

**AGENDA ITEM NO. 9**

**PLANNING COMMITTEE**

**Date**            **27 April 2016**

**Item**            **Application to designate a neighbourhood area  
(Doddington Parish Council)**

**1. PURPOSE/SUMMARY**

This report is submitted to the Committee following the receipt of an application from Doddington 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 Doddington 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 Doddington Parish Council's application to designate a neighbourhood area is approved without amendment (option A).
2. That the neighbourhood area is not designated as a business area.

<b>Wards Affected</b>	March wards; Chatteris wards; Doddington and Wimblington; Benwick, Coates and Eastrea
<b>Forward Plan Reference No.</b> (if applicable)	N/A
<b>Portfolio Holder(s)</b>	Cllr Will Sutton – Portfolio Holder for Neighbourhood Planning
<b>Report Originator(s)</b>	Nick Harding – Head of Planning Emma Naylor – Neighbourhood Strategy Officer
<b>Contact Officer(s)</b>	Nick Harding – nharding@fenland.gov.uk Emma Naylor – enaylor@fenland.gov.uk
<b>Background Paper(s)</b>	None

## 1. ORIGIN OF REPORT

- 1.1. This report is submitted to the Committee following the receipt of an application from Doddington 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 Whittlesey Town Council's application to designate a neighbourhood area in April 2015, Parson Drove's application in January 2015, Tydd St Giles Parish Council's application in June 2014 and March Town Council's application in December 2013. All of these applications proposed to designate the whole of the respective parish area as a neighbourhood area: all were approved without amendment, and the neighbourhood areas were not designated as business areas.

## 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide the Committee with recommendations for the determination of Doddington 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

### The Localism Act 2011

- 3.1 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.
- 3.2 Neighbourhood plans and orders are optional. There is no statutory requirement for a plan or order to be prepared for any area.
- 3.3 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.

### Application

- 3.4 As a parish council, Doddington Parish Council automatically qualifies as a 'relevant body' under section 61G(2) of the Town and Country Planning Act 1990.
- 3.5 Doddington Parish Council proposes that the whole of the parish area be designated as a neighbourhood area.
- 3.6 The reasons put forward by Doddington Parish Council for the area proposed were:

*"Doddington Parish Council wish to designate the entire parish of Doddington as a neighbourhood area. Therefore, the boundary would be contiguous with, but not extend into, neighbouring parishes.*

*Doddington has been identified as a 'growth village' in the Fenland Local Plan. This allows for residential growth of up to 15% in the parish over the Plan period of 2011 to 2031. Doddington Parish Council supports the Local Plan growth aspirations for Doddington. However, it is keen to have a significant role in shaping the location and nature of this growth and to ensure that the opportunities for community benefits resulting from this development are maximised."*

### Factors for consideration

- 3.7 The appropriateness of the proposed neighbourhood area has been considered, resulting in the recommendations outlined in part 6 of this report being put forth.
- 3.8 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 four week consultation period.
  - v) Whether the proposed area should be designated as a business area.

## 4. CONSULTATION

- 4.1 Doddington Parish Council's application to designate a neighbourhood area was received on 11 February 2016. A four week consultation period on the application ran from 4 March to 11:59pm on 31 March 2016. The application, and the opportunity to comment, were advertised on the Council's website, in the Business Reception at Fenland Hall, in the Chatteris Community Hub and March @ Your Service Shop, and on the parish council notice board in Doddington. A press release detailing the consultation was issued.
- 4.2 During the four week consultation, two responses were received.

	Respondent	Comment
1	Member of public	<p>"Just have some concerns around the parish council plan for our village.</p> <p>My first question is why are we preparing a plan, when the below text is written on the fenland district council web site. 'The preparation of neighbourhood plans and orders is optional: parish and town councils are under no obligation to prepare a neighbourhood plan or order'. Are we not putting ourselves in a weak position, and setting the village up to be vulnerable, and sending a message that growth is possible.</p> <p>My next question is around the boundary, is this an extension to the current parish council boundary? Again if this an extension are we going to over commit to looking after extra area, putting a strain on costs?</p> <p>The text below is very concerning, once again taken off the fenland web site. Doddington has been identified as a 'growth village' in the Fenland Local Plan. This allows for residential growth of up to 15% in the parish over the plan period of 2011 to 2031. Doddington Parish Council supports the Local Plan growth aspirations for Doddington. However, it is keen to have a significant role in shaping the location and nature of this growth and to ensure that the opportunities for community benefits resulting from this development are maximised'</p> <p>Currently the village has around 1000 houses, a 10% increase in houses would mean over 100 new ones! At 2.4 children per house hold would mean</p>

		<p>41 new pupils into the school, meaning accommodating 1.5 new classes, when there is no space for this! At 4 people per house hold, would mean 400 new doctors places to be found! At 2 cars cars per house average would mean an extra 200 cars on the village roads, when already they are busy. The village drain system is creaking now, without this extra strain on it. Why does the parish council support this plan? It seems on the face of it that this has been ill thought through.</p> <p>Would look forward to your answers to why this was though through as a good idea, and was the village consulted before we dived into this, and how we are going to get out of it!"</p>
2	Gladman Developments Ltd	<p>"This letter provides Gladman Developments Ltd (Gladman) representations on the application made by Doddington Parish Council for the designation of a Neighbourhood Area, for the purposes of preparing a Neighbourhood Development Plan.</p> <p>At this stage Gladman have no specific comments to make on the application for the Neighbourhood Area designation. However, as the first formal stage of preparing a Neighbourhood Plan, Gladman would like to take the opportunity to comment on the Doddington Neighbourhood Area application to highlight a number of key requirements to which the development of the emerging Neighbourhood Plan should have regard. Gladman wish to participate in the Neighbourhood Plan's preparation and to be notified of further developments and consultations in this regard."</p> <p>[the response goes on to explain a number of key neighbourhood planning requirements. See appendix for copy of full response]</p>

4.3 Response 1 above made no comment in relation to the suitability of the proposed neighbourhood area: as the consultation was on the appropriateness of the area proposed, comments relating to any other matter cannot be taken into consideration.

## 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 Doddington 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):  
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 (as amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015) 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)

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