


## OFFICER DELEGATION DECISION FORM

<b>State the Delegated Authority that you are relying on in order to make this decision:</b> e.g. specific (identified in constitution) or general
<p>Under the Council's Scheme of Delegation, a delegated authority was issued by Executive on the 18 June 2013, authorising the Director of Neighbourhood and Communities (now the Director for Regeneration) in consultation with the Executive Member for Regeneration and Economic Development (now the Executive Member for Regeneration), to approve any potential future Neighbourhood Area and Forum applications, subject to no adverse issues being raised through statutory consultation processes.</p> <p>In addition, under Schedule 1 of the Constitution: officers have the power to undertake matters of day-to-day management and associated activities, provided they are Executive non-key decisions.</p>
<b>Subject of decision:</b> e.g. freehold disposal of land (16K-149K), contract extension, new policy
<p>The Council is in receipt of two applications submitted, (see below report and Appendix 1) by residents in the Marton East Ward to: (i) establish a Neighbourhood Area; and (ii) set-up the Marton East Neighbourhood Forum relating to the proposed Neighbourhood Area.</p>
<b>Text of decision:</b> e.g. can include monies received by the Council, list any terms agreed, brief summary of the policy – Do not include any confidential information.
<p>The Director for Regeneration in consultation with the Executive Member for Regeneration approve the designation of the designation Marton East Neighbourhood Area, and the setting-up of the Marton East Neighbourhood Forum, in order to facilitate the preparation of a Neighbourhood Plan.</p>
<b>Reason for decision:</b> e.g. benefits, new legislation requires a policy, review of opening hours, non- key decision, outside of agreed budget framework
<p>To ensure compliance with the Localism Act 2011, and Neighbourhood Planning (General) Regulations 2012 (as amended), regarding the establishment of Neighbourhood Areas and Forums.</p>
<b>Other options considered (if any)</b>
<p>Under the above Regulations, the Council has essentially three options it can take when determining Neighbourhood Area and Forum applications. These are:</p> <ol style="list-style-type: none"><li>i. approve the applications, as submitted, without any modifications;</li><li>ii. refuse the applications, as submitted, but approve with modifications; and,</li><li>iii. refuse the applications.</li></ol>

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<b>Has an Impact Assessment been completed Yes/No</b> – if yes please attach to the decision.
No
<b>Declarations of Interest by any member or relevant local government body</b>
N/A
<b>Who have you consulted as part of the decision making process</b> e.g. Head of Service, Executive Member, Community Association, Surveyor?
Cllr Theo Furness, Executive Member for Regeneration
<b>Date of decision</b>
July 2023
<b>Service area</b>
Planning Services
<b>Name of Delegated Officer making decision</b> - i.e. Officer who is designated the power in the Constitution
Director for Regeneration - Richard Horniman
<b>Name of the Officer making the decision – if power has been sub-delegated to another Officer.</b>
-
<b>List of background papers</b> (do not list if contain exempt/confidential information)
Brief report outlining Marton East Neighbourhood Area & Forum Applications and Consultation Statement (see attached).
  <b>Signed:</b>

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**Dated: 06/07/23**

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### **REPORT ON THE MARTON EAST NEIGHBOURHOOD AREA AND FORUM APPLICATIONS**

**Executive Member for Regeneration:**

**Cllr Theo Furness**

#### **PURPOSE OF THE REPORT**

1. The purpose of this report is to seek approval under delegated authority powers for two applications submitted to the Council, by local residents within the Marton East area. The applications are for:
  - (i) Neighbourhood Area status (see Appendix 1: Proposed Neighbourhood Area Boundary Map); and,
  - (ii) to set-up the Marton East Neighbourhood Forum, in order to facilitate the preparation of a Neighbourhood Plan.

