

Decision Maker:	Cllr Petrina Lees, Leader of the Council	Date: 11 January 2024
Title:	Designation of Lindsell Neighbourhood Parish Area and Lindsell Parish Neighbourhood Forum	
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Portfolio Holder:	Cllr John Evans, Portfolio Holder for Planning	

Summary

1. On 27 October 2023, the Council received a two in one application from Lindsell Parish Meeting comprising a) the designation of Lindsell Parish Neighbourhood Plan Area and b) establishment and designation of Lindsell Neighbourhood Parish Forum.
2. Lindsell Parish Meeting is a non-parished area Council and therefore legislation requires that for the purposes of neighbourhood plan preparation the Local Planning Authority has to approve the designation of the neighbourhood plan development area as well as the establishment and designation of a neighbourhood forum which will act as the Qualifying Body.
3. The application was publicised and consulted in accordance with the Regulations for a period of 6 weeks commencing at 8.30 am on 6 November 2023 and ending on 17 December 2023.
4. These applications should be determined within 13 weeks (16 February 2024) of receipt of the application.

Recommendations

5. That the two applications i.e. Neighbourhood Plan Area Designation and Forum Neighbourhood Designation be approved concurrently.
6. That the Lindsell Parish Neighbourhood Area (**Appendix 1**) and Lindsell Neighbourhood Forum be designated before 16 February 2024 (within the 13 weeks determination statutory period) **but preferably** before 16 January 2024.
7. That the Neighbourhood Area boundary be the same as the Parish Meeting Boundary.
8. That the Constitution (**Appendix 2**) be formally adopted at the Forum's first Inaugural General Meeting, duly signed, and submitted to the Council within 8 weeks of determination of this application.

Financial Implications

9. The Council Neighbourhood Grant Fund is no longer available. The Lindsell Neighbourhood Forum has been advised to apply to Locality for the Basic Grant Funding.
10. The Council has a duty to support Neighbourhood Planning and this will entail officer time.

Background Papers

11. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

Impact

12.

Communication/Consultation	The application has undergone through the statutory 6 weeks consultation period and has publicised the application on the Council website and social media.
Community Safety	The plan proposes to deal with community safety and will have a generally positive effect on residents' health and wellbeing through its objectives and policies.
Equalities	Forum membership is open to all members of the public who live, work and own business in the Parish. The Plan aims to meet the needs of all residents in the Parish. For the plan to be made it must not breach and should be otherwise compatible with EU obligations and human rights requirements.
Health and Safety	The Plan and policies will aim to promote the health and well-being of the residents.
Human Rights/Legal Implications	The Neighbourhood Plan must not breach and should be otherwise compatible with EU obligations and human rights requirements if it has to be made. .
Sustainability	The plan's objective is to address economic, social and environmental issues within the Parish Meeting area.

Ward-specific impacts	All of Lindsell Meeting will benefit from a sound neighbourhood plan.
Workforce/Workplace	None

Situation

13. Lindsell has a Parish Meeting which is not recognised as a Qualifying Body for the purposes of preparing a Neighbourhood Plan. The Council has to approve the designation of Lindsell Neighbourhood Forum as the qualifying body to produce a neighbourhood plan for the area.
14. The application was advertised in accordance with the Regulations for a period of 6 weeks ending 17 December 2023. The application was advertised through the Council's website and social media.
15. The deadline for submission of the Locality Grant Funding application is 5pm on 26 January 2024 and it is recommended that approval of this application should be made by or before 16 January 2024 to ensure that the grant application is submitted before the deadline.
16. The Parish Meeting has proposed that the Neighbourhood Development Plan Area follow the existing parish meeting boundary. The Parish Council and the Council agree that this is the appropriate area to be designated as it is the area administered by the Parish Meeting.
17. One representation was received objecting to the designation of the Neighbourhood Area and Neighbourhood Forum. Response to the representation will be provided below in **Appendix 3**.

Risk Analysis

18.

