

Executive

18 March 2021

Report of the Director of Economy and Place
Portfolio of the Executive Member for Economy & Strategic Planning

Huntington Neighbourhood Plan – Examiner’s Report

Summary

1. The Huntington Neighbourhood Plan has concluded its examination with receipt of the Examiner’s report (Annex A) and further consultation held regarding proposed additional modifications pertaining to the Green Belt policies (Annex B). Annex D sets out the Council’s proposed response to the Examiner’s recommended modifications and the proposed additional officer recommended modifications to the plan. This report recommends that Executive agree to both the Examiner’s recommendations and the proposed additional Green Belt officer modifications to enable the Neighbourhood Plan to proceed to Referendum. These issues were considered at Local Plan Working Group on the 16th March 2021.

Recommendations

2. The Executive is asked to:
 - i. Agree the Examiner’s modifications, the Examiner’s consequential minor modifications and the proposed additional Green Belt recommended modifications to the Huntington Neighbourhood Plan set out at Annex D and that subject to those modifications the Neighbourhood Plan meets the Basic Conditions and other legislative requirements.
 - ii. Agree that the Huntington Neighbourhood Plan as amended proceeds to a local referendum based on the geographic boundary of the parish of Huntington as recommended by the Examiner.
 - iii. Approve the Decision Statement attached at Annex D to be published on the City of York Council’s website.

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

Background

3. The Localism Act 2011 introduced new powers for community groups to prepare neighbourhood plans for their local areas. The Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and to take plans through a process of Examination and Referendum. The local authority is required to take decisions at key stages in the process within time limits that apply, as set out in the Neighbourhood Planning (General) Regulations 2012 as amended in 2015 and 2016 (“the Regulations”) and within new government guidance in relation to the Covid-19 pandemic.
4. The Huntington Neighbourhood Plan has been prepared by Huntington Parish Council with on-going engagement with the local community and City of York Council. Prior to Examination it has been through the following stages of preparation:
 - Designation as a Neighbourhood Area (28th September 2015)
 - Consultation on Pre-Submission Version (29th January to 23rd March 2018)
 - Submission to City of York Council (31st July 2019)
 - Submission Consultation (7th October to 18th November 2019)
5. Following the close of Submission consultation and with the consent of the Parish Council, Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI was appointed to undertake an Independent Examination of the Neighbourhood Plan. The purpose of the Examination is to consider whether the Plan complies with various legislative requirements and meets a set of “Basic Conditions” set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. The Basic Conditions are:
 - i) To have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - ii) To contribute to the achievement of sustainable development;
 - iii) To be in general conformity with the strategic policies contained in the development plan for the area;
 - iv) To not breach, and be otherwise compatible with, EU and European convention on Human Rights obligations; and

- v) To be in conformity with the Conservation of Habitats and Species Regulations 2017(3).
6. The Examiner can make one of three overall recommendations on the Neighbourhood Plan namely that it can proceed to referendum (i) with modifications; (ii) without modification; or (iii) that the Plan cannot be modified in a way that allows it to meet the Basic Conditions or legal requirements and should not proceed to referendum.
 7. Modifications can only be those that the Examiner considers are needed to:
 - a) make the plan conform to the Basic Conditions;
 - b) make the plan compatible with the Convention rights;
 - c) make the plan comply with definition of a neighbourhood plan and the provisions that can be made by a neighbourhood plan; or
 - d) to correct errors.
 8. If a recommendation to go to a referendum is made, the Examiner must also recommend whether the area for the referendum should go beyond the Neighbourhood Area, and if so what the extended area should be.
 9. The Regulations presume that Neighbourhood Plans will be examined by way of written evidence only, with a requirement for a hearing only in cases where the Examiner feels the only way to properly assess a particular issue is via a discussion with all parties. The Examiner decided that examination by written representations was appropriate in this case and provided his final report on 21st February 2020.
 10. Overall, the Report concluded that *“Subject to a series of recommended modifications set out in this report I have concluded that the Huntington Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum”*.
 11. The Council has the capacity to modify the report, if required. The Regulations¹ state that if the local planning authority *“propose to make a decision which differs from that recommended by the examiner”* and the *“reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact”*, the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations.

1 Paragraph 13 (1) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA 1990)

Where the authority consider it appropriate, they may refer the issue to independent examination².

