

Proposed Fulford Neighbourhood Plan

Summary

1. This report provides an update on the proposed Fulford Neighbourhood Plan and specifically requests that the cabinet member approves the formal application 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 plan making framework for that area. Designation of a Neighbourhood Area is the first stage in the preparation of a Neighbourhood Plan.
5. Fulford Parish Council submitted an application on the 11th June 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. It is this ‘area application’ that we are asking Members to approve.

Next Steps

7. If the area application is approved, 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 Councils who applied for the designation.
8. If they receive formal approval, Fulford Parish Council can prepare one Neighbourhood Plan for the entire parish 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. This will be influenced by the progress on the York Local Plan as a Neighbourhood Plan must be in conformity with it.

Table 1

Task	Date
Decision session	26 th March 2015
Preparation of the Plan	April 2015 – March 2016
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	December 2016
Examination	December – February 2017
Referendum	April 2017
Publish Neighbourhood Plan	Late April/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 Localism Act (Regulation 6) 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.

16. The Council formally published Fulford Parish Council's application on Monday 7th January 2015 for a 6 week period until 18th February 2015.
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);
 - The neighbouring parish councils of Bishopthorpe, Deighton, Heslington, and Naburn;
 - A notice and a copy of the application was put up at several prominent locations around Fulford including the Parish's notice boards;
 - A letter with the application attached was sent to as many businesses as possible in Fulford;
 - A webpage has been created at www.york.gov.uk/neighbourhoodplanning where the Fulford 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. We have received 6 representations in response to the application for a Fulford Neighbourhood Plan. One is in objection to the boundary, three representations of support and two commenting on the boundary.
19. The objection regarding the boundary has been submitted by Permission Plc. Their head office, Persimmon House, is located on Lingcroft Lane, adjacent to the southern boundary of the Parish. This area is in Naburn Parish. Persimmon Plc would like to see the Neighbourhood Plan boundary amended to include Persimmon House. They consider decisions made about the future of Fulford need take account of the future of Persimmon House and the impact on Persimmon House as a business and its employees because of its

proximity and influence on the wider locality. A full copy of this representation is attached as annex B which provides their full justification as to why this area should be included into the Fulford Neighbourhood Plan boundary and a map of the amended proposed boundary.

Option Choices

20. The following options are available for the Cabinet Member to consider:

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

Option 2 – approve the application subject to amendments to the Neighbourhood Plan boundary;

Option 3 – reject the application.

Analysis

21. 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 include Persimmon House and adjacent properties that are accessed by the first section of Lingcroft Lane.
22. Option 1 would allow the creation of a neighbourhood plan for the whole of the parish area of Fulford. This fits with national guidance and is best practice to allow for a comprehensive Neighbourhood Plan. Whilst it is recognised that Persimmon House is an important local business and is in close proximity to the Fulford Parish Area, officers consider that the most appropriate way forward is Option 1.
23. Option 2, whilst reflecting these concerns of Permission Plc, the inclusion of the suggested area would run contrary to the aims of the comprehensive approach set out in Option 1. In addition to this, an area cannot legally be included in two neighbourhood plan areas. If this small area was to be included in the Fulford Neighbourhood Plan designated area, it would have to be excluded from Naburn Neighbourhood Plan boundary if Naburn Parish Council were to apply for the whole of the parished area in the future.
24. Regarding Option 3, 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.”

Council Plan

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

Implications

26. **Financial/Programme** – If the council supports options 1 or 2 to produce a plan for Fulford 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
27. **Human Resources** – None.
28. **Equalities** – None.
29. **Legal** – No implications other than those included in the report.
30. **Crime and Disorder** – None.
31. **Information Technology** – None.
32. **Property** – None.

Risk Management

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

Recommendations

34. The Cabinet Member is recommended to:
 - (i) Approve the application including the proposed boundary as per Option 1.
Reason – To allow the plan to progress.

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**Report
Approved**



Date 18/3/2015

Specialist Implications Officer(s)

There are no specialist officer implications.

Wards Affected:

Fulford

All

For further information please contact the authors of the report.

Background Papers:

None.

Annexes:

Annex A – Fulford Neighbourhood Plan application

Annex B – Persimmon Group representation and boundary