

## AGENDA ITEM NO 10

### APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA BY SUTTON PARISH COUNCIL

Committee: Full Council

Date: 8<sup>th</sup> January 2015

Author: Richard Kay – Strategic Planning Manager

[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 6<sup>th</sup> 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 19<sup>th</sup> November until 31<sup>st</sup> 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.eastcamb.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 6<sup>th</sup> 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 6<sup>th</sup> November 2104 together with a map of the neighbourhood area.

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<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: <a href="mailto:richard.kay@eastcambs.gov.uk">richard.kay@eastcambs.gov.uk</a>

## 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

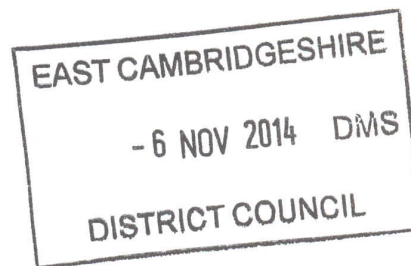
Tel: 01353 777189

Email: mail@suttonpc.org.uk

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

4<sup>th</sup> 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 28<sup>th</sup> 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

A handwritten signature in purple ink that reads 'Zoni Seymour'.

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

