

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
11 JUNE 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Marco Cereste Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
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NEIGHBOURHOOD PLANNING - APPLICATIONS TO DESIGNATE NEIGHBOURHOOD AREAS (DEEPING GATE PARISH COUNCIL; GLINTON PARISH COUNCIL; NORTHBOROUGH PARISH COUNCIL; AND PEAKIRK PARISH COUNCIL)

R E C O M M E N D A T I O N S	
FROM : Head of Planning, Transport and Engineering Services	Deadline date : 11 June 2013
<p>That the Committee agree:</p> <ol style="list-style-type: none"> 1. That Deeping Gate Parish Council's application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment); 2. That Glinton Parish Council's application to designate a neighbourhood area is approved subject to an amendment that includes the whole of the parish area (Option B - approval with minor amendments); 3. That Northborough Parish Council's application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment); 4. That Peakirk Parish Council's application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment); and 5. That none of the four neighbourhood areas should be designated as business areas. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Committee following the receipt of applications from Deeping Gate, Glinton, Northborough and Peakirk Parish Councils for the designation of neighbourhood areas and in accordance with the procedures contained in the adopted Peterborough City Council Statement of Community Involvement (page 36).

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to provide the Committee with recommendations for the determination of the applications from Deeping Gate, Glinton, Northborough and Peakirk Parish Councils to designate neighbourhood areas. The reasoning behind said recommendations is included within this report. It is expected that the Committee will

determine the four applications following consideration of the recommendations and reasons provided.

- 2.2 This report is for the Committee to consider under its Terms of Reference in paragraph 2.5.1.1 and Schedule 2.5.3 of part 3, section 2, of the Constitution, to exercise the functions of the Council under the Town and Country Planning Act 1990, specifically “Determination of applications to designate a neighbourhood area (including whether the designated area should be a business area).”

3. **TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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4. **CONSIDERATION OF APPLICATIONS**

4.1 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 for the designation of 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.

4.2 Applications

As parish councils, Deeping Gate, Glinton, Northborough and Peakirk Parish Councils automatically qualify as relevant bodies under section 61G(2) of the Town and Country Planning Act 1990.

The areas proposed in the four applications are summarised below, along with the reasons stated by the Parish Councils as to why the proposed areas are suitable.

Deeping Gate: designation of the whole of the parish area as a neighbourhood area. Reason stated: “the Parish Council believes the most sensible neighbourhood area designation is for the whole of the parish to be designated”.

Glinton: designation of only the village envelope (as defined in the Peterborough City Council Site Allocations DPD 2012) as a neighbourhood area.

Reason stated: “[the village envelope] is the most sensible designation due to the size of the overall parish”.

Glinton Parish Council subsequently submitted a representation during the consultation period requesting that the area should be extended to include the whole of the parish.

Northborough: designation of the whole of the parish area as a neighbourhood area. Reason stated: “the area includes the whole of Northborough parish”.

Peakirk: designation of the whole of the parish area as a neighbourhood area.

Reason stated: “the Parish Council believes the most sensible neighbourhood area designation is for the whole of the parish to be designated”.

4.3 Factors for consideration

The appropriateness of the proposed neighbourhood areas has been considered: consequently, the recommendations outlined at the start of this report are put forward for consideration by the Committee.

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 each area.

- i) Whether the specified area falls entirely within Peterborough City Council's area.
- 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 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.

5. CONSULTATION

5.1 The four applications were received on: Deeping Gate, 7 February 2013; Glinton, 11 March 2013; Northborough, 20 March 2013; Peakirk, 4 March 2013. A six week consultation period on the four separate applications ran from 5 April 2013 to 5pm on 16 May 2013. The applications, and the opportunity to comment, were advertised on the Council's website and on all relevant parish notice boards. All adjoining parish councils and South Kesteven District Council (adjoining local planning authority) were notified. Councillors representing the wards containing these parishes were notified.

