

APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA BY SUTTON PARISH COUNCIL

Committee: Full Council

Date: 8th January 2015

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[P156]

1.0 ISSUE

- 1.1 To determine Sutton Parish Council's application to designate Sutton Parish as a Neighbourhood Area.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that :

- i. Members approve the application by Sutton Parish Council to designate Sutton Parish as a Neighbourhood Area without amendment, subject to any material representations received towards the end of the consultation period which have not been captured at the time of writing this report.
- ii. Members do not designate the Neighbourhood Area as also being a Business Area.

3.0 BACKGROUND/OPTIONS

- 3.1 Sutton Parish Council's application to designate a Neighbourhood Area was received 6th November 2014 – see Appendix 2. Designation as a Neighbourhood area is the first step towards preparing a Neighbourhood Plan or Order. For full background details on neighbourhood planning, please see separate agenda item.
- 3.2 As required by the legislation, a six week consultation on the application ran from 19th November until 31st December 2014. The application and the opportunity to comment were advertised on the District Council's website, the Shape Your Place website, the Church magazine and on notice boards in the village including those at Sutton Primary School, Sutton Post Office, Scott Court and the Parish Office. All the parishes in East Cambridgeshire were notified, together with adjacent parishes/town councils in other districts. The Council also notified all Ward Members, statutory consultees and individuals/organisations on the local planning authority's consultation data base. A link to the relevant page on the Council's website is as follows: <http://www.eastcambs.gov.uk/local-development-framework/neighbourhood-planning>.
- 3.3 At the time of writing this report, the consultation is still open. Whilst this is the first Neighbourhood Area application in East Cambridgeshire, experience elsewhere indicates that the quantity of representations received during an Area Designation stage is often low. At the time of writing this report, fifteen responses have been received of which seven are from statutory consultees.

Appendix 1 contains a summary of the representations received and, where appropriate, the authority's responses. As the consultation is ongoing Appendix 1 is

not yet available and will be published and sent out to Members on 6th January. In addition to this copies of Appendix 1 will be tabled at the meeting of Full Council.

- 3.4 The power to designate a Neighbourhood Area is exercisable under section 61G of the Town and Country Planning Act 1990. Under Regulation 5(1) of The Neighbourhood Planning (General) Regulations 2012, an area application has to include a map which identifies the area to which the application relates, a statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area and a statement that the body making the application is a relevant body for the purposes of section 61G(2) of the 1990 Act.
- 3.5 Being a parish council, Sutton Parish Council automatically qualifies as a 'relevant body'. The application is for the whole parish area of Sutton to be designated as a Neighbourhood Area and so satisfies section 61G(3) of the Act. The application is, therefore, valid and hence was consulted upon.
- 3.6 In determining the application, consideration has to be given as to whether or not the specified area is an appropriate area to be designated as a Neighbourhood Area.
- 3.7 Under Section 61 of the Town and Country Planning Act, the following factors are taken into account as part of the assessment of the appropriateness of the area:
 - Whether the specified area falls entirely within East Cambridgeshire District Council's area;
 - 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;
 - The reasons provided by the Parish Council as to why the area is appropriate;
 - All representations received during the 6 week consultation period;
 - Whether the proposed area should be designated as a business area.

The authority is not permitted in law to reject the proposal outright.

- 3.8 East Cambridgeshire District Council therefore has to choose one of the following options:
 - 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
- 3.9 In relation to the matter of whether to also designate the area as a 'Business Area', the Localism Act, Schedule 9, Part 1, requires that whenever a Council considers an application to designate a Neighbourhood Area that it also considers whether the area should be designated as a Business Area. A key factor in this decision is whether the area concerned is wholly or predominantly business in nature. In simple terms, if an area is designated as a Business Area, then businesses that operate in the area have a much greater say over future neighbourhood planning proposal in the area, even if the occupiers of such businesses don't live in the area. Nationally, very few areas are designated as Business Areas, and it would be surprising if any proposal in East Cambridgeshire (not just Sutton) was designated as a Business Area.

