

Proposed Haxby and Wigginton Neighbourhood Plan

Summary

1. This report recommends that the joint application by Haxby Town Council and Wigginton 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. Haxby Town Council and Wigginton Parish Council submitted an application in June 2016. This application and associated boundary map is attached at Annex A.
6. The proposal is jointly from the Town and Parish Councils and the application boundary is the same as that of their respective Town and Parish Boundaries combined. 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 Town and Parish Councils who applied for the designation.
8. If they receive formal approval, Haxby Town and Wigginton Parish Councils can prepare a Neighbourhood Plan for the entire area of the parishes 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 Town and Parish Councils 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. 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 payment of £20,000. 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 6 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 Haxby Town and Wigginton Parish Councils' application from 7th December 2016 to 23rd January 2017.
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 Town and Parish Councils (for info);
 - The neighbouring parish councils of Skelton, Rawcliffe, Clifton Without, Earswick, New Earswick, Strensall with Towthorpe, Sutton on the Forest, Huby and Huntington were sent a letter;
 - A notice and a copy of the application was put up at several prominent locations around Haxby and Wigginton including the Town and Parish's notice boards;
 - A letter with the application attached was sent to known businesses and landowners in Haxby and Wigginton;
 - A webpage has been created at www.york.gov.uk/neighbourhoodplanning where the Haxby and Wigginton 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 Haxby and Wigginton Neighbourhood Plan. This is just a general comment on the application, and is included at Annex B.

Analysis

18. The Council needs to consider whether the Joint 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 Haxby Town and Wigginton Parish Councils (the 'qualifying body') and consider that the joint 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 parished area of Haxby and Wigginton. 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 Town and Parish Council areas 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 Haxby and Wigginton 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 Haxby and Wigginton 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:

Haxby and Wigginton

All

For further information please contact the authors of the report.

Background Papers:

None.

Annexes:

Annex A – Haxby and Wigginton Neighbourhood Plan application
Annex B – Response to the boundary application