

**Decision by Director of Neighbourhoods  
under Delegated Authority**



**Epping Forest  
District Council**

**Report reference: DDA-001-2016/17**

**Date of report: 23 January 2017**

**Portfolio:** Planning Policy

**Author:** A. Blom-Cooper (Ext 4066)

**Democratic Services:** J. Leither

**Subject:** North Weald Bassett Neighbourhood Plan

**Decision:** To approve the designation of the North Weald Bassett Parish Council area as a Neighbourhood Area for the preparation of a neighbourhood development plan.

**Authority for Delegated Decision (Minute Ref):** Cabinet Minute 166 – 13 April 2015

I have read and approve/~~do not approve~~ (delete as appropriate) the above decision:

Comments/further action required:

Signed: D. Macnab  
Director of Neighbourhoods

Date: 23 January 2017

***After completion, one copy of this pro forma should be returned to  
Democratic Services IMMEDIATELY***

**Reason for decision:**

To consider the proposed amendment for the designation of the North Weald Bassett neighbourhood area

**Options considered and rejected:**

To not approve the designation of the entire parish as a Neighbourhood area for the preparation of a neighbourhood development plan. As a result of changes to the regulations/legal framework the Council no longer has discretion to designate part of a parished area where the application is for the entire Parish. This is therefore not an option.

**Background Report:**

1. The Government introduced Neighbourhood Planning as part of the Localism Act 2011 in order to enable town/parish councils and Neighbourhood Forums to actively participate in plan making. A Neighbourhood Development Plan (NDP), once it has passed a referendum, forms part of the statutory development plan and is therefore taken into account in the determination of planning applications. They can include housing and employment land allocations, policies and design statements and can be as simple or as complicated as the town/parish council choose. Crucially, the NDP must be in conformity with national planning policy as well as the District Local Plan.

**Initialed as original copy by  
Director of Neighbourhoods**

2. Under the 1990 Town and Country Planning Act and the Localism Act 2011, local planning authorities have a statutory duty “to give such advice or assistance to parish councils and designated Neighbourhood Forums as in all the circumstances, they consider appropriate for the purpose of, or in connection with facilitating the preparation of Neighbourhood Development Plans” (Schedule 4B, 1990 Town and Country Planning Act). The Neighbourhood Planning (General) and Development Management Procedure Order Regulations included a 2016 amendment of the 2012 Regulations which came into force on 1 October 2016. This removes the requirement to publicise an application for a Neighbourhood Area that covers the whole Parish. The Housing and Planning Act 2016 introduced new provisions to Section 61G of the Town and Country Planning Act so that if the application meets the criteria the Local Planning Authority must designate the specified area as a neighbourhood area. This includes the modification of a designation already made. This provision has taken away the power of the Local Planning Authority to designate an amended area where the area being proposed is the whole of the Parish.
3. An application for designation of a Neighbourhood Area was made by North Weald Bassett Parish Council on 8 September 2014. In accordance with the regulations in place at the time the application was advertised and was considered against the set of criteria agreed by Cabinet including the impact on cross boundary matters. At the 11 June 2015 Cabinet meeting agreed that a smaller area of the Parish should be designated as the neighbourhood area for the purposes of preparing a Neighbourhood Plan excluding an area to the west of the M11 given the location of the parish on the district boundary with Harlow and the likely impact on a number of strategic cross boundary matters including Green Belt and the planning and delivery of key strategic infrastructure.

#### **North Weald Bassett Neighbourhood Area Application**

4. On 9 January 2017 North Weald Bassett Parish Council wrote to the Council to request an amendment to the designated Neighbourhood Area to include the entire Parish in the light of the legislative changes made in October 2016.
5. In accordance with The Neighbourhood Planning (General and Development Management Procedure (Amendment) Regulations 2016 the Council has no discretion and must designate the specified area as a neighbourhood area and publicise this decision on the Councils website as required by the Neighbourhood Planning General Regulations 2012 as amended.
6. Following designation of the neighbourhood area, the Parish Council will progress with the preparation of the NDP. A draft Plan must be submitted to the District Council. Representations will then be invited on the plan for a period of at least 6 weeks, after which an independent examination will be held. Finally, the Plan will be subject to a referendum before Full Council is asked to bring it into force. At this point the NDP will become part of the statutory development plan for Epping Forest District.
7. Neighbourhood areas have also been designated for Moreton Bobbingworth and the Lavers, Epping Upland, Epping Town, Theydon Bois, Loughton, Chigwell, and Buckhurst Hill.

#### **Resource Implications:**

Currently neighbourhood planning is being delivered within existing resources. The Government has dedicated funding for the development of NDP's which is applied for at the appropriate point. Since 2013 the Council has received £30,000 from this fund.

**Legal and Governance Implications:**

The legal and governance arrangements were agreed by Cabinet on 29 July 2013. More recently, in accordance with national practice it was agreed by Cabinet on 6 October 2014 to delegate future decisions to designate neighbourhoods following consultation with the Portfolio Holder, where the area covers the whole parish and there are no objections.

**Safer, Cleaner and Greener Implications:**

None

**Consultation Undertaken:**

Publication of the proposed designation is no longer required.

**Background Papers:**

Letter from North Weald Bassett Parish Council dated 9 January 2017  
Report to Cabinet 11 June 2015

**Impact Assessments:**

***Risk Management***

It should be ensured that the use of Council resources do not extend beyond the level of assistance agreed with the governance arrangement as approved at Cabinet in July 2013. However this will be kept under review

**Key Decision Reference (Y/N):** No

## Due Regard Record

Name of policy or activity:

Determination of Neighbourhood Area designation for North Weald Bassett Parish Council

**What this record is for:** By law the Council must, in the course of its service delivery and decision making, think about and see if it can eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. This active consideration is known as, 'paying due regard', and it must be recorded as evidence. We pay due regard by undertaking equality analysis and using what we learn through this analysis in our service delivery and decision making. The purpose of this form is as a log of evidence of due regard.

**When do I use this record?** Every time you complete equality analysis on a policy or activity this record must be updated. Due regard must be paid, and therefore equality analysis undertaken, at 'formative stages' of policies and activities including proposed changes to or withdrawal of services. This record must be included as an appendix to any report to decision making bodies. Agenda Planning Groups will not accept any report which does not include evidence of due regard being paid via completion of an Equality Analysis Report.

**How do I use this record:** When you next undertake equality analysis open a Due Regard Record. Use it to record a summary of your analysis, including the reason for the analysis, the evidence considered, what the evidence told you about the protected groups, and the key findings from the analysis. This will be key information from Steps 1-7 of the Equality Analysis process set out in the Toolkit, and your Equality Analysis Report. This Due Regard Record is Step 8 of that process.

Date / Name	Summary of equality analysis
	<p>This report is seeking the designation of a neighbourhood area covering the whole of North Weald Bassett Parish Council</p> <p>Once commenced, the Neighbourhood Plan may have various equality implications for a number of different groups, both in terms of the level of engagement that is undertaken during its preparation and the impact that any policies may have on different sections of the local community. However it is the duty of the Town Council to consider such issues during the preparation of the neighbourhood plan, and as such, the neighbourhood plan should be subject to equality analysis separately.</p>