4.0 ARGUMENTS/CONCLUSIONS

- 4.1 The application has been appraised against the criteria set out in paragraph 3.7:
- The specified area falls entirely within East Cambridgeshire District Council area.
 - 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.
 - The reasoning stated on the application form is considered to be justified.
 - Representations to date do not justify any alternative boundary for the Neighbourhood Area to be designated.
- 4.2 It is considered that designation of the whole of the parish is a logical and appropriate area. Nationally, this is by far the most common area to designate (i.e. aligned to a parish boundary), and there would have to be exceptional reasons not to do so. No such exceptional reasons occur in the instance for Sutton Parish, and no representations received to date have suggested a change.
- 4.3 In terms of whether the Neighbourhood Area should be designated as a Business Area, the parish of Sutton does have a business park but the parish as a whole is clearly not wholly or predominantly business in nature. It should not, therefore, be designated as a Business Area.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 There are no financial implications associated with the designation of a neighbourhood area. However, during the preparation and adoption stages of any neighbourhood plan and/or order, there will be financial implications arising from the provision of assistance and delivery of the authority's legal obligations prescribed by primary and secondary legislation. These will be met from existing budgets. Further broader financial details can be found in the separate agenda item.
- 5.2 An Equality Impact Assessment is not required.

6.0 APPENDICES

- 6.1 Appendix 1: Summary of comments received with officer responses where appropriate.
- 6.2 Appendix 2: Letter from Sutton Parish Council received 6th November 2104 together with a map of the neighbourhood area.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
None	Room 12 The Grange Ely	Richard Kay Position: Strategic Planning Manager E-mail: richard.kay@eastcambs.gov.uk

Appendix 2: Application by Sutton Parish Council

Letter from Sutton Parish Council relating to the designation of a Neighbourhood Area



Mrs R A Seymour FILCM
Parish Clerk
The Glebe
4 High Street
Sutton
Ely
Cambs
CB6 2RB

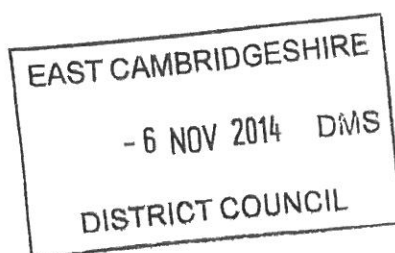
Tel: 01353 777189

Email: mail@suttonpc.org.uk

Forward Planning Department
East Cambs District Council
The Grange
Nutholt Lane
Ely
Cambs

4th November 2014

Dear Sirs



Re: Application for designation of a Neighbourhood Area.

Sutton Parish Council hereby formally applies for a designation of the Neighbourhood area in respect of Sutton Parish. This is required by Part 2, paragraph 5, of the Neighbourhood Planning (General Regulations 2012). We provide a map showing the area to which this area application relates. This follows the parish council boundary.

A working party of the parish council carefully considered whether dwellings (houses or businesses) just adjacent to the boundary should be included. One was identified and consulted, and whilst they agreed they would wish to be included, on consulting with their Parish Council it was identified that the neighbouring Parish Council are proposing to undertake their own Neighbourhood Plan. It was therefore resolved at the Parish Council meeting on the 28th October 2014 that the Neighbourhood Plan area for Sutton be the parish boundary.

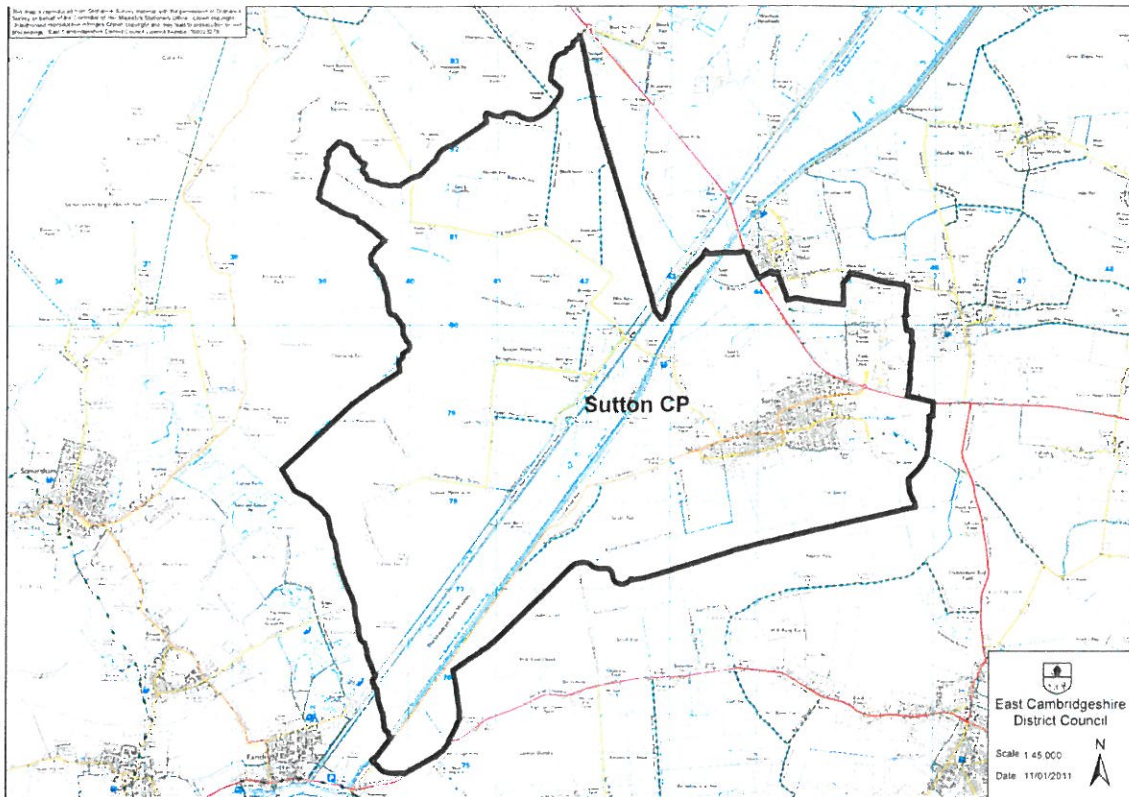
Sutton Parish Council is the relevant body authorized to act in relation to this proposed Neighbourhood area, as defined by Schedule 9, Part 1 (paragraph 61G, sub-section 2 (a) of the Localism Act 2011.