#### **BACKGROUND**

2. Under the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), and the Neighbourhood Planning (General) Regulations 2012, applications can be made to local planning authorities to designate Neighbourhood Areas, and Neighbourhood Forums, 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. Once adopted, following a successful referendum the Neighbourhood Plan will form part of the Statutory Development Plan for the area.
4. The Regulations make clear that a Neighbourhood Plan should be prepared to align with the strategic needs and priorities of the wider area, and be in general conformity with the National Planning Policy Framework (NPPF) and the strategic policies of a Council's Local Plan. In addition, Neighbourhood Plans are required to plan positively and not promote less development than set out in the Local Plan.
5. The Council is now in receipt of two applications from the residents in Marton East to designate the Ward boundary as a Neighbourhood Area, (see Appendix 1) and to set-up the Marton East Neighbourhood Forum, for the purposes of preparing a Neighbourhood Plan.

#### **CONSIDERATION AND DETERMINATION OF APPLICATIONS**

6. Under the Regulations, the Council has essentially three options it can take when determining Neighbourhood Area and Forum applications. These are:

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- i. approve the applications, as submitted, without any modifications;
  - ii. refuse the applications, as submitted, but approve with modifications; and,
  - iii. refuse the applications.
7. The determination process also involves assessing the submitted documentation, whether aspects of the applications need to be amended, particularly if there are clear planning reasons to do so, along with analysis of any representations received as part of the consultation process.
8. Consideration also needs to be given as to whether the applicants have clearly defined the special characteristics, (both physical and non-physical) of what makes their area a neighbourhood. Particular attention is also given to the applicants' aims and objectives for the Neighbourhood Area, to ensure they are compatible with the Council's own strategic approach and which outline the continuing promotion or improvement of the social, economic and environmental well-being of the area.
9. In this case an assessment of the Neighbourhood Area and Forum applications determined that:
  - i. the applicants had submitted the requisite information;
  - ii. there were no existing Neighbourhood Areas or Forums within the area, which have not expired or been withdrawn;
  - iii. the prospective Forum reflects the make-up, the character of the area, and is drawn from different sections of the community; and,
  - iv. no objections in respect of the principle of designating a Neighbourhood Area and the setting-up of the Marton East Neighbourhood Forum, have been submitted to the Council as part of the six-week public consultation process.

## CONSULTATION

10. The Council undertook a six-week period of consultation, in accordance with the above Regulations, which commenced on the 18<sup>th</sup> May 2023 and ended on 30<sup>th</sup> June 2023. As part of the consultation process 761 letters and 843 emails were mailed out to statutory consultees, amenity groups, local residents and other stakeholders, informing them about the consultation, and where and how they could respond. The Marton East Community Council also delivered/sent out a newsletter to every household within Marton East Ward, informing them about the public consultation.
11. In addition, the following methods of engagement were utilised:
  - i. the application documentation was made available for inspection at the Marton Library and Community Hub, located within Marton East;
  - ii. the details of the applications were placed on the Council's website and consultation portal, along with how representations could be made; and,
  - iii. public notices were placed in and around the Marton East area, detailing how representations could be made.

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### RESPONSES RECEIVED

12. During the consultation, the Council received seven responses in relation to the applications, from residents and statutory consultees. Included were representations from North Yorkshire Council, Historic England, National Highways, CPRE North & East Yorkshire, and Natural England. Two respondents supported the designation of the Neighbourhood Area within the Marton East area and the setting-up of the Forum, and none of the consultees objected to the principle of designating a Neighbourhood Area or the setting-up of the Forum.
13. As the applications are in accordance with the above Regulations, meet the requirements of what a Neighbourhood Area should be, and given that, no objections have been received, then it is incumbent upon the Council to designate the area as a Neighbourhood Area, and the setting-up of the Marton East Neighbourhood Forum.

### DELEGATED AUTHORITY

14. Under the Council's Scheme of Delegation, a delegated authority was agreed by Executive on the 18 June 2013, authorising the Director of Neighbourhood and Communities (now the Director for Regeneration), in consultation with the Executive Member for Regeneration and Economic Development (now the Executive Member for Regeneration), to approve any potential future Neighbourhood Area and Forum applications, subject to no adverse issues being raised through statutory consultation processes.

### RECOMMENDATIONS

15. It is recommended that the Director for Regeneration, in consultation with the Executive Member for Regeneration, approve the designation of the Marton East Neighbourhood Area and Forum to enable the preparation of a Neighbourhood Plan for the area.

### REASONS

16. To ensure compliance with the Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (as amended), regarding the establishment of Neighbourhood Areas and Forums.

