

To: EXECUTIVE MEMBER FOR PLANNING AND TRANSPORT
12 January 2024

SANDHURST NEIGHBOURHOOD PLAN – DESIGNATION OF NEIGHBOURHOOD AREA

Executive Director: Place, Planning and Regeneration

1 Purpose of Report

- 1.1 For the Executive Member for Planning and Transport to agree to designate the parish area of Sandhurst Town as a 'Neighbourhood Area' for the purposes of neighbourhood planning in Sandhurst.

2 Recommendation(s)

- 2.1 That the Executive Member for Planning and Transport agrees to designate the Neighbourhood Area as shown on the map at Appendix A.

3 Reasons for Recommendation(s)

- 3.1 The reasons for this recommendation are:
- the request made complies with the legislative requirements; and,
 - the area proposed for designation is considered appropriate for the purposes of neighbourhood planning.
- 3.2 Further details of the relevant considerations are provided in subsequent sections of this report.

4 Alternative Options Considered

- 4.1 The alternative option of not designating or seeking to vary the extent of the Neighbourhood Area has been considered, but for the reasons explained elsewhere in this report, it is considered that the area applied for is appropriate.

5 Supporting Information

The application

- 5.1 Sandhurst Town Council submitted an application to Bracknell Forest Council ("the Council") on 24 November 2023 for its entire administrative area to be designated as a Neighbourhood Area.¹ The Council has a duty to determine any such application and there are certain considerations that apply. The application is in accordance with the Regulations² since it includes:
- a) a map identifying the area to which the area application relates (see Appendix B)
 - b) a statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area (see Appendix B), and,

¹ under the provisions of Section 61G of the Town and Country Planning Act 1990 ("the Act 1990").

² Regulation 5 of the Neighbourhood Planning Regulations (2012) (as amended) ("the Regulations 2012")

c) confirmation that Sandhurst Town Council is the relevant body for making an application³.

Purpose of neighbourhood planning

- 5.2 The designation of a Neighbourhood Area is an important first step in the neighbourhood planning process, since it determines the geographical area to which policies in the Neighbourhood Plan will apply. It's also likely to determine the extent of the referendum area when residents will be given the opportunity to vote 'yes or no' to the use of the Neighbourhood Plan in helping to decide planning applications in the area. It is therefore a legal process.

Background

- 5.3 A Neighbourhood Area for Sandhurst Town was originally designated in February 2016. However, in May 2023 the parish/town boundary for Sandhurst was altered, and two small areas of land removed (these are now in the administrative boundary of Crowthorne Parish). The Neighbourhood Planning Act states that a neighbourhood area designation "*ceases to have effect if - a new parish council is created or there is a change in the area of a parish council*" and there is no made plan in place.⁴ As such, there is no existing designated Neighbourhood Area covering Sandhurst. It is confirmed that the new application does not cover land outside the parish/town boundary, including areas beyond the Borough boundary.⁵

Determination of the application

- 5.4 As set out in paragraph 5.1, the current application received from Sandhurst Town Council is in accordance with the Regulations. The Council must now consider some other matters as set out below.
- 5.5 The proposal is for the designation of the entire Sandhurst Town Council administrative area. In accordance with the Regulations⁶, where the Local Planning Authority (LPA) receives an application from a parish/town council that consists of the whole parish/town council's area and none of that neighbourhood area extends outside the parish/town council's area, the Council must exercise its powers⁷ to designate the specified area as a Neighbourhood Area.
- 5.6 As other Neighbourhood Areas have already been designated (the Parishes of Binfield, Crowthorne, Warfield and Winkfield together with Bracknell Town), the Council must also consider the desirability of maintaining the boundaries of these existing areas.⁸ The designation of Sandhurst Town proposed in the current application would not alter the desirability of maintaining these existing Neighbourhood Area boundaries since they are also based on parish/town council areas and do not overlap with the area proposed by Sandhurst Town Council.
- 5.7 Under the Act⁹, whenever a local planning authority exercises powers to designate an area¹⁰ as a Neighbourhood Area, consideration must be given to the designation of the area as a business area. The designation of a business area can only occur if

³ For the purposes of section 61G of the Act (1990)

⁴ Neighbourhood Planning Act (2017) Section 5 (2)

⁵ The land that now falls within Crowthorne parish will not be covered by a Neighbourhood Plan until the made Crowthorne Neighbourhood Plan is reviewed and the Neighbourhood Area amended.

⁶ Regulation 5A of the Regulations (2012) (as amended)

⁷ Section 61G[4] [a] of the Act (1990)

⁸ Section 61G[4][b] of the Act (1990)

⁹ Section 61H of the Act (1990).

