

Report of:	Executive Member for Regeneration Director for Regeneration
-------------------	--

Submitted to:	Executive
----------------------	-----------

Date:	6 September 2022
--------------	------------------

Title:	Nunthorpe Neighbourhood Area Application
---------------	--

Report for:	Decision
--------------------	----------

Status:	Public
----------------	--------

Strategic priority:	Physical environment
----------------------------	----------------------

Key decision:	Yes
----------------------	-----

Why:	Decision(s) will have a significant impact in two or more wards
-------------	---

Urgent:	No
----------------	----

Why:	N/A
-------------	-----

Executive summary

This report seeks a determination on a Neighbourhood Area application submitted by Nunthorpe Parish Council (see Appendix 1), in order that the Parish Council can prepare a Neighbourhood Plan.

Taking into account the legislation and all of the comments received, and also the changes being proposed through the Community Governance Review, it is recommended that the Executive:

- i. approve the request to designate the Neighbourhood Area application, as submitted (see Appendix 1) in accordance with the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), and the Neighbourhood Planning (General) Regulations 2012.

Purpose

1. To seek a determination on an application submitted by Nunthorpe Parish Council for Neighbourhood Area status, in order to prepare a Neighbourhood Plan.

Background and relevant information

2. Under the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), applications can be made to local planning authorities to designate Neighbourhood Areas, in order to facilitate the preparation of Neighbourhood Plans.
3. The designation of a Neighbourhood Area enables the relevant body to establish a vision and general planning policies for the development, and use of land in their designated neighbourhood. This takes the form of a Neighbourhood Plan, which the relevant body prepares. Neighbourhood Plans form part of the Statutory Development Plan for the area.
4. When deciding on a Neighbourhood Area boundary the Government has provided guidance on what to take into account:
 - village or settlement boundaries, which could reflect areas of planned expansion;
 - a catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities;
 - an area where formal or informal networks of community based groups operate;
 - the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style;
 - whether the area forms all or part of a coherent estate either for businesses or residents;
 - whether the area is wholly or predominantly a business area;
 - whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway;
 - the natural setting or features in an area; and the size of the population (living and working) in the area.
5. A Neighbourhood Area boundary can also be based on an administrative boundary such as an electoral Ward or postal district.
6. On 25th March 2022, Nunthorpe Parish Council submitted an application to designate a Neighbourhood Area to the Council. As the proposed area also covers land outside our borough, a similar application was also made to Redcar & Cleveland Borough Council.
7. The proposed Neighbourhood Area is somewhat unusual in that it includes both parished and non-parished parts of our borough, incorporating all or part of two Middlesbrough Ward boundaries, as well as extending into a neighbouring local authority administrative area (see Appendix 1).
8. Prior to submitting the application, a significant amount of consultation took place between Nunthorpe Parish Council, and Middlesbrough and Redcar & Cleveland Borough Councils. Due to the complexities associated with multiple administrative

authorities, Locality (provides advice and financial support to local communities wishing to undertake Neighbourhood Planning) also provided support to the Parish Council. During these discussions, it was agreed that Middlesbrough Council would be the lead local planning authority, although all matters relating to the Redcar & Cleveland part of the application would remain the legal responsibility of Redcar & Cleveland Borough Council.

Consideration of the application

9. In accordance with the Neighbourhood Planning (General) Regulations 2012, upon receipt of a valid Neighbourhood Area application, Councils are required to make a determination regarding the designation of the area within 20 weeks.
10. Prior to validating the applications, both councils sought internal legal advice as to whether the application accorded with the Regulations. Once the application was deemed to be valid, the Councils undertook a joint six-week public consultation event between 19th May and 4th July 2022.
11. Consultation was undertaken in accordance with the Council's Statement of Community Involvement, using the following methods of engagement:
 - i. details of the applications were placed on the Council's website and consultation portal, along with how representations could be made;
 - ii. 793 letters and 819 emails were sent out to statutory consultees, the local community and other stakeholders contained on the planning policy consultation database, advising them about the consultation event; and
 - iii. public notices were placed in and around the proposed Neighbourhood Area boundary, detailing how representations could be made, along with the dates of the consultation period, and how copies of the application could be obtained.
12. In addition, Nunthorpe Parish Council undertook its own notification of the public consultation event via its Parish Newsletter and social media platform.

Responses received

13. The Council received 31 responses during the consultation; 22 responses were in support of the application, four objected, and five did not wish to comment at this stage of the process. Redcar & Cleveland Borough Council received four responses, all in support of the application.
14. Of the four objections, three were subsequently withdrawn following the close of the consultation period and have, therefore, not been taken into account. The remaining objection was in relation to the Brethren Church site, (which is currently straddles the boundary between Nunthorpe and Marton East Ward), citing concerns to the site being included in the proposed Neighbourhood Area given other properties on that side of the road are in Marton. However, part of the Church site is already within Nunthorpe, along with other residential properties to the north of Gypsy Lane. In addition, the Community Governance Review (see below) also recommends including this site within the revised Nunthorpe boundary.

