

Proposed Skelton Neighbourhood Plan

Summary

1. This report recommends that the application by Skelton Parish Council for a Neighbourhood Plan area is approved in order to allow the Plan to progress.

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 and care for 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. Skelton Parish Council submitted an application in December 2015. This application and associated boundary map is attached at Annex A.
6. The proposal is from the Parish Council and the application boundary is the same as that of the Parish Boundary. It is this 'area application' that we are recommending for approval.

Next Steps

7. If the area application is approved, City of York Council must publish the following details of the Plan:
 - The name of the neighbourhood area
 - A map identifying the area
 - The name of the Parish Council who applied for the designation.

8. If they receive formal approval, Skelton Parish Council can prepare a Neighbourhood Plan for the entire parish with 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.
9. 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.
10. 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 examiner. The Council is responsible for paying the costs of the examination (see Table 2 below) so it is in the Council's interests to ensure that the proposed plan meets the requirements.
11. The Examination and subsequent Referendum will follow. Should the vote be in favour (50% plus 1), then the Council will publish the Neighbourhood Plan.

Costs

12. Based on examples from other Local Authorities, costs to the Council per Neighbourhood Development Plan is estimated to be approximately £40,000, albeit the costs of preparing neighbourhood development plans will vary depending on the complexity and size of the proposal, and the available supporting evidence. There is a significant level of human resource costs required. A high level of officer input at an appropriate level is needed to ensure legal conformity, plan content and appropriate liaisons with Parish Councils.
13. The Council can apply for the Neighbourhood Planning Grant from the Department for Communities which is a staged payment totalling £30,000. The production of a Neighbourhood Plan will need to be funded through the grant provided and from existing resources.

Consultation

14. 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.

15. The Council formally published Skelton Parish Council's application from 29th February to 28th March 2016.
16. The application was published in the following ways which are legally compliant with the Act:
 - A letter, with the application attached was sent to the Parish Council (for info);
 - The neighbouring parish councils of Clifton Without, Nether Poppleton, Rawcliffe, Wigginton, Huby, Overton, Shipton, and Sutton on the Forest were sent a letter as were adjacent Hambleton District Council and North Yorkshire County Council;
 - A notice and a copy of the application was put up at several prominent locations around Skelton including the Parish's notice boards;
 - A letter with the application attached was sent to known businesses and landowners in Skelton;
 - A webpage has been created at www.york.gov.uk/neighbourhoodplanning where the Skelton application is available to view as well as additional information on the Neighbourhood Planning process.
 - A specific email address neighbourhoodplanning@york.gov.uk has been set up for representations as has a freepost address.
17. We have received one representation in response to the application for a Skelton Neighbourhood Plan. This is in support of the application, and is included at Annex B.

Analysis

18. The Council needs to consider whether the Parish area is an appropriate neighbourhood plan area.
19. 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.
20. 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*".
21. Officers have considered the statement from Skelton Parish Council (the 'relevant body') and consider that the parish boundary applied for is an appropriate boundary and that the application received is valid. Approval of this boundary application would allow the creation of a neighbourhood plan for the whole of the parish area of Skelton. This fits with national guidance and is best

practice to allow for a comprehensive Neighbourhood Plan. It is considered that it is not desirable that only part of the Parish Council area be designated.

22. 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.

Council Plan

23. The proposed Skelton Neighbourhood Plan will be a positive contribution to the Council Plan priority of “Building strong communities”.

Implications

24. **Financial/Programme** – If a neighbourhood plan for Skelton is approved, the council will be required to pay for the examination and the subsequent referendum. The costs of these statutory processes will be met in part by central government funding sources from the Department for Communities and Local Government. Any shortfall will need to be accommodated within existing resource.
25. **Human Resources** – None.
26. **Equalities** – None.
27. **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.
28. **Crime and Disorder** – None.
29. **Information Technology** – None.
30. **Property** – None.

Risk Management

31. No significant risks are associated with the recommendation in this report have been identified.

Recommendation: Approve

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Wards Affected:

Rural West

All

For further information please contact the authors of the report.

Background Papers:

None.

Annexes:

Annex A – Skelton Neighbourhood Plan application
Annex B – Responses to the boundary application