

OFFICER DELEGATED DECISION: REPORT TO HEAD OF SERVICE

DECISION TO BE TAKEN BY: Paul Thomas, Executive Manager
Development & Growth

REPORT AUTHOR: Roger Ranson, Business Manager, Spatial
and Economic Growth

REPORT NO. SEG16

DATE: 29 March 2016

SUBJECT OF DELEGATED DECISION:	Designation of a Neighbourhood Area: Stamford
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PRIORITY THEME:	Grow the Economy, Good Housing for All, Promote Leisure, Arts and Culture, Clean, Green & Healthy	
CRIME AND DISORDER IMPLICATIONS:	None	
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report is publicly available via the Neighbourhood Plans page of the Council's website: www.southkesteven.gov.uk	
INITIAL EQUALITY IMPACT ASSESSMENT	Carried out and appended to report? Not Applicable	Full impact assessment required? Not Applicable
BACKGROUND PAPERS:	The Localism Act 2011 http://www.legislation.gov.uk/ukpga/2011/20/contents The Neighbourhood Planning (General) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/637/contents/made Application from Stamford Town Council http://www.southkesteven.gov.uk/index.aspx?articleid=10055	

(1) PURPOSE OF REPORT

To consider an application from Stamford Town Council to designate a Neighbourhood Area covering the Parish of Stamford.

(2) RECOMMENDATION

The designation of a Neighbourhood Area covering the Parish of Stamford is approved.

(3) REASONS FOR RECOMMENDATION(S)

- 3.1 The Localism Act 2011 (the Act) introduced neighbourhood planning as a new way for communities to help shape future development in their area. One of the types of Neighbourhood Planning that has been introduced is Neighbourhood Development Plans (NDP), which set out policies for the development and use of land in a particular area. If a NDP has successfully passed all stages of preparation including an examination and referendum the LPA must adopt it as part of the Development Plan for their area.
- 3.2 The Act and the Neighbourhood Planning (General) Regulations 2012 (the Regulations) set out specific requirements to be met as part of the preparation of a Neighbourhood Plan and confer specific functions on local planning authorities (LPA) in respect of certain decisions to be taken.
- 3.3 One of these decisions relates to the determination of applications to designate a Neighbourhood Area. The designation of a Neighbourhood Area is the first formal step for Parish or Town Councils wishing to undertake neighbourhood planning in their area.
- 3.4 An application to designate a Neighbourhood Area covering Stamford Town has been received from the Town Council as they intend to prepare a NDP. In determining an application to designate a Neighbourhood Area, LPAs must have regard to the following matters as set out in the Act:
1. Is the organisation making the application a relevant body (as prescribed by the Act this must be a Town Council or, in unparished areas, a designated Neighbourhood Forum)?
 2. Is the area identified for designation as a neighbourhood area considered appropriate (where the applicant is a Town Council, the area identified could include the whole or any part of the Parish)?
 3. Would the area more appropriately be designated a business area i.e. the area is wholly or predominately in business use?
 4. Does the area overlap with another designated area?
 5. Comments received during the public consultation.
- 3.5 The application received from Stamford Town Council has been considered against the above matters:
1. As a Town Council, Stamford Town Council qualifies as a relevant body to make an application.
 2. The area proposed to be designated consists of the whole of the Parish. . In their application, the Town Council state that they consider this to be an appropriate area to be designated as it is the area for which the Town Council has responsibility. It is considered that this is an appropriate Area as any policy would manage development occurring within Stamford.
 3. The area proposed for designation cannot be described as being wholly or predominately in business use and, therefore, it would be inappropriate to designate the area as a business area.

4. There are no other currently designated areas in South Kesteven for any overlap of designated areas to occur.
5. This application was advertised in accordance with the Regulations for a period of four weeks and the following responses were received:
 - MOD have no statutory safeguarding concerns
 - Gladmans – no specific comments to make on the application for designation, however, comments have been provided as this is the first formal stage in the production of a neighbourhood plan. They would also highlight some points which they believe the emerging Neighbourhood Plan should take account of. These points cover:
 1. The presumption of sustainable development
 2. The relationship between the Neighbourhood Plans and the Strategic Guidance in the Local Plan
 3. The basic conditions
 4. Strategic Environmental Assessment
 - Ryhall Parish Council – the Parish are not able to make any comments at the present time on boundary areas. Due to the complexity of the boundaries to the north of Stamford, it is intended to hold a meeting in late April to discuss the implications of the Stamford Neighbourhood Plan in greater depth.

These comments have been noted and have not indicated that any boundary changes should be made prior to the determination of this application. A copy of the comments will be provided to the Parish Council so they can consider them in the production of their Neighbourhood Plan.

- 3.6 The Portfolio Holder (Growth) and Ward Members have been consulted on the application in accordance with the agreed scheme of delegation. The Portfolio Holder has not responses. Of the 8 Ward Members consulted, one response has been received from Councillor Teri Bryant. This response questioned who one of the 'Gladmans' were and whether there had been any response from Burghley Estate. These questions were responded in an email on 29 March. The Councillor further commented that a cost / benefit exercise would be useful and that Stamford should be protected but unfortunately this protection sometimes has to be against itself. These comments have been noted but do not indicate that any changes should be made to the Area boundary prior to the determination of this Application. A copy of the comments will also be forwarded to the Parish for consideration in the production of their Neighbourhood Plan.
- 3.7 An application to designate a Neighbourhood Area can be refused if the criteria set out in the Act are not met. It is considered that, considering the application against the criteria, there is no apparent reason to justify the application being refused.
- 3.8 The costs associated with the designation process have been met from this year's planning policy budget and will be reclaimed from the grant funding currently available to local planning authorities from central Government for Neighbourhood Planning.

(4) **OFFICER CONTACT**

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(5) **DATE DECISION EFFECTIVE:**

29 March 2016