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

19 October 2017

Report of the Corporate Director of Economy &
Place

Proposed Micklegate Neighbourhood Plan Area and Forum

Summary

1. This report follows on from the recent consultation on the applications submitted by the proposed Micklegate 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 Micklegate Neighbourhood Forum and Plan Area as per the applications received.

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 and a Neighbourhood Forum are the first stages in the preparation of a Neighbourhood Plan.
5. In line with National Planning Practice Guidance (NPPG) paragraph 24¹:

'an application to produce a Neighbourhood Plan 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 (Regulation 5 of the Neighbourhood Plan (General) Regulations 2012 (As amended). This must include a statement explaining why the proposed neighbourhood area is an appropriate area.'

¹ ID 41-024-20140306

6. The regulations state that where a relevant body, in this case the prospective Micklegate 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).
7. The prospective Micklegate Neighbourhood Forum has submitted the Neighbourhood Area application and Neighbourhood Forum application simultaneously. This allows people who live, work and do business in the Micklegate Ward to see the proposals in context. It will also remove 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.
8. The prospective forum highlighted that although; the applications are submitted together, they are submitted as two separate applications in order to demonstrate compliance with Regulations 5 and 8 of the Neighbourhood Planning (General) Regulations 2012.

Reasons for the Proposed Neighbourhood Area Boundary

9. The area application states that the proposed Neighbourhood Area boundary follows the same boundary as the Micklegate Ward boundary (as at the date that the latest boundary was agreed). The prospective forum considers this to be appropriate to be designated as a neighbourhood area for the following reasons:
 - i. It follows the recognised/established Ward boundary
 - ii. Formal and informal networks of community based groups already operate within this boundary
 - iii. Distinct catchment areas for schools and local facilities fall within the boundary proposed
 - iv. Consultation to date shows that there is a desire for a neighbourhood plan to cover the full ward area
 - v. The river Ouse forms a natural boundary along one side of our proposed boundary

Suitability of Proposed Forum

10. The forum application highlights that the prospective Micklegate Neighbourhood Forum has been established for the express purpose of promoting or improving the social, economic and environmental wellbeing of the Micklegate Ward. It states that membership is open to:
 - i. individuals who live in the proposed Neighbourhood Area,
 - ii. individuals who work there (whether for businesses carried on there or otherwise), and
 - iii. individuals who are elected

Their current membership includes more than 25 individuals, each of whom falls within one or more of the above categories.

Consultation

14. In line with the Regulations (2012, as amended) when an area application is received, the City of York Council must publish the following details of the Plan:
 - 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.*

16. In line with the Regulations (2012, as amended) when a neighbourhood forum application is received, the City of York Council must publish the following details of the Plan:
 - (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.

17. On 10th July 2017, City of York Council published the Forum and Area applications for a 6 week period in the following ways which meet the statutory requirements and accord with the Council's adopted Statement of Community Involvement:
 - A notice and a copy of the applications were put up at several prominent locations around Micklagate ward;
 - A notification letter was sent to businesses and landowners/agents in Micklegate;
 - A notification letter was sent to all neighbouring parish councils, these are:
 - Bishopthorpe
 - Fulford
 - A webpage has been created at www.york.gov.uk/neighbourhoodplanning where the Micklegate applications are 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. Once the consultation period ended, the Local Planning Authority has a period of time (defined by the Neighbourhood Planning (General) (Amendment) Regulations 2015) 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.
19. 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 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

20. The Council did not receive any responses to the consultation..

Options

21. 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 Micklegate 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

22. Officers are satisfied that both the application for a Neighbourhood Plan area application and the Neighbourhood Forum application meet the statutory requirements. Given that no responses have been received from the duly publicised applications, as further stages of the Neighbourhood planning process are undertaken the Council will have a role in ensuring that the Forum is engaging with the community.

23. Officers therefore recommend that Option 1 is agreed to allow the prospective Micklegate Neighbourhood Forum to progress with the production of a Neighbourhood Plan for Micklegate. The alternative options 2 to 4 not to support designation of the neighbourhood area and/or forum are not recommended.

Next Steps

24. If Option 1 is approved, Micklegate Neighbourhood Forum can begin preparing the Neighbourhood Plan with appropriate advice and assistance from the Council.
25. 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.
26. The Neighbourhood Forum 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.
27. 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 Council resolution.

Council Plan

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

Implications

30. **Financial/Programme** – If a neighbourhood plan for Micklegate 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 Department for Communities and Local Government. Any shortfall will need to be accommodated within existing resource.
31. **Human Resources** – None.
32. **Equalities** – None.
33. **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.

- 34. **Crime and Disorder** – None.
- 35. **Information Technology** – None.
- 36. **Property** – None.

Risk Management

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

Recommendations

- 38. The Executive Member is recommended to:
 - (i) Approve the Neighbourhood Forum application and Neighbourhood Plan Area application as per Option 1.

Reason: to allow the Micklegate Neighbourhood Forum to progress a Neighbourhood Plan for the Micklegate area.

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Report Approved Date 5/10/17

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Wards Affected:

Micklegate Ward

All

For further information please contact the authors of the report.

Annexes:

Annex 1 – Micklegate Neighbourhood Area and Forum applications