**AUTHOR: Katherine Whitwell**

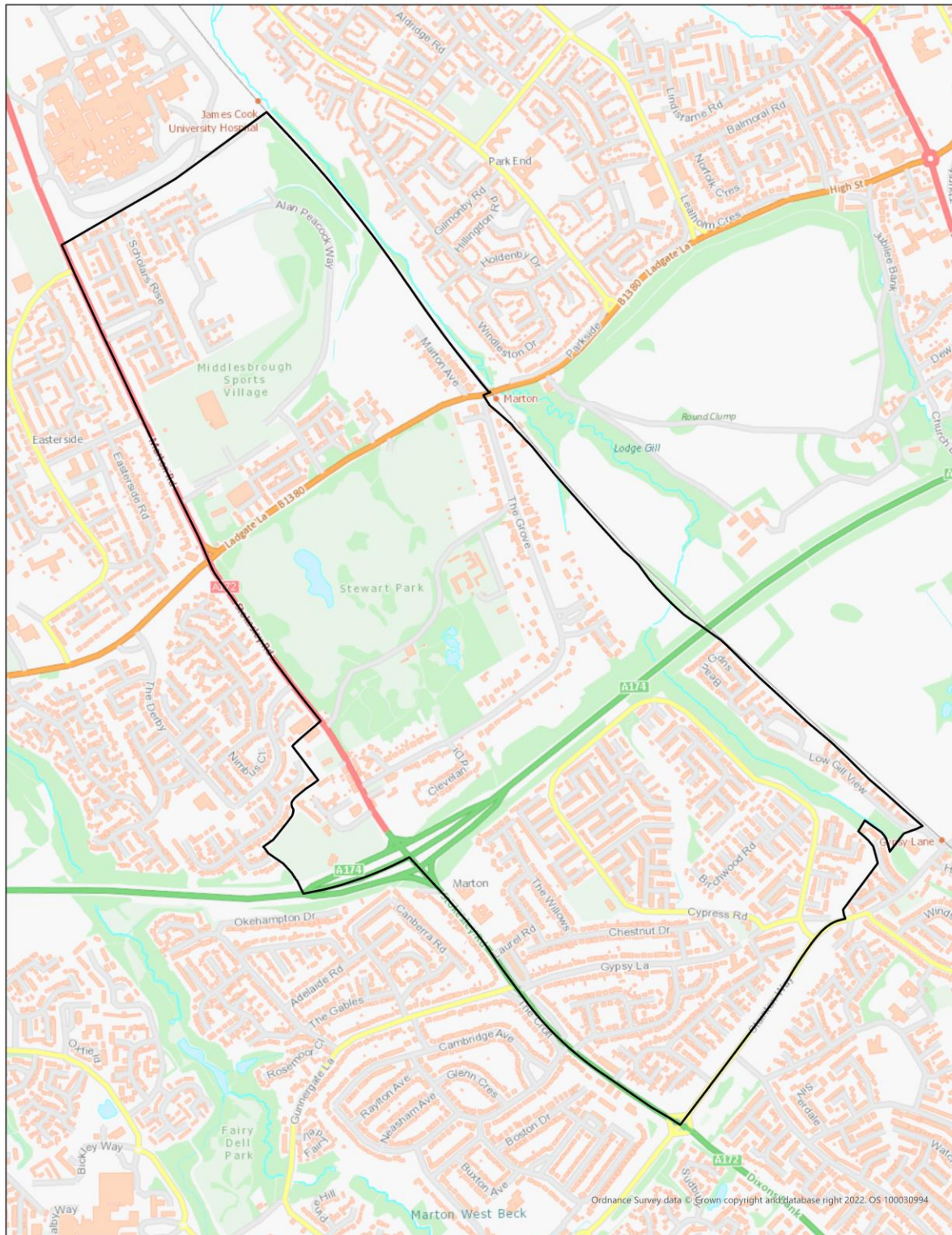
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Proposed Neighbourhood Area – Boundary Map



	Title: Proposed Marton East Neighbourhood Area		Scale: 1:9,000	
	Service Area: Planning			
	Map Reference:	Grid Ref:		
	Map created by: John Manders	Date - 1/3/23		
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