15. One of the responses received, although in support of the application, also requested that both borough Councils consider amending the proposed Neighbourhood Area boundary to instead align to the larger St. Mary's Church Parish boundary. The larger church parish boundary extends beyond the proposed Neighbourhood Area taking in part of Marton West Ward, as well as additional land outside our borough in both Redcar & Cleveland and Hambleton.
16. Officers have considered the above suggestion, concluding that it would be inappropriate for the following reasons:
- the proposal would incorporate land within the area of Guisborough Town Council in Redcar & Cleveland, which has previously indicated that it did not wish to be a part of the original Neighbourhood Area application; the proposed amended boundary would include land that already forms part of the designated Marton West Neighbourhood Area making it ineligible for inclusion within another neighbourhood area; and
 - the inclusion of land within Hambleton District would add a further layer of administrative complexity, which would be unnecessary particularly given it was not part of the original application.
17. All of the valid representations received by both Middlesbrough and Redcar & Cleveland Borough Councils are attached at Appendix 2.

Community Governance Review

18. On 22nd July 2022, the Council's Corporate Affairs and Audit Committee agreed a report recommending that both the Nunthorpe Ward and Parish Boundaries be put forward for revision. The revised boundaries would align with each other and also take in additional areas that are currently within the Marton East Ward. These proposed changes are similar to the proposed Neighbourhood Area, although there are slight differences.
19. The next stage of this review is to undertake a period of public consultation, following which any changes would be made by a Reorganisation of Community Governance Order.

Conclusion

20. Taking into account the legislation and all of the comments received, and also the changes being proposed through the Community Governance Review, it is considered that the most appropriate recommendation is to approve the proposed area, in order to align with the proposed revised Nunthorpe Ward and Parish Boundaries.
21. The part of the application that is within Redcar & Cleveland is a matter for that Council, and it is understood that part of the Neighbourhood Area will be designated as per the original application.

What decision(s) are being recommended?

22. That the Executive:

- i. approve the request to designate the Neighbourhood Area application, as submitted (see Appendix 1) in accordance with the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), and the Neighbourhood Planning (General) Regulations 2012.

Rationale for the recommended decision(s)

23. The rationale for the above recommendations is that Neighbourhood Areas should be based (where possible) on existing boundary lines and/or distinctive characteristics and features, as outlined above in paragraphs 4 & 5. As the existing administrative boundaries for Nunthorpe Ward and Parish are subject to imminent review, it is considered that the proposed Neighbourhood Area boundary should be aligned with the proposed boundary.

Other potential decision(s) and why these have not been recommended

24. The Council is required under the legislation to make a determination within prescribed timescales, and a determination is therefore necessary. If it does not, then the Council must designate the whole area as per the original application.

25. The alternative options that have also been considered are as follows:

- **To determine the Neighbourhood Area as proposed.** It is not considered appropriate to designate the area as proposed as it is out of alignment with the proposed Ward and Parish Boundaries.
- **To approve an alternative modified area (that is not the Ward boundary).** Only one alternative boundary has been put forward, and rejected for the reasons set out above.

Impact(s) of the recommended decision(s)

Legal

26. The designation and establishment of Neighbourhood Areas and Forums form part of the statutory process under Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012. Consultation has been undertaken in accordance with the Regulations and the Council's Statement of Community Involvement.

Strategic priorities and risks

27. Under the Regulations, a local authority must make a determination on a Neighbourhood Area application, within a set timescale (in this case 20 weeks, following publication of the application). The relevant risks this decision would influence are cited below, with an explanation as to why they are relevant and how it would affect each risk:

Risk No	Risk Description	Impact on the risk
O8-055	If the Council does not respond effectively and efficiently to legislative changes it could be in breach of statutory duties in relation to service delivery and fail to make the most of opportunities.	By undertaking this work the Council is ensuring compliance with the regulations and this will have a positive impact on this risk.

Human Rights, Equality and Data Protection

28. The report has been subject to an initial Impact Assessment (IA), which accompanies this report (see Appendix 3). This identifies that a full IA is not necessary. The decision does not involve the collation and use of personal data, and as such will not require a Data Protection Impact Assessment to be undertaken.

Financial

29. There are no costs associated with the decision to designate a Neighbourhood Area.

30. Following the designation of the Neighbourhood Area, the Council is eligible to apply to the Government under its Neighbourhood Planning New Burdens grant funding, which assists local planning authorities with additional neighbourhood planning costs, such as, administrative processes and undertaking the referendum.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
A determination notice will be placed on the Council's website setting out the decision and listing the reasons for making that determination.	Head of Planning	As soon as practical after the determination of this report.

Appendices

1	Proposed Neighbourhood Area Map, as submitted by Nunthorpe Parish Council
2	Representations received by Middlesbrough and Redcar & Cleveland Borough Councils
3	Proposed Nunthorpe Neighbourhood Area Initial Impact Assessment (IA)

Background papers

Body	Report title	Date
-	-	-

Contact: Charlton Gibben – Senior Planning Policy Officer.
Email: charlton_gibben@middlesbrough.gov.uk