

**Decision Session - Executive Member for  
Transport and Planning**

**14 March 2019**

Report of the Corporate Director of Economy and Place

**Proposed Minster Precinct Neighbourhood Plan Area and Forum**

**Summary**

1. This report relates to the applications submitted by the proposed Minster Precinct Neighbourhood Forum for designation of a Neighbourhood Plan Area and Forum. The report recommends that City of York Council approve both applications and designate the Minster Precinct Neighbourhood Forum and Plan Area as per the applications received.

**Recommendations**

2. The Executive Member is recommended to approve the Neighbourhood Forum application and Neighbourhood Plan Area application as per Option 1.

Reason: To allow the Minster Precinct Neighbourhood Forum to progress a Neighbourhood Plan for the Minster Precinct area.

**Background**

3. 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.
4. 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.

5. 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 and a Neighbourhood Forum are the first stages in the preparation of a Neighbourhood Plan.
6. In line with National Planning Practice Guidance (NPPG) paragraph 24<sup>1</sup>:  
  
'An application 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 (see regulation 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended). This must include a statement explaining why the proposed neighbourhood area is an appropriate area'.
7. The regulations state that where a relevant body, in this case the prospective Minster Precinct Neighbourhood Forum, 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).
8. The prospective Minster Precinct Neighbourhood Forum has submitted the Neighbourhood Area application and Neighbourhood Forum application simultaneously. This allows people who live, work and do business in the Minster Precinct area to see the proposals in context. It also removed the need to consult twice, saving time and reducing the chances of 'consultation fatigue' amongst residents. The applications, including a map showing the extent of the proposed neighbourhood area, are included in Annex 1 of this report.
9. The prospective forum highlighted that although the applications are submitted together, they are submitted as two separate applications in

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<sup>1</sup> ID: 41-024-20161116

order to demonstrate compliance with Regulations 5 and 8 of the Neighbourhood Planning (General) Regulations 2012.

### Reasons for the Proposed Neighbourhood Area Boundary

10. The area application states that the proposed Neighbourhood Area is the area surrounding York Minster. The prospective forum considers this to be appropriate to be designated as a neighbourhood area for the following reasons:
  - i. The area forms the historic Precinct of York Minster and, despite changes over the years, possesses a distinctive historic character
  - ii. The area follows with minor variations, the boundary of Character Area 9: The Minster Precinct of the York Central Historic Core Conservation Area. The application boundary follows the land ownership by the Chapter of York.
  - iii. The land and properties in the area are largely either:
    - owned by the Chapter of York; or
    - of sufficient proximity to York Minster to be intimately affected by changes to the Minster and its property.
  - iv. This area has been agreed in preliminary consultations with representatives from City of York Council as being appropriate for designation as a Neighbourhood Area.

### Suitability of Proposed Forum

11. The forum application highlights that the prospective Minster Precinct Neighbourhood Forum has been established for the express purpose of promoting or improving the social, economic and environmental wellbeing of the Minster Precinct Neighbourhood Area. It states that membership is open to:
  - i. all individuals who live or work in the proposed Neighbourhood Area,
  - ii. Members of the City of York Council whose area falls inside the area.

The Minster Precinct Forum currently membership consists of 38 members, each of whom is drawn from one of the above categories following a process of engagement and expressions of interest for the process.

## Consultation

12. When an area application is received, the City of York Council must publish the following details of the Plan in line with the Regulations (2012, as amended):
  - a) a copy of the application
  - b) details of how to make representations
  - c) the date by which those representations must be received, being:
    - (i) in the case of an application to which paragraph (2)(b) of regulation 6A applies, not less than four weeks from the date on which the area application is first published;
    - (ii) in all other cases, not less than six weeks from the date on which the area application is first published.
  
13. Similarly, when a Neighbourhood Forum application is received, the City of York Council must publish the following details of the Plan in line with the Regulations (2012, as amended):
  - (a) a copy of the application;
  - (b) a statement that if a designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;
  - (c) details of how to make representations; and
  - (d) the date by which those representations must be received, being not less than 6 weeks from the date on which the application is first publicised.
  
