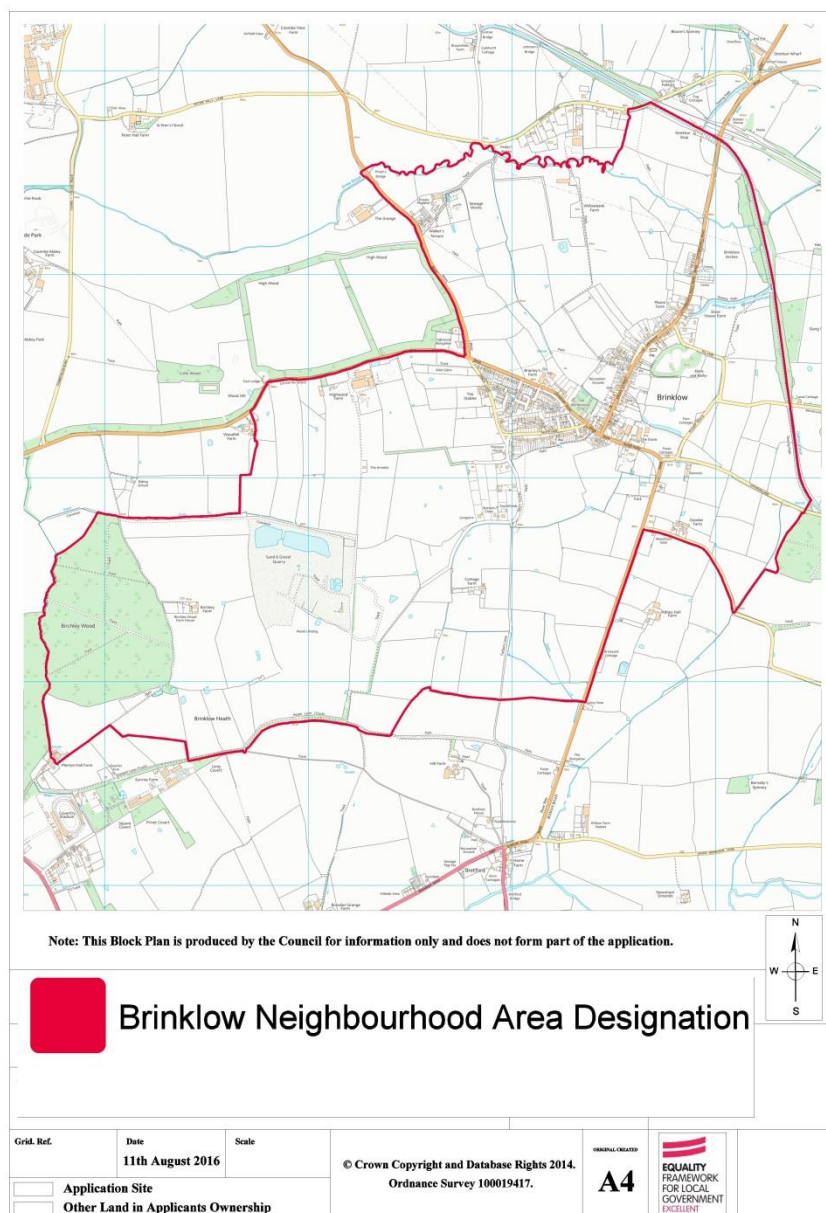
**Rob Back**  
**Head of Growth and Investment**  
**22<sup>nd</sup> August 2016**

Background papers are available on the Rugby Borough Council Website. These include copies of the application for Neighbourhood Area designation, accompanying map and consultation responses.

## APPENDIX 1

### Decision under Regulation 7 of the Neighbourhood Planning (General) Regulations 2012

Brinklow Parish Council application for the designation of the area defined by the Civil Parish of Brinklow, as shown on the map below, as a Neighbourhood Area for the purpose of neighbourhood planning is **APPROVED**.



**Date of Decision: 22<sup>nd</sup> August 2016**

This decision notice and the map of the area is viewable on <https://www.rugby.gov.uk/brinklownp>

For further information on Neighbourhood Planning please email [LocalPlan@rugby.gov.uk](mailto:LocalPlan@rugby.gov.uk) or call 01788 533735