

Report Title: Witham Neighbourhood Area Application	
Report to: Dominic Collins, Corporate Director	
Date: 08/09/22	For: Decision
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Alan Massow – Principal Planning Policy Officer	
Enquiries to: Alan Massow – Principal Planning Policy Officer almas@braintree.gov.uk	

1. Purpose of the Report

1.1 To seek the approval for the Neighbourhood Area application for Witham.

2. Recommendations

2.1 To approve the application by Witham Town Council to designate the Parish Area (Administrative Area) of Witham as a Neighbourhood area as shown on the plan appended to this report

3. Summary of Issues

3.1 Braintree District Council is the Local Planning Authority for the purpose of Neighbourhood planning.

3.2 Witham Town Council (a Parish Council) has made an application to Braintree District Council as the Local Planning Authority requesting that the whole of its administrative area is designated as a Neighbourhood area as shown on the plan appended to this report.

3.3 Witham Town Council are a relevant body within the meaning of S61G of the Town and Country Planning Act 1990.

3.4 Where a Parish Council applies for the whole of the area of the parish to be designated as a neighbourhood area, the local planning authority must designate the whole of the area applied for.

3.3 As this application is for the whole Witham Town Council's administrative area, and that Witham Town Council are a relevant body within the meaning of Section 61G of the Town and Country Planning Act 1990, this application has to be approved.

4 Consultation

- 4.1 Corporate Director's powers to exercise the Council's functions in relation to neighbourhood planning are in consultation with the relevant Cabinet Member for Planning and the Local Ward Members.
- 4.2 As the application seeks to designate the whole of the Witham Town Council administrative area, all eight District Council Witham Ward Members are required to be consulted on the application.
- 4.3 On the 18th August 2022, Councillor Mrs Gabrielle Spray as the relevant Cabinet Member was consulted together with Councillors Angela Kilmartin and Sue Wilson for Witham Central, Councillors Stevie Hicks and Michelle Weeks for Witham North, Councillors James Coleridge and William Korsinah for Witham South and Councillors Patrick Horner and Bill Rose for Witham West. Members had until the 5th September 2022 to respond.
- 4.4 All responses received supported the area application.

4. Options

- 4.1 There are no options to consider. The Council is required to designate the whole Parish Area as neighbourhood area (Administrative area of Witham Town Council) as applied for by Witham Town Council.

5. Next Steps

- 5.1 Further to this approval, Witham Town Council can proceed with producing a Neighbourhood Plan.
- 5.2 The Neighbourhood Plan will be subject to an examination by an independent Inspector and put to referendum before it is approved and becomes part of the Statutory Development Plan. Separate decisions will be required for these subsequent procedural steps.

6. Financial Implications

- 6.1 None at this stage.
- 6.2 Once a date for a referendum has been set in accordance with Regulations, £20,000 of funding can be claimed from Government to assist the Council in meetings its legislative duties in relation to neighbourhood planning.

7. Legal Implications

- 7.1 The application for the designation of the administrative area of Witham Town Council as a Neighbourhood plan as shown on the plan appended to this report should be considered and determined in accordance with the relevant Legislation and Regulations.
- 7.2 Further to the Scheme of Delegation for Neighbourhood Plans approved by Cabinet on 20th February 2020, the Corporate Director with the responsibility

for Neighbourhood Planning, in consultation with relevant Cabinet Member for Planning and the Local Ward Members has the authority to:

- a) Designate a Neighbourhood Plan Area,
- b) Agree modifications to a Neighbourhood Plan contained within an Independent Examiner's report,
- c) To send Neighbourhood Plan to referendum.

7.3 details of the consultation are set out in section 4 of this report.

7.4 Neighbourhood Plans and decisions associated with them can be subject to legal challenge.

8. Other Implications

8.1 None.

9. Equality and Diversity Implications

9.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

9.3 The decision to approve the administrative area of Witham as a Neighbourhood Plan has no disproportionate adverse impact on any people with a particular characteristic.

