

**POLICY AND RESOURCES COMMITTEE - 22 JULY 2019**

**PART I – DELEGATED**

**7. SARRATT NEIGHBOURHOOD AREA DESIGNATION APPLICATION (DCES)**

**1 Summary**

- 1.1 To consider whether the Council should designate the area submitted by Sarratt Parish Council as a Neighbourhood Area.

**2 Details**

- 2.1 An application to designate Sarratt Parish as a Neighbourhood Area was submitted to Three Rivers District Council by Sarratt Parish Council.

- 2.2 To be considered valid, applications for Neighbourhood Areas need to fulfil the requirements set out in Part 2, Regulation 5 of the Neighbourhood Planning (General) Regulations 2012. The requirements are:

- 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 organisation or body making the area application is a relevant body for the purposes of Section 61G of the 1990 Act (Town and County Planning Act 1990 as amended by the Localism Act 2011).

- 2.3 Section 61G(2) of the 1990 Town and County Planning Act (amended by Schedule 9, Part 1 of the Localism Act 2011) defines a “relevant body” as:

*(a) a parish council, or*

*(b) an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that, for this purpose, the specified area is designated as a neighbourhood area).*

- 2.4 The application submitted by Sarratt Parish Council meets the above requirements and is considered valid. A copy of the application is attached as Appendix 1 and 2 to this report and provides the following information:

- a map identifying the area to which the area application relates (Appendix 1);
- a statement explaining why Sarratt Parish is considered appropriate for designation as a Neighbourhood Area (Appendix 2); and
- a statement confirming that Sarratt Parish Council is a relevant body for the purposes of Section 61G of the 1990 Act (Appendix 2).

- 2.5 On receipt of a valid Neighbourhood Area Application Part 2, Regulation 6 of the Neighbourhood Planning (General) Regulations 2012 requires the Council to publicise the application and undertake a public consultation for a minimum of six weeks.

- 2.6 To meet this requirement a six week period of public consultation was undertaken between 31 May 2019 and 12 July 2019. To bring the application and consultation to the attention of those who *'live, work or carry on business'* in the proposed Neighbourhood Area the following steps were taken:
- Details of the application, consultation period and how to make written representations were published on the Three Rivers District Council website; and
  - Details of the application, consultation period and how to make written representations were published in the Watford Observer on 31 May 2019;
- 2.7 Officers consider that these steps have satisfied the publication and consultation requirements of Regulation 6 of the Neighbourhood Planning (General) Regulations 2012.
- 2.8 Despite the steps undertaken to bring the application to the attention of those who live and work in Sarratt Parish, no comments were received during the consultation period.

### **3 Options and Reasons for Recommendations**

- 3.1 Applications for Neighbourhood Areas must satisfy a number of criteria set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) to be approved. These criteria are examined further below.
- 3.2 The following paragraphs of the 1990 Act set out the area criteria that should be used when considering applications submitted by Parish Councils.

#### Section 61G(3a)

*The specified area - In the case of an application by a parish council, must be one that consists of or includes the whole or any part of the area of the council*

#### Section 61G (4a)

*In determining an application the authority must have regard to – the desirability of designating the whole of the area of a parish council as a neighbourhood area.*

- 3.3 The area proposed consists of the whole of Sarratt Parish Council's parished area. Officers therefore consider that the application meets the area criteria set out in the 1990 Act as outlined above.
- 3.4 When determining an application, Members should consider whether the area proposed is an 'appropriate' area for designation as per Section 61G(5c) of the 1990 Act. The proposed area has clearly defined boundaries and is consistent with the pre-existing Sarratt Parish. Officers therefore consider the area proposed by Sarratt Parish Council to be appropriate for designation.
- 3.5 Were members to decide to refuse the Area application because it was considered that the area applied for is not appropriate for designation, the 1990 Act requires the Authority to exercise its power of designation so that *'some or all of the specified area forms part of one of more areas designated (or to be designated) as neighbourhood areas'* (Section 61G(5c)). The Planning Authority is required to either;

- a) exercise its power of designation by designating the area proposed as the 'Sarratt Neighbourhood Area'; or
- b) refuse the application and set out reasons for refusal (Section 61G (5c) and (9)). Following a refusal, the Planning Authority must exercise its power of designation by designating at least part of the proposed area as a neighbourhood area or areas.

### **3.6 Next Steps**

- 3.7 If the proposed Neighbourhood Area is designated, details must be published, as soon as possible following the decision, on the Council's website and in such other manner that is likely to bring the decision to designate to the attention of people living, working and carrying on business in the Area as detailed in Part 2 Regulation 7 of the Neighbourhood Planning (General) Regulations 2012.
- 3.8 Should the decision be taken not to designate a Neighbourhood Area, the Council is required to publish a document setting out the decision and the reasons for making that decision on the Council's website and in such other manner that is likely to bring the decision to the attention of people living, working and carrying on business in the Area. This should be done as soon as possible following the decision, as set out in Part 2, Regulation 7.
- 3.9 If the application for a Neighbourhood Area is approved, Sarratt Parish Council will be able to produce a Neighbourhood Plan that can, following a referendum, be adopted as part of the statutory development plan for the designated Neighbourhood Area (Sarratt Parish).
- 3.10 To become part of the statutory development plan, a Neighbourhood Plan must receive a majority 'Yes' vote in a local referendum organised by the Local Planning Authority. To reach the referendum stage a Neighbourhood Plan needs to progress through several stages. Completed Neighbourhood Plans will be submitted to the Local Planning Authority who will need to be satisfied that the submitted plan complies with the strategic priorities of the local development plan (e.g. adopted Core Strategy). Following a period of public consultation, the submitted plan will be examined by an independent inspector who is required to ensure the plan meets a set of basic conditions and legal requirements. Following a successful examination, a submitted Neighbourhood Plan can continue to a Local Referendum and, if successful, be adopted as part of the development plan.

### **4 Policy/Budget Reference and Implications**

- 4.1 The recommendations in this report are within the Council's agreed policy and budgets as set out in the Economic and Sustainable Development Service Plan.

### **5 Financial, Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

- 5.1 None specific.

### **6 Recommendation**

- 6.1 That the Policy and Resources Committee agrees the application submitted by Sarratt Parish Council for a Neighbourhood Area covering the whole of Sarratt Parish.

Report prepared by: Marko Kalik, Senior Planning Officer

**APPENDICES**

Appendix 1 Sarratt Neighbourhood Area Map

Appendix 2 Sarratt Neighbourhood Area Designation Application