

AGENDA ITEM NO. 19

PLANNING COMMITTEE

DATE	11 DECEMBER 2013
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ITEM	APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA (MARCH TOWN COUNCIL)
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1. PURPOSE/SUMMARY

This report is submitted to the Committee following the receipt of an application from March Town Council to designate a neighbourhood area, in accordance with the procedures contained in the adopted Fenland District Council Statement of Community Involvement.

2. KEY ISSUES

The purpose of this report is to provide the Committee with recommendations for the determination of March Town Council's application to designate a neighbourhood area. The reasoning behind said recommendations is included within this report. It is expected that the Committee will determine the application following consideration of the recommendations and the reasons provided.

3. RECOMMENDATION(S)

1. That March Town Council's application to designate a neighbourhood area is approved without amendment.
2. That the neighbourhood area is not designated as a business area.

Wards Affected	March East, March North and March West
Forward Plan Reference No. (if applicable)	N/A
Portfolio Holder(s)	Cllr Alan Melton – Leader Cllr Christopher Seaton – Deputy Leader Cllr Peter Murphy – Portfolio Holder for Strategic Planning
Report Originator(s)	Emma Naylor – Neighbourhood Strategy Officer Richard Kay – Neighbourhood Strategy Manager Gary Garford – Corporate Director
Contact Officer(s)	Emma Naylor – 01354 622558 (enaylor@fenland.gov.uk) Richard Kay – 01354 622347 (rkay@fenland.gov.uk) Gary Garford – 01354 622373 (garygarford@fenland.gov.uk)
Background Paper(s)	None

1. ORIGIN OF REPORT

- 1.1. This report is submitted to the Committee following the receipt of an application from March Town Council to designate a neighbourhood area, in accordance with the procedures contained in the adopted Fenland District Council Statement of Community Involvement (page 23).

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide the Committee with recommendations for the determination of March Town Council's application to designate a neighbourhood area. The reasoning behind said recommendations is included within this report. It is expected that the Committee will determine the application following consideration of the recommendations and the reasons provided.

3. CONSIDERATION OF APPLICATION

3.1 The Localism Act 2011

The Localism Act 2011 introduced (into the Town and Country Planning Act 1990) the concept of neighbourhood development plans and neighbourhood development orders. Neighbourhood development plans and orders can be prepared by a 'relevant body' (notably a parish council or recognised neighbourhood forum), for a designated neighbourhood area.

Neighbourhood plans and orders are optional. There is no statutory requirement for a plan or order to be prepared for any area.

Following the enactment of the Localism Act 2011, relevant bodies can opt to apply for the designation of an area as a neighbourhood area and, subject to the successful designation of the neighbourhood area, subsequently prepare a neighbourhood plan and/or order for said area.

3.2 Application

As a parish council, March Town Council automatically qualifies as a 'relevant body' under section 61G(2) of the Town and Country Planning Act 1990.

March Town Council proposes that the whole of the parish area be designated as a neighbourhood area.

The reason put forward by March Town Council for the area proposed was:

"The proposed area includes 100% of the town council boundary without infringing on other areas."

3.3 Factors for consideration

The appropriateness of the proposed neighbourhood area has been considered: consequently, the recommendations outlined at the start of this report are put forward for consideration by the Committee.

In line with section 61 of the Town and Country Planning Act 1990, the following factors have been taken into consideration as part of the assessment of the appropriateness of the area.

- i) Whether the specified area falls entirely within the Fenland District.
- ii) Whether the specified area, in whole or part, has already been designated as a neighbourhood area, and whether there are any other outstanding applications to designate any part of the area specified as a neighbourhood area.
- iii) The reasons provided by the parish/town council as to why the area is appropriate.
- iv) All representations received during the six week consultation period.

- v) Whether the proposed area should be designated as a business area.

4. CONSULTATION

- 4.1 March Town Council's application to designate a neighbourhood area was received on September 4 2013. A six week consultation period on the application ran from Monday 30 September 2013 to 5pm on Monday 11 November 2013. The application, and the opportunity to comment, were advertised on the Council's website, in the Business Reception at Fenland Hall, in the March '@ Your Service Shop', at March Library, at March Town Councils offices and on March Town Council's website.
- 4.2 During the six week consultation, a single formal comment was received. Separately, we received a small number of telephone calls and emails seeking understanding of the process (which we answered), but these did not constitute formal representations to the consultation. The one comment we received, by an agent acting on behalf of the Royal Mail Group, was:

	Comment
1	"No objection to the establishment of a neighbourhood area in March."