10. List of Appendices

10.1 Letter from Witham Town Council dated 3rd August 2022

11. Background Papers

11.1 Guidance – Neighbourhood Planning - [Neighbourhood planning - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

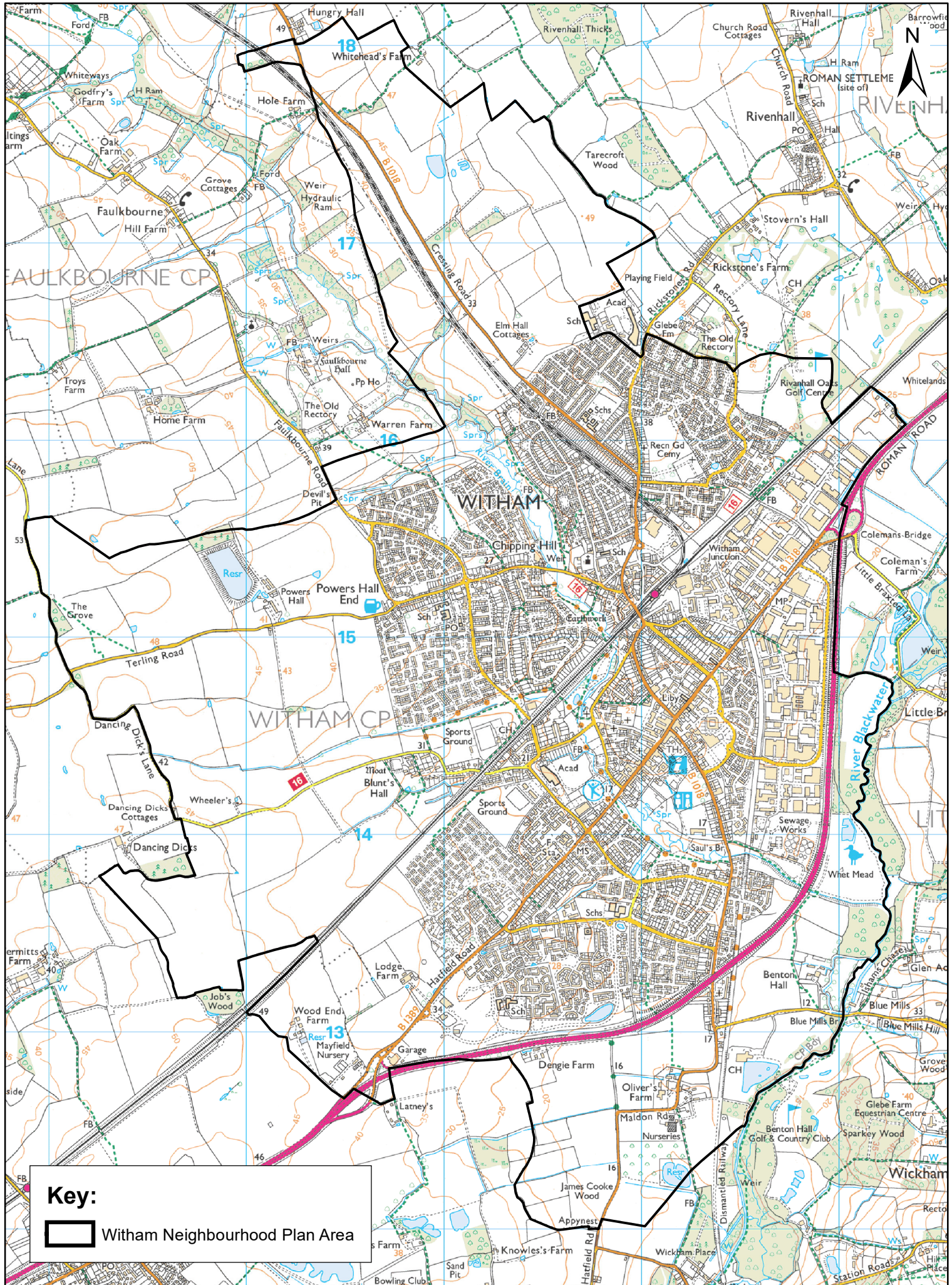
11.2 The Neighbourhood Planning (General) Regulations 2012

11.3 The Neighbourhood Planning (General) Amendment Regulations 2015

11.4 Consultations with Cabinet Member and Ward Members

<p>Dominic Collins - Director of Growth</p> <p></p> <p>Signed:</p>	<p><i>Date</i></p> <p>08.09.2022</p>
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Designated Neighbourhood Plan Area for Witham



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