5.2 During the six week consultation, the following comments were received.

Parish application	Comments
Deeping Gate	<p>1) "I write to commend the initiative in a very general sense - increased participation in the planning process is of course to be welcomed.</p> <p>I have a concern about the narrow geographical breadth of the bid. It may not always make sense for neighbourhood areas to be based only on historic parish boundaries and I ask if thought had been given to the two parishes [Deeping Gate and Northborough] working together to combine forces. The area is of a singular nature and character, with the two settlements linked by common roads and countryside."</p> <p>2) "I fully support the Parish Council's proposal to create a Neighbourhood Plan for the whole of the parish and not just the village envelope.</p> <p>I believe that this will be a positive move and will give local people a better say in how and where development in Deeping Gate takes place. After all we the ones who will have to live with the consequences of any new development."</p> <p>3) "I fully agree with the Parish Council that it should have Neighbourhood status.</p>

	<p>It is far better that local people have a say in how the parish should develop as it is us that have to live with the consequences of any new development.”</p> <p>4) “I totally agree with Deeping Gate Parish Council that we should be a neighbourhood area.</p> <p>I have lived in Deeping Gate for 42 years and believe that all residents have a great knowledge of what planning needs best suit us.</p> <p>We elect our Parish Council to protect our interests and I have great faith in them.”</p>
Glinton	<p>1) “During a meeting held on 16 April 2013 it was resolved by members of Glinton Parish Council to extend the proposed designated [<i>sic</i>] Neighbourhood Area [designation] from the Village Envelope to include the whole of the Parish Boundary.</p> <p>The reason for the change is that Planning Applications are received occasionally for properties that are outside the Village Envelope but still within the Parish Boundary.”</p>
Northborough	<p>1) “I write to commend the initiative in a very general sense - increased participation in the planning process is of course to be welcomed.</p> <p>I have a concern about the narrow geographical breadth of the bid. It may not always make sense for neighbourhood areas to be based only on historic parish boundaries and I ask if thought had been given to the two parishes [Deeping Gate and Northborough] working together to combine forces. The area is of a singular nature and character, with the two settlements linked by common roads and countryside.”</p>
Peakirk	<i>No comments received</i>

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that the Committee will determine the four applications to designate neighbourhood areas following consideration of the recommendations and the reasons for these recommendations made herein. The Committee are able to chose one of the following three options for each 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 proposals outright.
- 6.2 The Committee must also decide whether it is appropriate to designate any of the four areas as business areas.

7. REASONS FOR RECOMMENDATIONS

7.1 Deeping Gate

Recommendation: Option A (approve without amendment)

Reasons for recommendation:

- i) The specified area falls entirely within Peterborough City Council's area.
- 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 reason stated on the application form is considered justified.
- iv) Consultation responses (see 5.2):

One of the responses received during the consultation period specifically supported the designation of the whole of the parish. Another representation received expressed concern for the "narrow geographical breadth of the bid" and questioned the option of Deeping Gate and Northborough Parish Councils working together. Two further responses were received which expressed support for the designation of the neighbourhood area. It is considered that the allocation of separate neighbourhood areas in each parish (and thus the preparation of separate neighbourhood plans) is a logical approach which will allow policy distinctions between the two parishes to be made and any differing qualities and issues of the parishes to be addressed if desired. (It is worth noting that the four parishes have expressed that it is their intention to progress through the neighbourhood planning process together, in order to share expertise and resources. Therefore it is envisaged that this will lead to some extent of collaborative working which will address any interrelated matters or issues that arise. It should be noted however that the parishes are not obliged to maintain this intention and may later chose to progress individually).
- v) As the area is not of a predominantly business nature and given the residential occupation within the area, it is deemed that it would be inappropriate to designate the area as a business area.

Summary: It is considered that the whole of the parish is a logical and appropriate area for designation as a neighbourhood area. As a rural area, it is considered that designation of only part of the parish would lead to a fragmented approach within the area.

7.2 Glinton

Recommendation: Option B (approve with minor amendments). It is recommended that the area is expanded to include the whole of the parish area.

Reasons for recommendation:

- i) The specified area falls entirely within Peterborough City Council's area.
- 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 reason stated on the application form does not provide sufficient reasoning for the designation of only the village envelope: while it is implied that the parish area is too large, no explanation is provided as to why the smaller area of the village envelope is suitable and why the parish area is unsuitable.
- iv) Consultation response (see 5.2 above):

Glinton Parish Council submitted a representation on its own application during the consultation period. Its request to extend the neighbourhood area proposal to include the whole of the parish council further supports the notion that the parish area is a logical and suitable area to designate.
- v) As the area is not of a predominantly business nature and given the residential occupation within the area, it is deemed that it would be inappropriate to designate the area as a business area.

