

## **Proposed Strensall with Towthorpe Neighbourhood Plan Area**

### **Summary**

1. This report summarises the responses received during the recent consultation on the application by Strensall with Towthorpe Parish Council for a Neighbourhood Plan area. The report recommends that the application by Strensall with Towthorpe Parish Council to designate the Parish of Strensall with Towthorpe as a Neighbourhood Planning area is approved.

### **Background**

2. As part of the Localism Act 2011, local communities are encouraged to come together to get more involved in planning for their areas by producing Neighbourhood plans for their area. Neighbourhood plans are centred specifically round creating plans and policies to guide new development.
3. Neighbourhood planning is about letting the people who know about an area plan for it. It is led by the residential and business community, not the Council, and is about building neighbourhoods – not stopping growth.
4. If adopted by the Council, Neighbourhood Plans and orders will have weight becoming part of the statutory plan making framework for that area. Designation of a Neighbourhood Area is the first stage in the preparation of a Neighbourhood Plan.
5. In line with National Planning Practice Guidance (NPPG) paragraph 24<sup>1</sup>:

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<sup>1</sup> ID 41-024-20140306

*'an application to produce a Neighbourhood Plan must be made by a parish or town council or a prospective neighbourhood forum to the local planning authority for a Neighbourhood Area to be designated (Regulation 5 of the Neighbourhood Plan (General) Regulations 2012 (As amended). This must include a statement explaining why the proposed neighbourhood area is an appropriate area'.*

6. The regulations state that where a relevant body, in this case Strensall with Towthorpe Parish Council, submits an area application it must include:
  - A map which identified the area to which the area applications 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 application is a relevant body for the purposes of Section 61G of the 1990 Town and Country Planning Act as applied to Neighbourhood Plans by Section 38a of the Planning and Compulsory Purchase Act (2004).
7. Strensall with Towthorpe Parish Council is progressing work on a neighbourhood plan for the parish. In August 2015 the Parish Council submitted to the Council an application to designate the whole of the parish area of Strensall with Towthorpe as a Neighbourhood Area for this purpose. This application and associated boundary map is attached at Annex A.
8. As detailed in the statement submitted the application is made by Strensall with Towthorpe Parish Council who is a 'relevant body' as defined by the relevant regulations<sup>2</sup>. The statement also advises that the area that is the subject of the neighbourhood area application is the entire parished area of Strensall with Towthorpe and that the boundary proposed directly follows the parish boundary. The statement details the reasons why the parish boundary is considered to be an appropriate neighbourhood area.
9. When an area application is received, the Council must publish the following details of the Plan:
  - The name of the neighbourhood area;

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<sup>2</sup> A relevant body means a) a parish or town council or b) an organisation or body which is, or is capable of being, designated as a neighbourhood forum.

- A map identifying the area; and
- The name of the Parish Council who applied for the designation.

### **Consultation**

10. The Neighbourhood Planning (General) Regulations 2012 (Regulation 6) and the Neighbourhood Planning (General) (Amendment) Regulations 2015 requires that the information to be published is:

- *A copy of the application*
- *Details of how to make representations*
- *Details of the deadline for representations, not less than 4 weeks after the date of publication.*

*This should be published on the website and in such other manner as is considered likely to bring the area application to the attention of people who live, work or carry on business in the area to which the area application applies.*

11. The Council formally published the Strensall with Towthorpe Parish Council's application on 16<sup>th</sup> November for a 4 week period until 14<sup>th</sup> December 2015.

12. The application was published in the following ways which are legally compliant with the Act and with the Council's adopted Statement of Community Involvement:

- A letter, with the application attached was sent to the Parish Council (for info);
- A notice and a copy of the application was put up at several prominent locations around Strensall including Parish notice boards;
- A letter with the application attached was sent to businesses and landowners/agents in Strensall;
- A letter and copy of the application and boundary was sent to all neighbouring Parish Councils and neighbouring local authorities, these are:
  - Sutton on the Forest PC
  - Flaxton PC
  - Earswick PC
  - Haxby TC
  - Stockton on the Forest PC
  - Hambleton DC

- Ryedale DC
  - North Yorkshire County Council
- A webpage has been created at [www.york.gov.uk/neighbourhoodplanning](http://www.york.gov.uk/neighbourhoodplanning) where the Strensall application is available to view as well as additional information on the Neighbourhood Planning process.
  - A specific email address [neighbourhoodplanning@york.gov.uk](mailto:neighbourhoodplanning@york.gov.uk) has been set up for representations as has a freepost address.
13. The Council has received two responses to the consultation which are included as Annex B to this report. In summary this includes a response from Linden Homes who welcome the preparation of a Neighbourhood Plan for Strensall and support the proposed Neighbourhood Plan boundary. The other response is from a local resident who objects to the proposed Neighbourhood Plan on the basis that the application boundary includes a site on which the Secretary of State upheld a refusal earlier this year.