12. The guidance suggests that where an authority “proposes” to make a decision, the requirement to notify and invite representations must be carried out before the decision is made on the plan to proceed to Referendum.
13. Since the Submission of the Neighbourhood Plan, the Council has received the outcome of the High Court Judgement ‘Wedgewood v. City of York Council [March 2020]’ pertaining to and clarifying the approach to decision-making in relation to York’s Green Belt. At the 22nd October 2020 Executive, Members agreed that the outcomes of this judgement should be reflected in the Neighbourhood Plan in order to secure that the Plan meets the Basic Conditions. Executive approved a Neighbourhood Plan (Regulation 17A (2)) consultation on the proposed additional Modifications to the Huntington Neighbourhood Plan set out in Annex B to this report. Members also agreed to defer consideration of the Examiner’s report (Annex A) and proposed modifications schedule until the consultation on additional modifications had taken place. The Council has now undertaken the Regulation 17A (2) consultation, this took place for 8 weeks between the 3rd December 2020 and 28th January 2021.

Examiner’s Recommendations

14. The Examiner’s Report (Annex A) and summary of modifications (Annex D) set out the Examiner’s conclusions, including detailed and minor consequential modifications to the Neighbourhood Plan.
15. Positively, the Examiner identifies that:

“The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character in general terms, and the general extent of the York Green Belt in particular. It provides a context within which new dwellings can be accommodated. It also proposes a series of local green spaces. In the round the Plan has successfully identified a range of issues where it can add value to the strategic context provided by the general extent of the Green Belt and the emerging City of York Local Plan.”

² Paragraph 13(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA 1990)

16. The examiner also identified that “*the Plan has been underpinned by community support and engagement*” and that “*it is clear that all sections of the community have been actively engaged in its preparation.*”
17. The majority of modifications identified are minor. However the examiner did include key points and proposed detailed modifications in relation to the following policies.

Policy H1: Meeting Housing Need

18. This policy sets out design and planning criteria to influence and shape development. It is recognised to cross over with the emerging Local Plan, including proposed allocation ST8, as well as provide criteria for any other new development in the designated area.
19. The examiner has identified that the policy and justification is dominated by strategic housing delivery issues, to be considered through the emerging Local Plan and has therefore suggested that the policy and elements of the supporting text take a more neutral and general approach towards future housing development. In addition, whilst the planning and design criteria are deemed appropriate, the examiner also recommends that this is applied with regard to context of the location on an a case-by-case basis.
20. Consequently, the examiner recommends the following modifications at para 7.19 of their report:
 - the replacement of the second criterion with one which requires that development proposals are ‘well-related’ to Huntington Village. As submitted the criterion requires that proposals are ‘functionally and physically’ connected to Huntington village. The examiner indicated that this approach is very prescriptive in general terms and may prevent otherwise acceptable development from coming forward. The alteration will also avoid any conflict with site ST8 in the emerging Local Plan, which indicates the site is identified as being part of an important transitional area between the existing urban area at Huntington and more modern and commercial developments at Monks Cross. As such it is proposed to be separated from the existing urban area by a green wedge to protect the setting of Huntington, maintaining the separate identities of the existing and new neighbourhoods. This will reinforce the special circumstances found in the wider City where the general extent of the green belt provides a landscape and visual context for component settlements

such as Huntington in order to protect the special character of the historic city.

- To remedy the potential conflict between the application of general planning design principles and the specific requirements of the proposed strategic site at Monks Cross (ST8) the examiner also recommends that the supporting text is clarified so this would not apply to ST8.

Policy H2: Housing Mix (paras 7.22-7.26)

21. This policy comments about the need for new developments to provide a mix of housing types, sizes and tenures. It requires developers to demonstrate that their proposals have regard to up-to-date evidence on housing needs in the context of site and market conditions. It also indicates that 'priority should be given' to the provision of smaller homes suitable for young families as well as older persons (including those wishing to downsize).
22. The examiner recommends a modification that provides appropriate flexibility for the application of the policy. It takes account of the greater opportunities for a larger development to provide the type of houses as specified in the policy. It is considered that this would also reinforce the market considerations element of the submitted policy. A modification to the supporting text is also recommended that would acknowledge that any strategic sites which may come forward in the neighbourhood area will, by definition, be catering for City-wide housing needs rather than simply those which exist within the designated neighbourhood area.
23. A further modification is recommended to take into consideration representations that the policy is too prescriptive on the priority for the smaller homes. To remedy this issue, a modification is recommended that the final part of the policy more simply offers support for smaller homes rather than 'giving priority' to their development.