Yours faithfully

Mrs R A Seymour BA (Hons) FILCM
Clerk to Sutton Parish Council

Enc. Map of designated area.

Map submitted by Sutton Parish Council showing proposed boundaries for the Neighbourhood Plan Area



Supplementary Item for East Cambridgeshire Full Council Meeting of 8 January 2015

The following Item comprises Appendix 1 to agenda item 10 of the meeting.

Appendix 1: Summary of Comments Received to Sutton Parish Council's Neighbourhood Area application

Respondent and their representation	ECDC Officer Comments (if necessary)
Middle Level Commissioners have advised that any neighbourhood plan area should have regard to land drainage legislation and relevant Internal Drainage Board byelaws.	Noted, but not relevant to the matter of Area Designation
Natural England (NE) has highlighted that the proposed Sutton Neighbourhood Area incorporates the nationally and internationally designated Ouse Washes Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. The Neighbourhood Plan will therefore be required to demonstrate that policies will not have an adverse effect on the notified interest features of this statutorily designated site.	Noted, but not relevant to the matter of Area Designation. The response will be forwarded to Sutton Parish Council.
Cambridgeshire County Council has no specific comments	Noted
Norfolk County Council does not have any objection to this designation	Noted
Sport England has stated that is important therefore that the Neighbourhood Plan reflects national policy for sport as set out in the above document with particular reference to Pars 73 and 74 to ensure proposals comply with National Planning Policy. It is also important to be aware of Sport England's role in protecting playing fields and the presumption against the loss of playing fields (see link below), as set out in our national guide	Noted, but not relevant to the matter of Area Designation
English Heritage has no objection to the designation of Sutton parish as a Neighbourhood Area and the proposed boundaries. A preliminary desktop study of the area covered by the proposed Neighbourhood Plan has shown the parish includes a number of designated heritage assets including the Sutton Conservation Area, which includes 11 listed buildings. Primary and secondary sources of information are mentioned to assist with preparation of a neighbourhood plan.	Noted; the response will be forwarded to Sutton Parish Council at English Heritage's request after the designation is made.
Anglian Water has no comments on the area of designation and	Noted

has offered standing advice in respect of flood and water management.	
The Marine Management Organisation has no comments.	Noted
The Highways Agency has no comments to make as this (application) does not affect the trunk road or the management and maintenance there of.	Noted
The Coal Authority has no specific comments	Noted
The Environment Agency have no objections in principle to a plan. However, the Agency observes that the proposed plan area contains part of the Ouse Washes. The designations to note are the Functional Floodplain, and extensive floodplain alongside it behind raised defences. Parts of the NP area are also a SPA/RAMSAR/SSSI site. The Agency suggest that future work on the plan makes it very clear that there is no proposed development in vicinity of the SPA and is kept out of the Flood Zones 2 and 3. This will means that the plan is less likely to require SEA, Appropriate Assessment and the various evidence that would need to inform these processes. The Agency would welcome early consultation in the concept and objective making stages to see if there are any related issues that may be showstoppers or opportunities for further development	Noted, but not relevant to the matter of Area Designation. The full response will be forwarded to Sutton Parish Council after the designation is made.
Four members of the public submitted comments in support of the application	Noted
One Planning Consultant wrote in support on behalf of clients with interests in the parish.	Noted
Two members of the public asked general questions about neighbourhood planning	Bespoke replies were given by officers. Matters not relevant to Area Designation