Risk	Likelihood	Impact	Mitigating actions
a) 2 – Objector to a successful Neighbourhood Area and Forum Designation application may lodge a legal challenge.	2 – Robust responses based on solid legal grounds can reduce the risk.	2- Delay in processing Designation application and the Council may incur legal costs in litigation.	Consult the Legal Department to check that response to representation is legally sound.

b) 3 - Delay in determination of application	3 – Requirement to present application to Cabinet Member briefing on 18 January will delay submission of Locality Grant Funding application.	4 – The Neighbourhood planning process will have to be delayed until the next Locality funding window opens in 24/25.	Circulation of application to Cabinet members prior to scheduled briefing session on 18/01/2024 and Decision to be issued by 16/01.2024.
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

APPENDIX 3: RESPONSE TO REPRESENTATION

	Representation	Issue Summary of Issue	Officer Response
1.	1. The application refers to the Parish Meeting of Oct-22. [REDACTED] Chairman of the Lindsell Parish Meeting and also Chairman of Lindsell Parish Meeting's Planning Committee (please see Exhibit page 1). According to [REDACTED] the Parish Meeting did not decide on the definition of a Neighbourhood Area (please see Exhibit pages 5 & 6).	Extent of Neighbourhood Plan Area not decided by Lindsell Parish Meeting Planning Committee	Lindsell Parish Meeting Chairman confirms (email dated 25 April 2023) agreement of committee to investigate setting up a neighbourhood plan. The setting up of a neighbourhood plan inter alia includes the submission of a duly completed application form which in the case of Lindsell Parish Meeting an application form, a written constitution (to be adopted) and establishment of a Forum since Lindsell Parish Meeting does not have a Parish Council which would otherwise be the Qualifying Body.
1b.	Exhibit page 1: Lindsell Parish Meeting's Planning Committee	Shows details of members of Lindsell Parish Meeting's Planning Committee	Irrelevant to Designation application.
1c.	Exhibit pages 5 & 6:	Emails exchange with Lindsell Parish Meeting Chairman Lindsell Parish Clerk and Planning Committee Members	Repetition of issues raised in this representation table. Also includes personal contact details and not included for GDPR reasons
2.	2. Despite my name being included in the list of 29 names and my attempts to get involved (please	Denied participation and involvement on proposed	Lindsell Parish Meeting Planning Committee confirmed that all Parish Meetings where the Neighbourhood Plan

	<p>see next section for further details), I was not given an opportunity to comment on the proposed definition of the Neighbourhood Development Plan Area.</p>	<p>Neighbourhood Area Parish Meeting boundary.</p>	<p>Process (including Neighbourhood Boundary) was discussed were open to all members of the public. The following opportunities were afforded to make representations on the proposed neighbourhood area boundary area:</p> <p>The Neighbourhood Forum application form, which together with the proposed boundary map, sent out on 13 June 2023</p> <p>The public information/display boards exhibited at Lindsell Village Fete on 1st July 2023</p> <p>The public information/display boards exhibited at the Lindsell Parish Meeting on 13 November 2023</p> <p>The public consultation, notification of which was placed on noticeboards in the village.</p>
3.	<p>1. The application refers to the Parish Meeting of Oct-22. [REDACTED] Chairman of the Lindsell Parish Meeting and also Chairman of Lindsell Parish Meeting's Planning Committee (please see Exhibit page 1). According to [REDACTED], the</p>	<p>Lindsell Parish Meeting Planning Committee did not decide on the establishment of a Neighbourhood Forum.</p>	<p>Implicit in the agreement by the Lindsell Parish Meeting Planning Committee to proceed with the Neighbourhood Plan Process is the requirement according to the Act to establish a Neighbourhood Forum to be designated by the Local Planning Authority as the Qualifying Body to undertake the Neighbourhood Planning.</p>

	Parish Meeting did not decide that a Neighbourhood Forum should be established (please see Exhibit pages 5 & 6).	Extent of Neighbourhood Plan Area not decided by Lindsell Parish Meeting Planning Committee	A representative authorised by Lindsell Parish Meeting Planning Committee consulted with the Council as to the extent of the proposed Neighbourhood Area. The Council recommended that the proposed Neighbourhood Area boundary follow the Parish Meeting boundary.
5.	It is noted that [REDACTED] works for [REDACTED] (please see Exhibit page 9 & 10). [REDACTED] in Lindsell (please see Exhibit pages 11, 12 & 13). [REDACTED]	Explanation of personal relationships of a group member.	Irrelevant to current application for the Designation of a Neighbourhood Area and Designation of a Neighbourhood Forum.
6.	There are derelict kennels and catteries located at Simpkins Farm (please see Exhibit page 13), which are likely to require planning permission if they were to be re-built. The owners of [REDACTED] Farm [REDACTED] are currently being investigated by Uttlesford District Council for an alleged breach of planning control including demolishing a cattery (please see Exhibit page 14). So, in my opinion, [REDACTED] should not be in charge of the neighbourhood planning process because there appear to be clear conflicts of interest.	Alleged conflict of interest	<p>The alleged planning control breach shall be investigated and dealt with independently of the Neighbourhood Plan Area and Forum Designation Application under consideration.</p> <p>The Neighbourhood Plan Process is not led by one person but shall be led by the Lindsell Parish Forum (Qualifying Body) meaning that community representatives i.e. Forum members lead the plan and not a single member. The Neighbourhood Plan process also requires the engagement of the wider community to ensure the genuine representation of the range of wants and needs in Lindsell Parish.</p>

