

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING POLICY SUBCOMMITTEE ON 27 FEBRUARY 2019

PART A : REPORT

SUBJECT: Lyminster & Crossbush Application for designation of a neighbourhood area

REPORT AUTHOR: Donna Moles, Senior Planning Officer
DATE: 31 January 2019
EXTN: 37697
PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY:

Lyminster & Crossbush Parish Council applied to Arun District Council and the South Downs National Park Authority for designation of 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.

RECOMMENDATION:

That Planning Policy Sub-Committee:-

1. Agrees the specified area without modification, is appropriate to be designated as the Lyminster & Crossbush 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.

1 BACKGROUND

- 1.1 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.

1.2 Lyminster & Crossbush Parish Council as the 'relevant body' submitted an application 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.

1.3 The application was publicised and consulted on from 12th November 2018 – 24th December 2018.

Considerations as to whether or not to designate

1.4 The decision to be made is whether or not the specified area is an 'appropriate area to be designated as a Neighbourhood Area'.

1.5 Part of the specified area falls within the South Downs National Park (SDNP) Local Planning Authority Area and part within Arun District Council (ADC) Local Planning Authority Area but ADC is the Local Planning Authority for this neighbourhood area.

1.6 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.

1.7 The reasons explaining why this specified area is considered appropriate are set out in the application for designation and the application for designation has been publicised in accordance with Regulation 6 of The Neighbourhood Planning (General) Regulations 2012.

1.8 The application for designation as a Neighbourhood Area was publicised for public consultation for a period of 6 weeks from 12th November 2018 to 24th December 2018 (closing 5 pm). **There were no responses received during the consultation period.**

1.9 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.

1.10 Under section 61H of the 1990 Act whenever a local planning authority exercises powers under section 61G to designate an area as a neighbourhood area, consideration must be given as to whether the authority should designate the area concerned as a business area.

1.11 As designation of the specified area can only be done if the authority considers that the area is wholly or predominantly business in nature [section 61H(3)], in this case the specified area cannot be designated as a business area.

1.16 If the application is approved, the 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.

The parish can continue to develop their plan during the entire time.

2. PROPOSAL(S):

There were no responses received during the public consultation so no opposition to this area designation. It is considered that the specified area is an 'appropriate area to be designated as a neighbourhood area' and the recommendation is that it is designated.

3. OPTIONS:

The other option is to not designate this area. The risk is that Arun District Council would not have any justification for doing this and would not be complying with the Regulations.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	x	
Relevant District Ward Councillors	x	
Other groups/persons (please specify) – Public consultation	x	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		x
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

6. IMPLICATIONS:

Arun District Council would not meet its statutory duty and would also impact on the delivery of the neighbourhood plan.

7. REASON FOR THE DECISION:

The decision is intended to allow this statutory part of the Neighbourhood Planning process to be fulfilled by the parish council and is part of the statutory duty that Arun District Council needs to provide.

9. BACKGROUND PAPERS:

- 1) Application form and map
<https://www.arun.gov.uk/lyminster-crossbush-neighbourhood-development-plan>
- 2) The SDNPA designated the area of Lyminster and Crossbush Neighbourhood Area within the South Downs National Park on 3 January 2019

<https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/lyminster-crossbush-neighbourhood-plan/>