

Agenda No

AGENDA MANAGEMENT SHEET

Report Title: Monks Kirby Neighbourhood Plan - Designation of Neighbourhood Plan area

Name of Committee: Cabinet

Date of Meeting: 7 June 2021

Report Director: Head of Growth and Investment

Portfolio: Growth and Investment

Ward Relevance: Rugby Borough.

Prior Consultation: None

Contact Officer: Maxine Simmons

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: Yes

Corporate Priorities: This report relates to the following priority(ies):

(CR) Corporate Resources To provide excellent, value for money services and sustainable growth

(CH) Communities and Homes Achieve financial self-sufficiency by 2020

(EPR) Environment and Public Realm Enable our residents to live healthy, independent lives

(GI) Growth and Investment Optimise income and identify new revenue opportunities (CR)

Prioritise use of resources to meet changing customer needs and demands (CR)

Ensure that the council works efficiently and effectively (CR)

Ensure residents have a home that works for them and is affordable (CH)

Deliver digitally-enabled services that residents can access (CH)

Understand our communities and enable people to take an active part in them (CH)

Enhance our local, open spaces to make them places where people want to be (EPR)

Continue to improve the efficiency of our waste and recycling services (EPR)

Protect the public (EPR)

- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)
- This report does not specifically relate to any Council priorities but

Statutory/Policy Background: Under the Localism Act 2011 local communities are entitled to develop neighbourhood plans for their area.

Summary: Monks Kirby Parish Council want to produce a neighbourhood plan for their parish. The first step is to define the physical area their neighbourhood plan will cover.

Financial Implications: There are no financial implications for the Council as a result of this decision.

Risk Management Implications: If the council does not make this decision there could be negative funding implications for the parish and their ability to obtain funding to develop their neighbourhood plan

Environmental Implications: There are no financial implications for the Council as a result of this decision.

Legal Implications: The decision will ensure that the matter has been dealt with in a correct legal manner.

Equality and Diversity: An Equality Impact Assessment for this document was undertaken in March 2021 and is appended to this report.

Options: 1) That Cabinet agree to the boundary Monks Kirby Parish Council wish to use for their neighbourhood plan.

Risks: None

Benefits: This will enable the Monks Kirby Neighbourhood Planning Team to move forward with their neighbourhood planning work.

- 2) That Cabinet do not agree to the boundary Monks Kirby Parish Council wish to use for their neighbourhood plan.

Risks: The Monks Kirby Neighbouring Planning Team will not be able to move forward with their neighbourhood planning work.

Benefits: None

Recommendation:

- (1) That Cabinet agree to the boundary Monks Kirby Parish Council wish to use for their neighbourhood plan

Reasons for Recommendation:

Formally endorsing the proposed boundary ensures that this part of the neighbourhood planning process has been officially agreed in the correct legal manner.

Cabinet - 7 June 2021

Monks Kirby Parish Council Neighbourhood Plan - Designation of Neighbourhood Plan area

Public Report of the Head of Growth and Investment

Recommendation

(1) That Cabinet agrees and endorses the boundary Monks Kirby Parish Council wish to use for their neighbourhood plan

1. Introduction

1.1 This report relates to the beginning of the process of Monks Kirby Parish Council forming a Neighbourhood Plan.

2. Background

2.1. On the 7th December the authority received a letter from Monks Kirby Parish Council informing the Council that they wished to produce their own neighbourhood plan. The first stage in producing a neighbourhood plan is to define the area that the plan will be applied to. They have chosen to use the parish boundary.

3. Evidence

3.1. The main evidence in relation to this report is the boundary within which Monks Kirby wish to operate their neighbourhood plan. This is the parish boundary and is shown in Appendix 1. This is considered to be a logical and straightforward boundary for the neighbourhood plan area and there are no technical reasons to object utilising a pre-existing and recognisable boundary in this manner.

4. Implications

4.1. The detailed provisions around the preparation and adoption of neighbourhood plans are set out in both primary legislation and secondary regulations. The relevant section is Section 5 of The Neighbourhood Planning (General) Regulations 2012 which relates to an application for designation of a neighbourhood area.

4.2. The correspondence included a map in compliance with section 5 (1) (a) identifying the area to which the application relates; a statement explaining why this area is considered appropriate as per section 5 (1) (b); and a statement confirming that the application is from Monks Kirby Parish Council which is a relevant body for the purposes of Section 61G of the 1990 Town and Country Planning Act.

4.3. Section 5A (1) (a) of the above regulations relates to where a local planning authority receives an application from a parish council, as in this case. Their correspondence accords with 5A (1) (b) since it relates to the whole of the parish council's area. The specified area does not extend outside of the parish council's

area which is referred to in 5A (1) (c). Since all of these criteria are met, the local planning authority must exercise their powers under section 61G of the 1990 Act to designate the specified area as a neighbourhood plan.

- 4.4. When earlier neighbourhood plans sought agreement from the Council to their proposed plan area the response was dealt with under delegated authority by the previous Head of Growth & Investment at officer level. The request from Monks Kirby was initially processed using the same procedure. However, the delegated authority to determine these matters was specific to the previous Head of Growth & Investment. The current Head of Growth & Investment has a slightly different post to her predecessor. It was necessary to obtain legal advice about whether or not the option of delegated authority was still available.
- 4.5. Decisions of this nature relate to the Council's development plan (of which neighbourhood plans form a part) and are covered by Regulation 4 and Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. This sets out that the decision making functions are split between the executive (Cabinet) and the authority (Full Council), depending on the nature of the decision that is required.
- 4.6. Regulation 4 sets out the decisions which Full Council must make. If not specifically required by Regulation 4 to be made by Full Council, then Cabinet can make the decisions. Broadly, in relation to neighbourhood plans, the decisions that Full Council must make relate to going out to public consultation, submissions to the Secretary of State (or PINS) and the final adoption of any plan. Therefore, the designation of a neighbourhood area is a decision that should be taken by Cabinet.
- 4.7. Following the noting of this report, Monks Kirby Parish will continue to sending out questionnaires to progress the next stage of their plan. Relevant documents will be brought to Cabinet as and when they are produced in due course.

5. Conclusion

- 5.1. It is legally necessary to confirm acceptance to the boundary for the neighbourhood plan to go forward.

Recommendation

- 6.1 That Cabinet agrees and endorses the boundary Monks Kirby Parish Council wish to use for their neighbourhood plan.

Appendix 1 – Monks Kirby Neighbourhood Plan Area Designation



Name of Meeting: Cabinet

Date of Meeting: 7 June 2021

Subject Matter: Monks Kirby Neighbourhood Plan - Designation of Neighbourhood Plan area

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY **YES** **NO**

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink
1	Equalities Impact Assessment

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A