

Proposed Murton Neighbourhood Plan

Summary

1. This report recommends that the application by Murton Parish Council for a Neighbourhood Plan boundary 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 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. Murton Parish Council submitted an application on 27th February 2014. 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.

Next Steps

7. When an area application is received, the 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, Murton Parish Council can prepare the Neighbourhood Plan 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 inspector. 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.

Timetable

12. Table 1 below sets out an estimated timetable based on the experience of other Local Authorities.

Table 1

Task	Date
Decision session	23 rd July 2015
Preparation of the Plan	July – March 2015/16
Pre-submission consultation (6 weeks)	April - June 2016
Plan submitted to Council	September 2016
Council publish draft Plan (6 weeks)	September - November 2016
Appoint inspector	October 2016
Examination	December-February 2016/17
Referendum	April 2017
Publish Neighbourhood Plan	May 2017

Costs

13. 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.
14. Whilst central government funding sources; Neighbourhood Planning Grant, from the Department for Communities and Local Government to the value of £30,000 is available for each Neighbourhood Plan produced, this still leaves a shortfall of approx £10,000 per neighbourhood plan. This shortfall will need to be met within existing resources.

Consultation

15. 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.

16. The Council formally published the Murton Parish Council's application on 17th March for a 6¹ week period until 28th April 2014.
17. 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), Osbaldwick ward councillors, and relevant internal bodies;
 - A notice and a copy of the application was put up at several prominent locations around Murton including the Parish notice board;
 - A letter with the application attached was sent to all businesses in Murton;
 - A letter and copy of the application and boundary was sent to all neighbouring parish councils, these are:
 - Dunnington
 - Heslington
 - Heworth Without
 - Holtby
 - Stockton on the Forest
 - A webpage has been created at www.york.gov.uk/neighbourhoodplanning where the Murton 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.
18. The Council has received eight responses; two are from neighbouring parish councils stating that they had no comments. Six are from residents and business owners in Murton stating that they would like to object to Murton Parish Council's proposal of the entire parish boundary but they are in favour of the proposal of Murton Business Park Association. Copies of these representations are attached as Annex B.

¹ This was before the 2015 Regulations came into force which introduced the 4 week period.

19. The Murton Business Park Association proposal is to exclude an area to the south of the village which is predominantly business and industry. It is felt by some of the occupiers of the industrial area that they should be allowed to form a neighbourhood forum and draft a neighbourhood plan which would allow the business park association to control any development or changes in future years.
20. A neighbourhood forum cannot be established in a parished area where a parish council already exists. This is the case in Murton. However the area of land that the Murton Business Park Association has proposed could be excluded from the Murton Parish Plan if this is considered appropriate in planning terms. This would prevent the business park's future development being influenced by the Murton Neighbourhood Plan.

Option Choices

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

Option 1 – approve the application for a Murton Neighbourhood Plan, including the proposed boundary (attached at Annex A);

Option 2 – approve the application subject to amendments suggested by the Murton Business Park Association to the Neighbourhood Plan boundary (Annex C);

Option 3 - defer the application at this stage to allow for further discussions between the Parish Council and Murton Business Park.

Analysis

22. The Council needs to consider whether to designate the whole of the Parish area as a neighbourhood plan area or to amend the application boundary to remove Murton Business Park area.
23. A Neighbourhood Plan and boundary application cannot be rejected outright. Planning Practice Guidance (Paragraph: 035 Reference ID: 41-035-20140306) states that “*The local planning authority should aim to designate the area applied for. However, a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The authority must use its powers of*

designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas.”

24. Option 1 would allow the creation of a neighbourhood plan for the whole of the parish area of Murton. This fits with national guidance and is best practice to allow for a comprehensive Neighbourhood Plan. The objections to the inclusion of the business park are however noted. These comments need to be carefully considered in any decision.
25. Option 2, whilst reflecting these concerns of the business park, the removal of the business park area would run contrary to the aims of the comprehensive approach set out in Option 1. In addition to this, as it would not be possible legally for a Neighbourhood Forum to be created by the Murton Business Park Association this would prevent the future creation of a Neighbourhood Plan in this area.
26. The Murton Neighbourhood Plan decision was deferred at a Council Decision Session on 14th May 2014 to allow further discussions with the Business Park and a consultant commissioned by the Parish Council. A significant time has passed and in order to avoid delaying this application any further, Option 3 is not considered appropriate.

Council Plan

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

Implications

28. **Financial/Programme** – If a neighbourhood plan for Murton 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
29. **Human Resources** – None.
30. **Equalities** – None.
31. **Legal** – No implications other than those included in the report.
32. **Crime and Disorder** – None.

33. **Information Technology** – None.

34. **Property** – None.

Risk Management

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

Recommendations

36. The Cabinet Member is recommended to:

- (i) Approve the application.

Reason: to allow Murton Parish Council to progress the Neighbourhood Plan.

Contact Details:

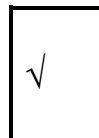
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Date 02/05/2015

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All



For further information please contact the authors of the report.

Annexes:

Annex A – Murton Neighbourhood Plan application

Annex B – Representations made during the consultation period

Annex C – Proposed boundary submitted by the Murton Business Park Association