

**AGENDA ITEM NO. 8**

**PLANNING COMMITTEE**

**DATE**            **29 APRIL 2015**

**ITEM**            **APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA  
(WHITTLESEY TOWN COUNCIL)**

**1. PURPOSE/SUMMARY**

This report is submitted to the Committee following the receipt of an application from Whittlesey Town 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 Whittlesey 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 Whittlesey Town 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>	Kingsmoor Whittlesey; Lattersey Whittlesey; Bassenhally Whittlesey; Delph Whittlesey; St Andrews Whittlesey; St Marys Whittlesey
<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>	Graham Nourse – Head of Planning Emma Naylor – Neighbourhood Strategy Officer
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<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 Whittlesey 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).
- 1.2. Committee may recall that they previously approved March Town Council's application to designate a neighbourhood area in December 2013, Tydd St Giles Parish Council's application in June 2014 and Parson Drove's application in January 2015. All of these applications 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 Whittlesey 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

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

*"We wish to apply for the Parish of Whittlesey to be designated as a Neighbourhood area. As an established administrative area, the Town Council feel that it is a logical area for designation as a Neighbourhood area.*

*Furthermore the area proposed does not infringe on other geographical areas outside the parish it falls entirely in the geographical area of the Fenland District and none of the area in whole or part has already been designated as a neighbourhood area, nor are there any outstanding applications to designate any part of the area proposed."*

### 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 Whittlesey Town Council's application to designate a neighbourhood area was received on 19 February 2015. A four week consultation period on the application ran from 12 March to 5pm on 9 April 2015. The application, and the opportunity to comment, were advertised on the Council's website, in the Business Reception at Fenland Hall, in the Whittlesey Community Hub and on notice boards within the parish. A press release detailing the consultation was issued.

4.2 During the four week consultation, 4 responses were received. Of the responses received, 1 made no reference to the proposed area (instead commenting on decision making rights and transparency in decision making): 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 3 valid comments are provided below.

	<b>Respondent</b>	<b>Comment</b>
1	Member of public	"I would like to offer my support for the proposed Whittlesey Neighbourhood area - I feel that this is a very good idea and long overdue!!"
2 & 3	2 x members of the public	"We would welcome the creation of a Whittlesey Neighbourhood Area. It will give the people of the Parish of Whittlesey the opportunity to be involved in the preparation of the Plan and help create a pleasing environment for future generations."

#### 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 Whittlesey 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 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):  
One response expressed specific support for the area that the town council has proposed as a neighbourhood area. 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)

- 3 electronic responses (one email represented the comments from 2 individuals) to the consultation on the proposed neighbourhood area, held on file.