

REPORT TO:	Planning Policy Committee, 8 June 2023
SUBJECT:	Middleton-on-Sea - Designation of a Neighbourhood Area
LEAD OFFICER:	Kevin Owen, Planning Policy & Conservation Manager
LEAD MEMBER:	Chair of Planning Policy Committee
WARDS:	Middleton-On-Sea
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The recommendations supports:- <ul style="list-style-type: none"> • Improving the wellbeing of Arun. • Delivering the right homes in the right places. • Enabling communities to play a stronger role in shaping where they live and work. 	
DIRECTORATE POLICY CONTEXT:	
The proposals will help to enhance the quality of the natural and built environment, protect the district's natural and heritage assets and to promote sustainable growth.	
FINANCIAL SUMMARY:	
There are no financial implications arising from the area designation for Middleton-On-Sea neighbourhood area.	

1. PURPOSE OF REPORT

- 1.1. This report seeks Planning Policy Committee's agreement to recommend to Full Council to designate Middleton-On-Sea as a neighbourhood area and that it be not designated as a business area. The decision to be made is whether the specified area is an 'appropriate area to be designated as a Neighbourhood Area'.

2. RECOMMENDATIONS

- 2.1. That Planning Policy Committee recommends to Full Council that:-

The specified area is designated without modification, as the Middleton-on-Sea Neighbourhood Area, for the reasons set out in the application and in light of the results of the public consultation which did not receive any representations

3. EXECUTIVE SUMMARY

- 3.1. Middleton-On-Sea Parish Council applied to Arun District Council for designation as a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012- Regulation 5. Arun District Council publicised the area application as required under Part 2- Regulation 6 and the next stage is for the Council to agree and designate the neighbourhood area at Full Council on 19th July 2023.

4. DETAIL

- 4.1. The power to designate an area as 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 No.637, an area application has to include a map which identifies the area to which the area 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 area application is a relevant body for the purposes of section 61G(2) of the 1990 Act.
- 4.2. Middleton-On-Sea Parish Council as the 'relevant body' applied for designation of neighbourhood area to Arun District Council (ADC). The specified area includes the whole of the parish boundary and the submission complied with the Regulations.
- 4.3. This is the first area designation application made to the Council as local planning authority for this area and so, in determining this application, the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas does not fall to be considered under section 61G(4)(b) of the Act.
- 4.4. The reasons explaining why this specified area is considered appropriate are set out in the application for designation namely that the area is appropriate to be designated as a neighbourhood area as it is the Parish boundary and the local community wishes to have influence and involvement in the shaping of the future of Middleton-on-Sea. The application for designation has been publicised in accordance with Regulation 6 of The Neighbourhood Planning (General) Regulations 2012.
- 4.5. In determining the application for designation of an area as a Neighbourhood Area, regard must be had to the desirability of designating the whole of the area of a parish council as a neighbourhood area as required under Section 61G(4)(a) of the Act. In parished areas, the parish boundary is the same as the neighbourhood area.
- 4.6. If the application is approved, Regulation 7(1) of The Neighbourhood Planning (General) Regulations 2012 requires the designation to be publicised. If the application is refused, reasons must be given under section 61G(9) of the 1990 Act and Regulation 7(2) of the Regulations requires the decision to be publicised.
- 4.7. The Parish can continue to develop their plan during the entire time.

5. CONCLUSION

- 5.1. The specified area is an 'appropriate area to be designated as a Neighbourhood Area' in accordance with the Neighbourhood Planning (General) Regulations 2012.

6. CONSULTATION

- 6.1. The application for designation as a Neighbourhood Area was publicised for public consultation for a period of 6 weeks from 1st February 2023 to 15th March 2023 (closing 5 pm). **There were no responses received during the consultation period.**

7. OPTIONS / ALTERNATIVES CONSIDERED

- 7.1. The Council can choose to agree the specified area, without modification, is appropriate to be designated as the Middleton-On-Sea Neighbourhood Area for the reasons set out in the application and in light of the results of the public consultation which did not receive any representations, or The Council can choose not to designate this area. The risk is that Arun District Council would not have any justification for not designating the area and would not be complying with the Regulations.

8. COMMENTS BY THE GROUP HEAD OF CORPORATE SUPPORT/SECTION 151 OFFICER

- 8.1. There are no corporate support implications to note.

9. RISK ASSESSMENT CONSIDERATIONS

- 9.1. Implementing the recommendation will minimise the risk that the Council will fail its statutory duty.

10. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 10.1. Planning Policy Committee is asked to designate the area covered by Middleton-on-Sea Parish as a “neighbourhood area” under Regulation 5 of Part 2 of the Neighbourhood Planning (General) Regulations 2012. A “neighbourhood area” means an area within the area of a local planning authority in England which has been designated by the authority as a neighbourhood area [section 61G2 Town and Country Planning Act 1990]. Middleton-on-Sea is a Parish Council. A Parish Council is both a “relevant body” under the 1990 Act and also a “qualifying body” under section 38A(12) of the Planning and Compulsory Purchase Act 2004.
- 10.2. The significance of this decision is that any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan for a neighbourhood area. This means that the Parish Council will be able to promote a neighbourhood development plan for their area.
- 10.3. Committee is also asked to consider whether to recommend that the specified area be also designated as a “business area”. Consideration of this question is required whenever an application for designation is made. The report confirms that the qualification for treating this as a business area do not exist.

11. HUMAN RESOURCES IMPACT

11.1. There are no human resources implications.

12. HEALTH & SAFETY IMPACT

12.1. No direct health and safety impacts have been identified in relation to the proposals.

13. PROPERTY & ESTATES IMPACT

13.1. There are no direct implications for Council property and estates.

14. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

14.1. The proposals may help to improve plan making for all sections of the community, having a positive impact on health and wellbeing.

15. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

15.1. There are no direct adverse implications for Climate Change and environmental or social value.

16. CRIME AND DISORDER REDUCTION IMPACT

16.1. There are no direct adverse implications for crime and disorder. However, it should be noted that any future development plans must consider their impact on crime and disorder, and public safety.

17. HUMAN RIGHTS IMPACT

17.1. There are no direct adverse implications for human rights.

18. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

18.1. There are no implications.

CONTACT OFFICER:

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BACKGROUND DOCUMENTS:

Application form and map

[Middleton-on-Sea neighbourhood development plan | Arun District Council](#)