¹⁰ under Section 61G of the Act (1990)

it is considered that the area is wholly or predominately business in nature.¹¹ There are only limited commercial uses within Sandhurst Town area, and they are clearly not predominant, so this is not considered suitable.

- 5.8 In circumstances where the whole parish/town area is to be designated, the Regulations state the application does not need to be subject to public consultation.¹² It is therefore appropriate for the Executive Member for Planning and Transport to make the decision without a period of public consultation. Authority for this part of the neighbourhood planning process has been delegated to the Executive Member.¹³

Other matters

- 5.9 It should be noted that whilst the legislation states that the Council must designate the Neighbourhood Area, this Neighbourhood Area is also considered desirable as it simplifies the process of preparing a Neighbourhood Plan and enables data that is available at parish/town council level, to be used as part of the evidence base.
- 5.10 If the application for the designation of this Neighbourhood Area is approved, then the Regulations¹⁴ require the designation to be publicised. If the application is refused, reasons must be given.¹⁵ A decision will be issued to Sandhurst Town Council by the Assistant Director: Planning, and also published on the Council's website.

6 Consultation and Other Considerations

Legal Advice

- 6.1 The existing Sandhurst Neighbourhood Area has ceased to have effect following a change in the area of the Parish Council in accordance with the Neighbourhood Planning Act 2017 Section 5(2). As the new application is for the whole of the Sandhurst Town Council's geographic area, in accordance with Regulations 5A, 6 and 6A relating to the undertaking of public consultation, such a process does not apply. It is therefore appropriate for the Executive Member to make a decision in accordance with Regulation 5A (2).

Financial Advice

- 6.2 Although grant funding is not available for the designation of the Neighbourhood Area since five areas have already been designated within the Borough, the Council will be able to claim £20,000 when a decision statement is issued under Regulation 18.¹⁶ The ongoing staff resources required, can currently be met from within existing budgets.

Other Consultation Responses

- 6.3 As set out in paragraph 5.8 above, the Regulations do not require the Council to consult on designating this Neighbourhood Area for the purposes of neighbourhood planning. However, the Regulations require public consultation later in the neighbourhood planning process.

¹¹ Section 61H (3) of the Act (1990).

¹² Regulation 5A(3) of the Regulations (2012) (as amended)

¹³ Decision made on 26th February 2016: <https://democratic.bracknell-forest.gov.uk/ieDecisionDetails.aspx?Id=2390>

¹⁴ Regulation 7(1) of the Regulations (2012)

¹⁵ under 61G(9) of the Act (1990) and Regulation 7(2) of the Regulations (2012).

¹⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/997813/Chief_Planners_Letter_Neighbourhood_Planning_Grant_2021-22.pdf

Equalities Impact Assessment

- 6.4 Designating the Neighbourhood Area will not in itself affect equality since it is an administrative function. However, as Sandhurst Town Council develop policies in their Neighbourhood Plan an equality screening exercise should be undertaken to understand the impact on the community of their proposals.

Strategic Risk Management Issues

- 6.5 There are no direct financial risks associated with the report.

Climate Change and Ecological Impacts

- 6.6 The recommendations in Section 2 above are expected to have no impact on the emissions of CO₂.

The reasons the Council believes that this will have no impact on emissions are because designating a Neighbourhood Area is solely an administrative function and does not in itself affect emissions of CO₂ or impact on climate change. However, Sandhurst Town Council may consider including policies in the Neighbourhood Plan that will have a positive impact on climate change and ecology. That is not a function of this decision.

Health & Wellbeing Considerations

- 6.7 Designating the Neighbourhood Area will not in itself affect health and wellbeing since it is an administrative function. However, Sandhurst Town Council may wish to undertake a health impact assessment process as part of the development of their Neighbourhood Plan policies. (Such assessment would help to assess potential positive or negative impacts of the Neighbourhood Plan on physical and mental health and wellbeing. This could include, in particular, the influence of the infrastructure and physical environment on health if they choose to do so). However, this is not a function of this decision and is not a matter that the Borough Council can influence or produce; it is for the Town Council to decide.

Background Papers

Appendix A – Map showing designated Sandhurst Neighbourhood Area boundary
Appendix B – Application received from Sandhurst Town Council

Links to legislation cited in report:

The Town and Country Planning Act (1990) (as amended) -

<https://www.legislation.gov.uk/ukpga/1990/8/part/III/crossheading/neighbourhood-development-orders>

The Neighbourhood Planning Act (2017) -

<https://www.legislation.gov.uk/ukpga/2017/20/part/1/crossheading/neighbourhood-planning>

The Neighbourhood Planning Regulations (2012) (as amended) -

<https://www.legislation.gov.uk/uksi/2012/637/contents>

Contact for further information

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