Policy H6: Business and Employment

24. This policy refers to business and employment activity. As the supporting text (paragraphs 100-102) comments, the neighbourhood area has several centres of business activity in addition to its extensive retail employment base. They are concentrated in and around Jockey Lane.

25. The policy is general in nature. It supports the retention of existing land and buildings in employment use where there is a reasonable prospect of the site or building concerned being used for employment purposes.
26. New policy wording is proposed to ensure national policy is appropriately reflected and the matters raised in the supporting text with regard to local context are addressed. Consequently, the modified policy as proposed seeks to support “*diversification of businesses uses and the extension and/or adaptation of business premises... subject to*” consideration for design and context, parking standards, impact on local road network and no unacceptable impact on residential amenity.

Policy H10: Vangarde/Monks Cross shopping parks

27. As submitted, the examiner suggests that this policy is general in the way that it supports the continued roles of Vanguard/Monks Cross as a sub-regional centre and in particular the policy does not directly relate to the development management process. The examiner suggests that the policy should take a more proactive role in resisting uses that would detract from their sub-regional shopping function and recommends that the policy is modified accordingly. The resulting policy has been designed to ensure that it does not affect the restrictive conditions which apply to the sale of good in certain premises on the Monks Cross Shopping Park. The examiners also suggests modifications to the supporting text to highlight the relationship which would exist between this policy and the broader strategic approach to retail provision in the City included in the emerging Local Plan to protect the role of York city centre and to direct any new retail floorspace initially to the city centre through the application of a sequential test process.

Additional Officer Recommendations

28. Annex B sets out the proposed additional recommended officer modifications which were consulted on through the Regulation 17A (2) public consultation. These recommended officer modifications related to Green Belt policies following the receipt of the recent High Court Judgement ‘Wedgewood v. City of York Council [2020] EWHC 780 (Admin)’, a challenge to the green belt policy in the Neighbourhood Plan through the examination process and the consideration of legal advice.
29. The High Court judgement of Christopher Wedgewood v City of York Council Group [2020] EWHC 780 (Admin) clarified the approach to decision-making in advance of the adoption of a Local Plan. This clarified that, in advance of the adoption of the Local Plan, decisions on

whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005), the emerging Local Plan, insofar as can be considered against paragraph 48 of the NPPF (2019) and site specific features in deciding whether land should be regarded as Green Belt.

30. It is important to note that the receipt of this judgement was post examination of the Neighbourhood Plan being concluded and the Examiner's report issued in February 2020. Consequently, neither the Parish nor the appointed Examiner could take this to consideration in the preparation and examination of the neighbourhood plan.
31. A threatened challenge to the Green Belt policy in the Neighbourhood Plan was made by Redrow Homes through the Neighbourhood Plan examination process. Redrow Homes threatened a challenge on the basis they did not consider the proposed modifications set out in the Examiner's report addressed or made clear the decision-making process relevant to York's Green Belt ahead of the adoption of the Local Plan. Redrow Homes claimed that Map 3 in the submitted Huntington Neighbourhood Plan, which shows the draft Green Belt Boundary as defined in the Local Plan Fourth Set of Changes (2005), in conjunction with the wording of Policy H14, would unlawfully define an inner Green Belt boundary, which is the function of the Local Plan.
32. Legal advice was sought in relation to the Examiner's report, which considered that the Council should propose to modify the submitted Neighbourhood Plan as follows (and as per Annex B in detail), so that it fully reflects the approach to decision making supported in the recent Wedgewood case and to secure that the Neighbourhood Plan meets the Basic Conditions:
 - a) amend Policy H14: Green Belt to indicate that the general extent of the Green Belt has been established by the Regional Spatial Strategy (RSS);
 - b) Policy H14 should remove reference to Map 3 and cross reference the saved RSS key diagram showing the general extent of York's Green Belt;
 - c) amend Policy H14 to indicate that the inner boundary of the Green Belt will be defined through the Local Plan process, and that this

policy shall apply to land included with the Green Belt boundary that is defined in an adopted Local Plan;

- d) amend Policy H14 and its supporting text to state that until the Green Belt boundaries are defined in an adopted Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes will be taken in accordance with the approach supported in the recent case of Christopher Wedgewood v City of York Council [2020] EWHC 780 (Admin);
- e) Amend supporting text to policy H14 to indicate that the 2005 draft Local Plan map shows what was approved in 2005 for development control purposes and that in advance of the adoption of the Local Plan this will be taken into account along with the emerging Local Plan, RSS general extent of the Green Belt and site specific features in deciding whether land should be regarded as Green Belt for development control purposes, but that the 2005 draft Local Plan should not be treated as establishing a Green Belt boundary;
- f) Remove the 2005 Green Belt boundary from Map 3 'Proposals Map'.

