

AGENDA ITEM NO. 11

PLANNING COMMITTEE

DATE **25 JUNE 2014**

ITEM **APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA
(TYDD ST GILES PARISH COUNCIL)**

1. PURPOSE/SUMMARY

This report is submitted to the Committee following the receipt of an application from Tydd St Giles Parish Council to designate a neighbourhood area, in accordance with the procedures contained in the adopted Fenland District Council Statement of Community Involvement (June 2013).

2. KEY ISSUES

The purpose of this report is to provide the Committee with recommendations for the determination of Tydd St Giles Parish 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 Tydd St Giles Parish 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	Roman Bank Ward
Forward Plan Reference No. (if applicable)	N/A
Portfolio Holder(s)	Cllr Will Sutton – Portfolio Holder for Neighbourhood Planning
Report Originator(s)	Graham Nourse – Head of Planning Emma Naylor – Neighbourhood Strategy Officer
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Background Paper(s)	None

1. ORIGIN OF REPORT

- 1.1. This report is submitted to the Committee following the receipt of an application from Tydd St Giles Parish Council to designate a neighbourhood area, in accordance with the procedures contained in the adopted Fenland District Council Statement of Community Involvement (page 23).
- 1.2. Committee may recall that they previously approved March Town Council's application to designate a neighbourhood area in December 2013. March Town Council's application was approved without amendment, and the neighbourhood area was not designated as a business area.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide the Committee with recommendations for the determination of Tydd St Giles Parish 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 to designate 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, Tydd St Giles Parish Council automatically qualifies as a 'relevant body' under section 61G(2) of the Town and Country Planning Act 1990.

Tydd St Giles Parish Council proposes that the whole of the parish area be designated as a neighbourhood area.

The reasons put forward by Tydd St Giles Parish Council for the area proposed are:

- "1. The Parish Council want to achieve a more orderly development in the growth of the area through a Neighbourhood Plan that reinforces, supports and complements FDC's [Fenland District Council's] Core Strategies.
2. The Parish Council proposes that the whole of the parish area to be designated as a neighbourhood area.
3. The proposed area includes 100% of the parish council boundary without infringing other areas.
4. The proposed area falls entirely within the Fenland District.
5. None of the proposed area, in whole or in part, has already been designated nor are there any outstanding applications to designate any party of the proposed area.

6. The proposed area should not be designated as a business area.”

3.3 Factors for consideration

The appropriateness of the proposed neighbourhood area has been considered, resulting in the recommendations outlined in part 6 of this report being put forth.

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 Tydd St Giles Parish Council’s application to designate a neighbourhood area was received on 10 April 2014. A six week consultation period on the application ran from 28 April 2014 to 5pm on 9 June 2014. The application, and the opportunity to comment, was advertised on the Council’s website, in the Business Reception at Fenland Hall, in the Wisbech ‘@ Your Service Shop’ and on notice boards within the parish of Tydd St Giles. A press release detailing the consultation was issued.

4.2 During the six week consultation, 15 comments were received. Of the comments received, 11 made no reference to the proposed area (instead commenting on matters such as the Parish Council’s intention to produce a neighbourhood plan, and the community meeting held to discuss the prospect of preparing a neighbourhood plan): as the consultation was on the appropriateness of the area proposed, comments relating to any other matter cannot be taken into consideration. Details of the 4 valid comments are provided below.

	Respondent	Comment
1	Councillor Gavin Booth (Parson Drove and Wisbech St Mary Ward)	“Thank you for the notification regarding Tydd St Giles application to designate the whole area as a Neighbourhood Planning area. I fully support this application and use of planning powers under the Localism Act. This principle should be supported and Parish and Town Councils should be supported in their applications, to determine planning policy at the local level.”
2	Member of public	“I fully support this application by our Parish Council.”
3	Anglian Water	“Thank you for the opportunity to comment on this application. However, we have no comment to make at this stage. Once the neighbourhood plan area is established and the plan progresses we will be pleased to make comment on the draft.”
4	Clerk to Sutton St James Parish Council	“Thank you for your email. The council considered this application at the Council Meeting held last night, and have no comment to make.”

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 Tydd St Giles Parish 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 the Fenland District.
- 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 reasons stated on the application form are considered justified.
- iv) Consultation responses (see 4.2):
Of the representations received, 2 were in support of the application. No representations were received which either proposed an alternative area or provided any reasoning as to why the area proposed is not suitable for the purpose of a neighbourhood area.
- v) Paragraph 6.15 (page 23) of the Fenland 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. The land uses within the parish 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 a second 'business' referendum in addition to a referendum for residents. In short, business area designations should be avoided unless an area is almost entirely business in nature).

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 are 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)

- 15 electronic responses to the consultation on the proposed neighbourhood area, held on file.