

**TO: EXECUTIVE MEMBER FOR PLANNING AND TRANSPORTATION
02 FEBRUARY 2016**

DESIGNATION OF NEIGHBOURHOOD AREA – SANDHURST TOWN

1 PURPOSE OF DECISION

- 1.1 The designation of a Neighbourhood Area is a pre-requisite for neighbourhood planning, including the production of a Neighbourhood Development Plan (Neighbourhood Plan). The purpose of this report is to seek the approval of the Executive Member for Planning and Transportation to the designation of a Neighbourhood Area covering Sandhurst Town.

2 RECOMMENDATION

- 2.1 **That the Executive Member for Planning and Transportation designates the administrative area of Sandhurst Town as a Neighbourhood Area as shown on the map at Appendix A.**

3 REASONS FOR RECOMMENDATION

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

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The option of not making the designation or seeking to vary the extent 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 a request for its entire administrative area to be designated as a Neighbourhood Area under the provisions of Section 61G of the Town and Country Planning Act 1990 (the Act). The Council has a duty to determine any application for such a designation and there are certain considerations that apply. The application included the reasons why the Town Council considered itself to be a relevant body and its respective specified area to be appropriate. The

application was publicised in accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations 2012 (the Regulations) (as amended).

- 5.2 Regard must be had to the desirability of designating the whole of the area of a parish/town council (Section 61G[4] [a] of the Act). In the case of Sandhurst, the proposal is for the designation of the entire Town Council area. This is considered desirable as it simplifies the process of preparing a Neighbourhood Plan and enables data that is available at Town Council level, to be used as part of the evidence base.
- 5.3 As other Neighbourhood Areas have already been designated (the Parishes of Binfield, Warfield and Winkfield together with Bracknell Town), the Council must also consider the desirability of maintaining the boundaries of these areas (Section 61G[4][b] of the Act). It is not considered that the designation of Sandhurst Town would alter the desirability of maintaining these existing neighbourhood area boundaries since they are also based on parish/town council boundaries and do not therefore overlap. Furthermore, the area does not conflict with the boundaries of any designated areas beyond the Borough boundary.
- 5.4 Under Section 61H of the Act, whenever a local planning authority exercises powers under Section 61G to designate an area as a neighbourhood area, consideration must be given to the designation of the area as a business area. The designation of the specified area can only occur if it is considered that the area is wholly or predominately business in nature [Section 61H (3)]. There are only limited commercial uses within Sandhurst Town area and they are clearly not predominant.
- 5.5 If the application for the designation of this neighbourhood area is approved, then Regulation 7(1) of the Regulations requires the designation to be publicised. If the application is refused, reasons must be given under 61G(9) of the Act and Regulation 7(2) of the Regulations.

Consultation

- 5.6 In accordance with the Regulations, the application was publicised on the Council's website and information was provided on how and when to make representations. Copies of the application, the map showing the application area and comment forms were made available in the Council's offices at Easthampstead House and Time Square, Sandhurst Library, Crowthorne Library and Sandhurst Town Council Office. The consultation ran for six and a half weeks (to allow for Bank Holidays) from 10am Tuesday 8 December 2016 to 10am on Friday 22 January 2016.
- 5.7 The consultation attracted seven representations which are summarised in Table 1 below.

Table 1: Consultation Comments on Sandhurst Town Council's Application

Name/ Organisation	Support or Object	Comment
Bracknell Town Council	Support	No objection to the area designation.
Cllr P Bettison	Support	No objection to the area designation.

Surrey Heath Borough Council	Support	No objection to the area designation. Surrey Heath Borough Council wishes to be involved in the Neighbourhood Plan making process, particularly in respect of the Royal Military Academy area.
Wokingham Borough Council	Support	No objection to the area designation. Wokingham Borough Council and Finchampstead Parish Council wish to be consulted on the development of any future Neighbourhood Plan.
Blackwater & Hawley Town Council	Support	No objection to the area designation.
Gladman Development Ltd	No specific stance taken	No specific comments on the application for Neighbourhood Area designation. The response highlights neighbourhood plan process matters. Requests to be involved in the development of any future Neighbourhood Plan so that key requirements can be highlighted.
Ministry of Defence	Object	Object to the inclusion of MOD land within the Designated Area as it is not considered appropriate to include such land and subject it to neighbourhood planning policies since this might adversely affect Defence interests. The removal of such land would not isolate any of the remaining land within the Parish or result in a fragmented neighbourhood planning area. The remaining area would still be coherent and able to function effectively for neighbourhood planning purposes.