Responses received to the Regulation 17A (2) consultation

- 33. The Council received 14 responses to the Regulation 17A (2) consultation; summarised at Annex C. The response to the proposed modifications was predominantly positive with 12 of the received responses supporting the proposed modification to the Green Belt and agreeing this would provide more clarity. This included a positive response from Johnson Mowat on behalf of Redrow Homes indicating that this satisfies their concerns raised in relation to the Green Belt policy.
- 34. The Council received 2 responses which suggested further amendments to the Green Belt section of the Neighbourhood Plan should be undertaken. It is officer's view that no further significant changes are required as a result of the consultation responses with the exception of one minor modification to clarify paragraph 138 as follows (underlined):

Para 138: "Over half of Huntington is designated as draft Green Belt in the emerging Local Plan (2018)".

Next Steps

35. The next stage of the relevant legislation requires the Council to:
 - Consider each of the recommendations made by the Examiner's Report and the additional proposed officer recommendations (and the reasons for them), and
 - Decide what action to take in response to each recommendation.
36. If the LPA is satisfied that the Neighbourhood Plan meets the Basic Conditions, is compatible with the Convention rights, and complies with the definition of an NP and the provisions that can be made by a NP or can do so if modified (whether or not recommended by the Examiner), then a referendum must be held.
37. The Council must publish its decision and its reasons for it in a 'Decision Statement'. The Decision Statement must be published within 5 weeks beginning with the day following receipt of the Examiner's Report unless an alternative timescale is agreed with the Parish Council. This report was on the Council's Forward Plan for the 23 April 2020 Executive. Whilst the 23 April 2020 was more than 5 weeks from the receipt of the Examiners Report (21st February 2020), Huntingdon Parish Council agreed in writing of this alternative later timescale. However, due to the Covid-19 pandemic the Executive was postponed. Huntingdon Parish Council agreed in writing to the Council for the second time that a Report could be taken to Local Plan Working Group and Executive in due course once committees were set up again in light of Covid-19 social distancing restrictions. In addition, the proposed Decision Statement could only be considered by Members following the completion of the Regulation 17A (2) consultation, which has now been undertaken.
38. The Examiner's recommendations on the Neighbourhood Plan are not binding on the Council, who may choose to make a decision which differs from the Examiner's. However, any significant changes from the Examiner's recommendations would require a further period of public consultation, along with a statement from the Council setting out why it has taken this decision.
39. A decision to refuse the Neighbourhood Plan proposal could only be made on the following grounds:
 - the LPA is not satisfied that the Neighbourhood Plan meets the Basic Conditions;

- the LPA does not believe that with modification Neighbourhood Plan can meet the Basic Conditions;
 - the LPA considers that the Neighbourhood Plan constitutes a repeat proposal; or
 - the LPA does not believe the qualifying body is authorised or
 - that the proposal does not comply with that authorisation.
40. The Examiner's Report concludes that the Neighbourhood Plan meets the Basic Conditions required by legislation, and that subject to the modifications proposed in his report, the Neighbourhood Plan should proceed to a referendum to be held within the Neighbourhood Area. In addition comments made through the Regulation 17A (2) consultation also agree to the recommended additional officer comments. Officers have considered all of the recommendations and the reasons for them and have set out the Council's response as part of the Decision Statement in Annex D.
41. It is recommended that all of the Examiner's recommended modifications and the additional officer recommendations be made as set out in Table 1 and 2 of the Decision Statement at Annex D. The Officer recommendation is that, subject to those modifications, the Plan meets the Basic Conditions, is compatible with the Convention Rights and complies with the provisions that can be made by a neighbourhood plan. Subject to the Executive's agreement of the Decision Statement, the Neighbourhood Plan will be amended accordingly and the Neighbourhood Plan will proceed to local referendum.