Summary: It is considered that the designation of only the village envelope as a neighbourhood area is not preferable. Due to the rural nature of the area, it is felt that the designation of only part of the parish would lead to a fragmented approach within the area, and may result in some or all of the remaining parish area being excluded from the neighbourhood planning process (i.e. it is unknown whether the parish council will apply to designate any further neighbourhood areas within the parish boundary). In light of this and of the comment received during the consultation period, it is considered that the whole of

the parish is a logical and appropriate area for designation of a neighbourhood area. Therefore it is recommended that the amendment of the area to include the whole parish area is approved.

7.3 Northborough

Recommendation: Option A (approve without amendment)

Reasons for recommendation:

- i) The specified area falls entirely within Peterborough City Council's area.
- 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 reason stated on the application form is considered justified.
- iv) Consultation response (see 5.2 above):
The representation received expressed concern for the "narrow geographical breadth of the bid" and questioned the option of Deeping Gate and Northborough Parish Councils working together. It is considered that the allocation of separate neighbourhood areas in each parish (and thus the preparation of separate neighbourhood plans) is a logical approach which will allow policy distinctions between the two parishes to be made and any differing qualities and issues of the parishes to be addressed if desired. (It is worth noting that the four parishes have expressed that it is their intention to progress through the neighbourhood planning process together, in order to share expertise and resources. Therefore it is envisaged that this will lead to some extent of collaborative working which will address any interrelated matters or issues that arise. It should be noted however, that the parishes are not obliged to maintain this intention and may later chose to progress individually).
- v) As the area is not of a predominantly business nature and given the residential occupation within the area, it is deemed that it would be inappropriate to designate the area as a business area.

Summary: It is considered that the whole of the parish is a logical and appropriate area for designation of a neighbourhood area. As a rural area, it is considered that designation of only part of the parish would lead to a fragmented approach within the area.

7.4 Peakirk

Recommendation: Option A (approve without amendment)

Reasons for recommendation:

- i) The specified area falls entirely within Peterborough City Council's area.
- 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 reason stated on the application form is considered justified.
- iv) No representations were received during the consultation period in objection to the proposed area.
- v) As the area is not of a predominantly business nature and given the residential occupation within the area, it is deemed that it would be inappropriate to designate the area as a business area.

Summary: It is considered that the whole of the parish is a logical and appropriate area for designation of a neighbourhood area. As a rural area, it is considered that designation of only part of the parish would lead to a fragmented approach within the area.

8. **ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 As outlined in Section 6 'Anticipated Outcomes', the options on which the above recommendations are based and which are available to the Committee during the determination of each of the four applications 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 36 of the Statement of Community Involvement outlines what is classed as a 'minor' and 'significant' amendment.*

The paragraphs below highlight why it is recommended that the alternative options are discounted.

8.2 **Deeping Gate**

It is recommended that Options B and C are discounted for the following reason:

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 an amendment to the area would derive any significant benefits.

8.3 **Glington**

It is recommended that Options A and C are discounted for the following reasons:

It is recommended that Option A is discounted for the reasons outlined in paragraph 7.2.

It is recommended that Option C is discounted because amendment of the proposed area to include the whole parish is classed as a 'minor' amendment in this case and therefore is under the remit of Option B. It is not considered that a significant amendment (to change the area but not to include the whole of the parish) would result in a more appropriate or strategic neighbourhood area and as such it is not considered that a significant amendment to the area would derive any considerable benefits.

8.4 **Northborough**

It is recommended that Options B and C are discounted for the following reason:

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 an amendment to the area would derive any significant benefits.

8.5 **Peakirk**

It is recommended that Options B and C are discounted for the following reason:

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 an amendment to the area would derive any significant benefits.

9. **IMPLICATIONS**

9.1 The designation of the Neighbourhood Area will have some implications.

9.2 **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 Peterborough Statement of Community Involvement. These processes have been adhered to. The Committee must approve Option A, B or C for each application, but is not permitted to refuse an application outright.

9.3 **Financial Implications**

There are no 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 councils and delivery of statutory requirements during the preparation and adoption stages of their neighbourhood plans and/ or orders. These will be met from existing budgets.

9.4 **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/s.

10. **BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- 5 written responses to consultation on proposed neighbourhood areas, held on file.