			The Neighbourhood Plan Policies will be a result of collaborative working between Lindsell Parishioners and the Forum.
7.	<p>3. The application does not comply with Section 61F (5) of the 1990 Act as explained below: Section 61F (5) states:</p> <p><i>“A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions—</i></p> <p><i>it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),”</i></p>	Non -compliance of application with S61F (5) of the Act.	<p>The Council is satisfied that the application satisfies Section 61F (5) based on the following proposed Lindsell Parish Neighbourhood Forum’s objectives:</p> <p>2a) promote social, economic and environmental well-being of the Area;</p> <p>2h) ensure the Neighbourhood Plan;</p> <p>i. is in conformity with the Council's adopted Local Plan and will have due regard to the emerging Local Plan,</p> <p>ii. has regard to national planning policy and guidance,</p> <p>iii. includes design guidelines for any future development, and</p> <p>iv. contributes to the achievement of sustainable development.</p>

7a.	<p>a. The list of 29 names in the application form is not an “organisation”. The Cambridge Dictionary defines an “organisation” as:</p> <p><i>“a group of people who work together in an organized way for a shared purpose”</i></p> <p>Despite making 2 attempts to “<i>work together</i>” as explained above, I have not been involved whatsoever in the application and have never been offered the opportunity to comment on the application prior to its submission. As far as I am aware, all decisions have been made by REDACTED not by “a group of people”.</p>	List of 29 names of potential forum members not an organisation.	In accordance with S61F of the Act, the Council is satisfied that the stated purpose of the group and list of potential Forum members meets the stipulated statutory conditions.
7b.	<p>b. The list of 29 names was not established “<i>for the express purpose of promoting or improving the social, economic and environmental well-being of an area</i>”</p>	Reasons provided for establishing the Forum contrary to the “ <i>express purpose</i> ” stated above in Section 61F (5)a of the 1990 Act.	The Council is satisfied that the proposed Forum’s objective stating that “ <u>The organisation is established for the purpose of promoting or improving the social, economic, and environmental wellbeing of</u> ”

	<p><i>that consists of or includes the neighbourhood area concerned...</i></p> <p>as evidenced by the 3 adverts placed in The Lindsell News by REDACTED, which state the following:</p> <p><i>“Are you interested in protecting and improving our parish?” – Lindsell News, January 2023 (please see Exhibit pages 15 & 16)</i></p> <p><i>“protecting”</i> is not mentioned in the <i>“express purpose”</i> stated above in Section 61F (5)a of the 1990 Act</p> <p><i>“It is proposed to strengthen the power of an adopted Neighbourhood Plan which gives us even more reason to push forward as fast as we can with the Lindsell Parish Neighbourhood Plan.”</i> – Lindsell News, March 2023 (please see Exhibit pages 17 & 18)</p>		<p><u>the area</u>” is in accordance with Section 61F (5)a of the 1990 Act.</p>
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	<p><i>“It is proposed to strengthen the power of an adopted Neighbourhood Plan” is not mentioned in the “express purpose” stated above in Section 61F (5)a of the 1990 Act</i></p> <p><i>“The earliest the new Local Plan is likely to be adopted is “approximately 2nd Quarter 2026”. Even more reason to establish our own Neighbourhood Plan.” – Lindsell News, October 2023 (please see Exhibit pages 19 & 20)</i></p> <p><i>“The earliest the new Local Plan is likely to be adopted is “approximately 2nd Quarter 2026”. Even more reason to establish our own Neighbourhood Plan.” is not mentioned in the “express purpose” stated above in Section 61F (5)a of the 1990 Act</i></p>		
8.	The list of 29 names does not have a written constitution. It has a “proposed” constitution, which is not the same thing. The “proposed” constitution has not been adopted.	Constitution not written and not adopted.	The Council is satisfied that the application was submitted with a written constitution that will be adopted by majority vote at the first Inaugural General Meeting as stipulated in the application.

	Despite my name being included in the list of 29 names, I have never been given an opportunity to make any comment on the “proposed” constitution prior to its submission in the application.	Not afforded opportunity to comment on constitution prior to submission of application.	Opportunities to comment were provided at Parish Meetings and the last being at the village fete in July 2023 where volunteers were on hand to answer questions.
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