Referendum

42. The Council must organise a referendum on any Neighbourhood Plan that meets the legislative requirements. This ensures that the community has the final say on whether a Neighbourhood Plan comes into force.
43. The Examiner's Report confirms that the referendum area should be the same as the Neighbourhood Area designated by the Council, which is the parish of Huntington. The Neighbourhood Planning (Referendum) Regulations 2012 as amended require the Local Planning Authority to hold the referendum within 56 days of the date that a decision to hold one has been made. In this case, the decision whether to hold a referendum will be made at Executive on 18th March 2021. Based on the Neighbourhood Planning (Referendum) Regulations 2012 as

amended and assuming the Executive endorse the recommendations in this report, the referendum should have been held within the 56 day period of the 10th June 2021. However since the Covid-19 pandemic the government have published new guidance in relation to Neighbourhood Plan Referendums. The new government guidance states that all neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are postponed in line with the [Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#) until 6 May 2021. The date for the referendum and further details will be publicised once a date is set by the Council. This is will be discussed with colleagues in Electoral Services.

44. If over 50% of those voting in the referendum vote in favour of the Neighbourhood Plan, then under the legislation the Council must bring it into force within 8 weeks of the result of referendum (unless there are unresolved legal challenges). If the referendum results in a “yes” vote a further report will be brought to Executive with regard to the formal adoption of the Neighbourhood Plan as part of the statutory Development Plan.

Decision making

45. As the Plan is now at an advanced stage, its policies where relevant have legal weight in decision making with regard to any planning applications to be determined within the Huntingdon parish. This is reflected in The Neighbourhood Planning Act 2017 which recognises that, when determining an application, a LPA must have regard to “*a post examination draft neighbourhood development plan as far as material to the application*”. If a LPA make a decision to allow a draft neighbourhood plan with modifications to proceed to referendum, then the modifications recommended must also be taken into account.
46. In light of the Covid-19 pandemic the government have published updated guidance on the weight of the Neighbourhood Plan policies. The new government guidance states that ‘where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given ‘significant weight’ in decision-making, so far as the plan is material to the application’.

Consultation

47. As mentioned earlier in the report, the Huntington Neighbourhood Plan has been through several stages of consultation. These are:
- consultation on designation as a Neighbourhood Area (28th September 2015),
 - consultation on the Pre-Submission version of the Plan (29th January to 23rd March 2018),
 - consultation on a Submission version (7th October to 18th November 2019),
 - Regulation 17 A (2) (3rd December 2020 to 28th January 2021).
48. A Consultation Statement accompanied the submission version of the Neighbourhood Plan and sets out the consultation undertaken up to and including 2019. All the consultation undertaken to date by City of York Council has been carried out in accordance with the Council's Statement of Community Involvement.

Options

49. Officers request that Members:
- i) endorse the recommendations in paragraph 2 of this report and agree with the Examiner's Recommendations and the additional officer recommendations and approve the Decision Statement attached at Annex D to enable the Huntington Neighbourhood Plan to proceed to Referendum.

Analysis

50. The Examiner has concluded that the modifications will satisfy the Basic Conditions and responses to the Regulation 17A consultation also agree with the additional officer recommendations to satisfy the Basic Conditions. The Council has an obligation, under Schedule 4B of the 1990 Town and Country Planning Act, to arrange a local referendum, unless the Examiner's / additional officer recommended modifications and/or conclusions are to be challenged. The Officer recommendation to Members is that the modifications made by the Examiner and the additional officer recommendations are well justified and that, with these modifications, the Neighbourhood Plan proposals will meet the legislative requirements. The Council must organise a referendum on any Neighbourhood Plan that meets the legislative requirements. This will give the local community the opportunity to vote on whether they

deem the Neighbourhood Plan to meet the needs and aspirations for the future of their neighbourhood.

Alternative Options and Reasons for Rejection

51. The following alternative options have been identified and rejected for the reasons as set out below

- ii) That the Executive provide modified recommendations to those made by the Examiner and the additional officer recommendations and, if considered to be significant, agree that these will be subject to further consultation along with a statement explain why the decision differs from the Examiner's;*

This option is not considered appropriate as the proposed modifications make the Neighbourhood Plan more robust and enable it to meet the Basic Conditions.

- iii) That the Executive reject the Examiner's recommendations and the additional officer recommendations and refuse the Neighbourhood Plan proposal. This decision can only be justified on the grounds listed under paragraph 39.*

This option can only be justified if the Examiner recommends that the Plan should not proceed to a referendum, or the Council is not satisfied that the plan has met the procedural and legal requirements. This option is not considered appropriate.

