

Record of decision by Director of Housing & Planning (Chief Planning Officer) to designate the civil parish of Ulgham as a neighbourhood area for the purposes of neighbourhood planning

1. Purpose of the Report

- 1.1 The purpose of this report is to determine an application to designate the civil parish of Ulgham as a neighbourhood area for the purposes of neighbourhood planning.

2. Exercise of delegation

- 2.1 The Council's Constitution (as approved by the Council on 17 May 2023), sets out the ways in which the officers of the Council can make decisions and which decisions they have power to make. Section 6 Scheme of Officer Delegation states:

This scheme gives the power for the Chief Officers to take decisions in relation to all the functions in their areas of responsibility¹

And

The cascade principle under which this scheme operates means that any officer given powers under this scheme can further delegate those powers to other officers through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas).

- 2.2 The 'Internal Scheme of Management – Planning Service, 24 July 2023' authorises the Chief Planning Officer (currently the Director of Housing & Planning) to carry out all functions relating to neighbourhood planning that fall to be dealt with by the authority.

3. Background

- 3.1 Ulgham Parish Council has applied to the County Council seeking designation of the Parish as a neighbourhood area.
- 3.2 Legislation sets out a number of steps that are required to be taken when using neighbourhood planning powers. The first requirement is to have an area designated as a 'neighbourhood area'. Once this has been done, all other neighbourhood planning powers may be exercised by the qualifying body, in this case, Ulgham Parish Council.

¹ Part 1 6.1 Introduction to Delegation, 6.16 (a). The term "Chief Officer" is as defined by Part 1, section 43(2) of the Localism Act 2011 and includes the Executive Director of Place and Regeneration.

- 3.3 The area designation application complies with the requirements set out in the relevant Regulations.
- 3.4 Legislation requires that the local planning authority must have regard to the desirability of designating the whole of a parish as a neighbourhood planning area where an application is made by a parish council. Unless there are good reasons to act otherwise, it will be appropriate to designate the whole of a civil parish as a neighbourhood area.
- 3.5 The civil parish boundaries provide an appropriate geographically distinct area within which neighbourhood planning activity could take place. It is considered appropriate to designate the civil parish of Ulgham as a neighbourhood area.
- 3.6 As part of the process of designation the County Council must consider whether the area should also be designated as a business area for neighbourhood planning purposes. The proposed neighbourhood area is not dominated by business activities. It would therefore not be appropriate to designate it as such.

4. Recommendations

- 4.1 It is recommended that:
- The civil parish of Ulgham should be designated as a neighbourhood area for the purposes of section 61G(1) of the Town and Country Planning Act 1990; and
 - The area covered by the parish of Ulgham will not be designated as a business area for the purposes of neighbourhood planning.

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DECISION TAKEN

Subject:	Designation of the parish of Ulgham as a neighbourhood area
Decision Taken:	<p>The civil parish of Ulgham will be designated as a neighbourhood area for the purposes of section 61G(1) of the Town and Country Planning Act 1990.</p> <p>The neighbourhood area will not be designated as a business area for the purposes of neighbourhood planning.</p>
Delegated Decision	
Rob Murfin, Director of Housing & Planning	<div></div> <p>Signed:</p> <p>Date: 09 Dec 2024</p>