- 5.8 As can be seen from Table 1, an objection to the area put forward for designation has been received from the Ministry of Defence (MOD) (Appendix B), due to concerns about Defence interests. However, it is not considered that the inclusion of the MOD land within the boundary would prejudice the operational or strategic role of the land. It would appear to make good planning sense to include the site within the Neighbourhood Area since it represents a considerable proportion of land within the Town Council's area (approximately 38%, according to the MOD's representation dated 20th January 2016) and is important to the context of Sandhurst Town. Should the Town Council decide to proceed with preparing a Neighbourhood Plan, it should engage with the MOD. Ultimately, the Plan will need to meet the 'basic conditions' which include the need to ensure that policies have regard to national policies and guidance and conform with the strategic policies in the development plan for Bracknell Forest.

Other Considerations

- 5.9 While the recommendation is to proceed with the designation of the Neighbourhood Area, as submitted, there are some issues that the Town Council will need to consider should it decide to proceed with preparing a Neighbourhood Plan (as indicated above).
- 5.10 In order for the Neighbourhood Plan to meet the 'basic conditions' it will be important to ensure that its policies do not conflict with the strategic elements of the development plan for the area including the Core Strategy and the Site Allocations Local Plan.

- 5.11 Any Neighbourhood Plan must also be based on robust evidence. The Borough Council will have a role in providing data for this purpose. The Town Council will also need to ensure that consultation takes place with all interested parties, including statutory bodies, landowners (including the MOD) and developers as well as local residents and businesses.
- 5.12 Once the Neighbourhood Plan has been prepared, it must be submitted to the Local Planning Authority, checked for legal compliance and publicised for a minimum of six weeks. It is then subject to examination by an independent examiner who will check that it meets the 'basic conditions' and issue a report. The Local Planning Authority must then consider the report and make a decision on whether to hold a referendum on the Plan.

Resource Implications

- 5.13 As indicated above, this Council, as Local Planning Authority, has a statutory duty to carry out certain parts of the Neighbourhood Plan process, including holding the examination and the referendum. The Council also has a role in ensuring that the Plan does not conflict with the strategic elements of the development plan and in providing information and advice.
- 5.14 If the Neighbourhood Area is designated, the Council will be able to apply for the first stage of government grant money of £5,000 for the area designation. A total of up to £30,000 has been available in previous years, however, the Government has yet to publish what funding will be available in 2016/17. This money is intended to help Local Planning Authorities resource the additional work required to support a Neighbourhood Plan. Separate funding streams and practical support are available to the Town Council to assist it with its Neighbourhood Plan.
- 5.15 The work of supporting the preparation of the Plan will be carried out by staff within the Planning Section as this Section has access to relevant data and has experience of preparing planning policies, consultation and running examinations. It is envisaged that the work will be resourced from within existing budgets supplemented by the grant money available from government, although this may need to be reviewed in future depending on the level of support required.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Neighbourhood planning is a relatively new legal process, which the Council has a statutory duty to facilitate and administer. The Act, Regulations and the Local Government (Functions and Responsibilities Act) England Regulations 2010 are silent as to the appropriate decision making process. Consequently, and given the relatively recent enactment of these provisions, the Bracknell Forest Borough Council Constitution May 2015 is also silent as to the mode or reservation of such decisions.
- 6.2 However, consideration has been given to the appropriate level at which Neighbourhood Planning decisions can be made, whilst ensuring the process is fair and transparent. Arrangements for the exercise of powers in decision making relating to Neighbourhood Planning have been agreed by the Leader of the Council and delegated to the Executive Member for Planning and Transport and the Chief Officer for Planning and Transport, by way of his decision of the 10 September 2015.

6.3 Therefore, in accordance with Part 2, Section 5, paragraph 5.7 of the Bracknell Forest Council Constitution 2015, the Executive Member for Planning and Transport has authority to agree the recommendation in relation to his area of responsibility.

6.4 This is a valid application for the designation of the whole area of Sandhurst Town Council as a Neighbourhood Area. An objection has been made by the Ministry of Defence to the inclusion of its land (Royal Military Academy Sandhurst and Barossa Training Area) within the designation of the Sandhurst Neighbourhood Plan. Whilst it is legally possible for strategic development sites to be excluded from a Neighbourhood Area designation (as shown in the Daws Hill v Wycombe District Council (2013) case) this objection can be distinguished from the Daws Hill case where the Handy Cross and Daws Hill sites were both well advanced with their planning permission and development brief (respectively) prior to the area designation.

Borough Finance Officer

6.5 As stated in the report the Council will be able to apply for a grant towards the additional costs involved in this work. The ongoing staff resources can currently be met from within existing budgets.

7 CONSULTATION

7.1 Public consultation was carried out as described at paragraph 5.6 above.

Background Papers

Appendix A – Map showing extent of Neighbourhood Area for Sandhurst Town.

Appendix B – Ministry of Defence, 20th January 2016

Contact for further information

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