### **Options**

14. The following options are available for the Executive Member to consider:

**Option 1** – approve the application to designate the neighbourhood area for Strensall with Towthorpe Neighbourhood Plan, including the proposed boundary (attached at Annex A) without modification; or

**Option 2** – designate a modified area.

### **Analysis**

15. National Planning Practice Guidance (paragraph 35) states that the “*local planning authority must designate a Neighbourhood Area if it receives a valid application and some or all of the area has not yet been designated*” In making the decision the Local Planning Authority should take into account the relevant body’s statement explaining why the area applied for is considered appropriate for designation. Officers have considered the statement from Strensall and Towthorpe Parish Council (the ‘relevant body’) and consider that the parish boundary applied for is an appropriate boundary and that the application received is valid. It is considered that it is not desirable that only part of the Parish Council area be designated.

16. Practice Guidance also advises that when a neighbourhood area is designated a “*local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft neighbourhood plan. It should not make assumptions about the neighbourhood plan that will emerge from developing, testing and consulting on the draft neighbourhood plan when designating a neighbourhood area*”. For these reasons, the objection received from a local resident who raises concerns about the potential inclusion of a site within the Neighbourhood Plan area should not be a material consideration when making a decision on the boundary as there is no indication that the Parish Council intend to support development on this land through the neighbourhood plan.
17. There is also a statutory requirement to consider whether the authority should designate the area proposed as a business area. As the area is not wholly or predominantly business in nature, it is not considered appropriate to designate the area as a business area.

### **Next Steps**

18. If approval is granted on the neighbourhood area application, Strensall with Towthorpe Parish Council can prepare the Neighbourhood Plan with advice and assistance from the Council. They are then required to undertake pre submission consultation by publicising the proposals and inviting representations for a period of not less than 6 weeks.
19. The Parish Council can then submit the Neighbourhood Plan to the Council along with a consultation statement containing details of those consulted, how they were consulted, summarising the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed Neighbourhood Plan.
20. On receipt of the draft Neighbourhood Plan, the Council needs to publicise the Plan and invite representations for a period of not less than 6 weeks. Once the Council is satisfied that the Plan meets the requirements of the Town and Country Planning Act 1990 the Council then appoints an independent inspector. The Council is responsible for paying the costs of the examination so it is in the Council’s interests to ensure that the proposed plan meets the requirements.

21. The Examination and subsequent Referendum will follow. Should the vote be in favour (50% plus 1), then the Council will publish the Neighbourhood Plan.

### **Council Plan**

22. The proposed Strensall with Towthorpe Neighbourhood Plan will be a positive contribution to the Council Plan priority of '*A council that listens to residents - to ensure it delivers the services they want and works in partnership with local communities*'.

### **Implications**

23. **Financial/Programme** – If the neighbourhood plan area for Strensall with Towthorpe is approved, the council will be required to advise and assist the Parish Council in the production of Neighbourhood Plan and to pay for the examination and the subsequent referendum. The Council can apply for the Neighbourhood Planning Grant from the Department for Communities which is a staged payment totalling £30,000. The cost of producing a Neighbourhood Plan will vary depending on the complexity and size of the proposal and the available supporting evidence. This will need to be funded through the grant provided and from existing resources.
  24. **Human Resources** – None.
  25. **Equalities** – None.
  26. **Legal** – The designation of Neighbourhood Plan Areas is to be made in accordance with the Neighbourhood Planning (General) Regulations 2012, the Neighbourhood Planning (General) (Amendment) Regulations 2015 and the provisions of the Localism Act 2011.
  27. **Crime and Disorder** – None.
  28. **Information Technology** – None.
  29. **Property** – None.
- ### **Risk Management**
30. No significant risks are associated with the recommendation in this report have been identified.

## Recommendation

31. The Executive Member is recommended to:

Approve the application as per Option 1.

Reason: To allow Strensall with Towthorpe Parish Council to progress the Neighbourhood Plan.

## Contact Details:

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**Report  
Approved**



**Date** 22-12-15

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### Wards Affected:

Strensall Ward



**For further information please contact the authors of the report.**

### Annexes:

Annex A – Strensall with Towthorpe Neighbourhood Plan application area map and supporting statement

Annex B – Representations made during the consultation period