5. ANTICIPATED OUTCOMES

- 5.1 It is anticipated that the Committee will determine the application to designate a neighbourhood area following consideration of the recommendations and the reasons for these recommendations made herein.
- 5.2 The Committee are able to choose one of the following three options for the application: Option A, 'area approved, without amendment'; Option B, 'area approved, with minor amendments'; Option C 'minded to approve an area, but only if significant amendments are made which are subject to a further round of consultation'. The Committee is not permitted in law to reject the proposal outright.
- 5.3 The Committee must also decide whether it is appropriate to designate the area as a business area.

6. REASONS FOR RECOMMENDATIONS

6.1 Recommendations:

1. That March Town Council's application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment).
2. That the neighbourhood area is not designated as a business area.

6.2 Reasons for recommendations:

- i) The specified area falls entirely within Fenland District Council.
- ii) The specified area, in whole or part, has not already been designated as a neighbourhood area, and there are no other outstanding applications to designate any part of the area specified as a neighbourhood area.
- iii) The reason stated on the application form is considered justified.
- iv) Consultation responses (see 4.2):
One consultation response was received: the submission did not provide any comment on the proposed boundary.
- v) Paragraph 6.15 (page 23) of the Council's Statement of Community Involvement states that in reaching its decision on whether to designate a neighbourhood area as a business area, the Council will take into account whether the area is wholly or predominantly business in nature; the number of people residing in the area; and the results of public consultation. Although the parish has areas of business and industry, it's land uses are predominately residential and agricultural. Furthermore, no representations in relation to the designation of the area as a business area were received during the consultation period.

In light of these considerations, it is not deemed appropriate to designate the area as a business area. (Note: if the area was designated a business area it would mean additional work and a second referendum, as businesses must be consulted separately, and agree to separately, a Neighbourhood Plan in a business area, in addition to a referendum entirely for residents. In short, business area designations should be avoided unless an area is almost entirely business in nature with virtually nil residents).

6.3 Summary:

It is considered that the whole of the parish is a logical and appropriate area for designation as a neighbourhood area and that the neighbourhood area should not be designated as a business area.

7 ALTERNATIVE OPTIONS CONSIDERED

7.1 As outlined in Section 5 'Anticipated Outcomes', the options from which recommendation '1' above is selected and which are available to the Committee are:

Option A: 'area approved, without amendment';

Option B: 'area approved, with minor* amendments';

Option C: 'minded to approve an area, but only if significant* amendments are made which are subject to a further round of consultation'.

** Page 23 of the Statement of Community Involvement outlines what is classed as a 'minor' and 'significant' amendment.*

7.2 It is recommended that Options B and C are discounted. It is not considered that minor or significant amendments would result in a more appropriate or strategic neighbourhood area and as such it is not considered that either minor or significant amendments to the area would derive any benefits.

7.3 In relation to recommendation '2', the alternative option is that the neighbourhood area is designated as a business area. It is recommended that this option is discounted in light of the fact that the parish is not wholly or predominantly business in its nature, as is the criteria stipulated in the Localism Act 2011 for the designation of business areas.

8. IMPLICATIONS

The designation of the Neighbourhood Area will have some implications.

8.1 Legal Implications

The Council must act in accordance with the legislative requirements regarding neighbourhood planning (introduced via the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012 during the processing of applications to designate neighbourhood areas; and in accordance with the consultation and engagement arrangements described in the Fenland Statement of Community Involvement. These processes have been adhered to. The Committee must approve Option A, B or C for the application, but is not permitted to refuse the application outright.

8.2 Financial Implications

There are no significant financial implications associated with the designation of a neighbourhood area. There is however financial implications associated with the subsequent provision of assistance to the parish council and delivery of statutory requirements during the preparation and adoption stages of their neighbourhood plan and/or order. These will be met from existing budgets.

8.3 Cross-service Implications

The designation of a neighbourhood area has implications for the Communications Team: it will be required to prepare and issue a press release detailing the designation.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- One electronic response to the consultation on the proposed neighbourhood area, held on file.