14. On 16 January 2019, City of York Council published the Forum and Area applications for a 6 week period, which meets the statutory requirements and accords with the Council's adopted Statement of Community Involvement. The consultation was publicised and responded to in the following way:
  - A notice was put up on the publically accessible West End Notice Board within the Minster Precinct and on the internal York Minster Notice Board;
  - A copy of the applications were put in Church House Reception within the Minster Precinct, in York Explore Library and the Councils West Offices Reception;
  - A notification letter was sent to businesses and landowners/agents in and around the Minster Precinct (See Annex 2 for area consulted);
  - A press release via the Council website was published to notify the media of the consultation;

- A new Minster Precinct webpage was created at: [www.york.gov.uk/neighbourhoodplanning](http://www.york.gov.uk/neighbourhoodplanning) where the Minster Precinct applications are 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) is set up to receive representations as well as a freepost address.
15. Once the consultation period ended, the Local Planning Authority has a period of time (defined by the Neighbourhood Planning (General) (Amendment) Regulations 2016) to decide whether or not to designate the boundary applied for. The power to designate a neighbourhood area is exercisable under section 61G of the Town and Country Planning Act 1990. At this stage, it is only the principle of becoming a neighbourhood area and the extent of the proposed boundary which is to be considered. The determination of the application should not pre-judge the content or approach of the proposed draft Neighbourhood Plan. When designating a neighbourhood area, a local planning authority 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.
16. Under section 61H of the 1990 Act, whenever a local planning authority exercises powers under 61G to designate an area as a neighbourhood area, consideration must be given as to whether the authority should designate the area concerned as a business area. The designation of the specified area can only occur if the authority considers that the area is wholly or predominantly business in nature (Section 61H (3)). The specified area is not wholly or predominantly business in nature and so it is inappropriate to designate it as a business area.

### **Responses to Consultation**

17. The Council received a positive response to the consultation from St Michael le Belfrey who expressed support for the plan. The response indicated that “as a close neighbour we are keen to maintain and develop a good working relationship with the Minster both now and in the future” and set out that they are keen to work with the Neighbourhood Forum in bringing forward a Neighbourhood Plan for the area.

### **Options**

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

**Option 1** – Approve both the applications to designate the neighbourhood area and forum for a Minster Precinct Neighbourhood Plan, as per the applications (attached at Annex 1) without modification;

**Option 2** – Approve the neighbourhood area application and refuse the forum application;

**Option 3** – Approve the neighbourhood forum application and refuse the area application;

**Option 4** – Refuse both the area and forum applications.

### **Analysis**

19. Officers are satisfied that both the application for a Neighbourhood Plan area application and the Neighbourhood Forum application meet the statutory requirements. It should also be noted that the application boundary applied for is consistent with the Minster Precinct boundary as set out on the submitted Local Plan City Centre Policies Map (2018).
20. One response was received from the duly publicised applications which supported the proposals. As further stages of the Neighbourhood planning process are undertaken, the Council will have a role in ensuring that the Forum is continuing to engage with the community.
21. Officers recommend that Option 1 is agreed to allow the prospective Minster Precinct Neighbourhood Forum to progress with the production of a Neighbourhood Plan for the Minster Precinct. The alternative options 2 to 4 not to support designation of the neighbourhood area and/or forum are not recommended as this will limit the ability of a neighbourhood plan for the area to be progressed.

### **Next Steps**

22. If Option 1 is approved, Minster Precinct Neighbourhood Forum can begin preparing the Neighbourhood Plan with appropriate advice and assistance from the Council.
23. Once a draft Plan has been produced, the Neighbourhood Forum is then required to undertake Pre- Submission consultation by publicising the proposals and inviting representations for a period of not less than 6 weeks.

24. The Neighbourhood Forum can then submit the Neighbourhood Plan to the Council along with other key documents to meet the basic conditions as stipulated in the Regulations, including a consultation statement containing details of who was consulted and how, a summary of the main issues and concerns raised and how these have been considered and/or addressed in the proposed Neighbourhood Plan.
25. 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 for public examination of the Plan. The Plan must then be voted on in a local referendum before it can be 'made' by Executive.

### **Council Plan**

26. The proposed Minster Precinct Neighbourhood Plan will be a positive contribution to the Council Plan priority: 'A council that listens to residents - to ensure it delivers the services they want and works in partnership with local communities'.

### **Implications**

27. **Financial/Programme** – If a neighbourhood plan for the Minster Precinct progresses to independent examination, 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 Ministry of Housing, Communities and Local Government (MHCLG). Any shortfall will need to be accommodated within existing resource.

**Human Resources** – None

**Equalities** – None

**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, the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 and the provisions of the Localism Act 2011.

**Crime and Disorder** – None

**Information Technology** – None

**Property** – None

**Risk Management**

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

**Contact Details:**

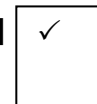
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**Report Approved**



**Date 05.03.19**

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

**Annexes:**

Annex 1 – Minster Precinct Neighbourhood Area and Forum applications  
Annex 2 - Minster Precinct Neighbourhood Forum Consultation Area

**Abbreviations:**

MHCLG - Ministry of Housing, Communities and Local Government  
NPPG - National Planning Practice Guidance