Financial Implications

52. The responsibility and therefore the costs of the Examination and Referendum stages of the Neighbourhood Plan production lie with the City of York Council. Table 1 below sets out a breakdown of the non-staffing costs of producing the Huntington Neighbourhood Plan to date and also sets out the approximate costs associated with the Examination and Referendum.

Table 1

Stage	Cost
Designation consultation	£500
Submission consultation	£500
NP grant to Parish Councils	£3,000
Examination	£5,800
Regulation 17 (A) (2) Consultation	Minimal costs - virtual consultation, by email (and staff time)
Referendum	Circa £7,000 (tbc)
Total	£ 16,800

53. There is also a significant level of officer costs required throughout the process to provide the required support to each of the Neighbourhood Planning Bodies. A significant level of officer input at an appropriate level is needed throughout the process to ensure legal conformity, appropriate plan content, technical advice, including provision of mapping and assistance with Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA).
54. Financial support from Central Government is available for Local Planning Authorities (LPAs) involved with Neighbourhood Plans. Some LPAs can claim £5,000 for the designation of neighbourhood areas. Whilst this was claimed for the designation of the Huntington Neighbourhood Plan in 2015, it is no longer available for neighbourhood areas in York as more than 5 neighbourhood areas are designated. LPAs can also claim £20,000 Local Planning Authorities can usually apply for this once they have set a date for a referendum following a successful examination. However Ministry of Housing, Communities and Local Government (MHCLG) has set out new government guidance due to the Covid-19 pandemic. The guidance states that in order to minimise the financial impact of delays to neighbourhood planning referendums, the government will allow local planning authorities in 2020/21 to submit claims for new burdens grants at an earlier point in the neighbourhood planning process. A claim will be able to be made at the point when the local planning authority issues a decision statement (as set out under Regulation 25 of the Neighbourhood

Planning (General) Regulations 2012) detailing its intention to send the plan to referendum (rather than when a referendum date has been set).

55. Huntington Parish Council was provided with a £3k grant from the Council to support the development of the neighbourhood plan.
56. Communities with Neighbourhood Plans in place can also benefit financially should York adopt a Community Infrastructure Levy (CIL). They can benefit from 25% of the revenues from the CIL arising from the development that takes place in their area.

Implications

57. The following implications have been assessed:

- **Financial** – The examination and referendum will be funded by City of York Council. A claim by the City of York Council will be able to be made to government for a grant of £20,000 at the point when the City of York Council issues a decision statement (as set out under Regulation 25 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send the plan to referendum. The government grant of £20,000 can be put towards the costs of the City of York Council's involvement in preparing the Plan (including the costs of the Examination and referendum). Any shortfall will need to be accommodated within existing resource.
- **Human Resources (HR)** - none
- **One Planet Council / Equalities** - Better Decision Making Tool attached at Annex F.
- **Legal** - The Legal implications are set out within the body of this report. The decision to proceed to referendum is, like all decisions of a public authority, open to challenge by Judicial Review. The risk of any legal challenge to the Neighbourhood Plan being successful has been minimised by the thorough and robust way in which it has been prepared and tested.
- **Crime and Disorder** - None
- **Information Technology (IT)** None
- **Property** - None
- **Other** – None

Risk Management

58. In compliance with the Council's risk management strategy, the main risks associated with the Huntington Neighbourhood Plan are as follows:

- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments.

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For further information please contact the author of the report

Background Papers:

<https://www.york.gov.uk/planning-policy/huntington-neighbourhood-plan?documentId=764&categoryId=20051>

Annexes

- Annex A Huntington Neighbourhood Plan Examiner's Report
- Annex B Consultation on Proposed Modifications to the Green Belt Policy in the Huntington Neighbourhood Plan.
- Annex C Summary of the Regulation 17A (2) consultation representations and the proposed Council Response.

Annex D Decision Statement
Annex E Huntington Neighbourhood Plan (Submission version)
Annex F Better Decision Making Tool

List of Abbreviations Used in this Report

BA (Hons) MA, DMS, MRTPI – *Bachelor of Arts, Masters, Diploma in Management Studies, Member of the Royal Town Planning Institute.*

EU – *European Union*

LPA – *Local Planning Authority*

NP – *Neighbourhood Plan*

SEA – *Strategic Environmental Assessment*

HRA – *Habitats Regulation Assessment*