

	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON 7 JULY 2016 AND CABINET ON 12 JULY 2016				
	<table> <tr> <td>Key Decision</td> <td>NO</td> </tr> <tr> <td>Forward Plan Ref No</td> <td>SP&T2</td> </tr> </table>	Key Decision	NO	Forward Plan Ref No	SP&T2
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Corporate Priority ALL	<table> <tr> <td>Cabinet Portfolio Holder</td> <td>Cllr J Plant</td> </tr> </table>	Cabinet Portfolio Holder	Cllr J Plant		
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REPORT OF THE DIRECTOR –16/146

WARDS AFFECTED: CAYTON AND ADJOINING PARISHES OF CAYTON, LEBBERSTON, OSGODBY, FOLKTON, SEAMER.

SUBJECT: TO CONSIDER THE DESIGNATION OF A NEIGHBOURHOOD DEVELOPMENT PLAN AREA IN RESPONSE TO THE REQUEST RECEIVED FROM CAYTON PARISH COUNCIL

RECOMMENDATION (S):

Subject to the receipt of no consultation responses that would warrant further consideration by noon on 7 July 2016:

- a) that Members approve the application submitted by Cayton Parish Council for a neighbourhood development plan area covering Cayton Parish.

REASON FOR RECOMMENDATION (S):

Cayton Parish Council has applied to SBC for designation of Cayton Parish as a Neighbourhood Area. This is the first step in the process of preparing a Neighbourhood Development Plan (NDP). The NDP would be prepared by the Parish Council and could, amongst other things, set out planning policies for Cayton Parish.

Under the Neighbourhood Planning Regulations, the Local Planning Authority is obliged to publicise the application as soon as possible after receipt, to those living, working and doing business in the Parish. In this instance, this type of application needs to be determined within 8 weeks of being first received. This deadline was introduced in February 2015 (The Neighbourhood Planning (General) (Amendment) Regulations 2015).

Cayton Parish Council's application was received on 8 June 2016 and was published/advertised on the same day. Under the Neighbourhood Planning Regulations, the deadline for the application is Wednesday 3 August 2016.

In light of the time limits for determining such applications it requires that the report be considered at this meeting even though the consultation period does not expire until noon of the day of the Planning & Development Committee.

Any comments received after the issuing of the report to Members will be reported verbally at the meeting.

HIGHLIGHTED RISKS:

Neighbourhood plans will become part of the development plan and therefore will have a significant influence on future planning decisions.

It would conflict with Government legislation and leave the Council open to legal challenge if the recommendation is rejected and the Local Planning Authority fails to identify an appropriate area to be designated as a Neighbourhood Area.

1. INTRODUCTION

- 1.1 Under the Localism Act 2011, the Government has introduced new legislation that gives greater weight to community-led planning, including the drawing up of a neighbourhood plan which includes the future use and development of land at a local level. Local planning authorities have a statutory duty to advise or assist communities in the preparation of neighbourhood plans.
- 1.2 Neighbourhood plans are prepared by a 'qualifying body' (as defined by the Town and Country Planning Act 1990 (as amended)) which include parish and town councils, or a neighbourhood forum in areas that are not governed by

parish and town councils. Neighbourhood forums are designated by the local authority.

- 1.3 Neighbourhood plans once made (adopted) will form part of the local development plan and therefore need to be in general conformity with the National Planning Policy Framework, the current Scarborough Borough Local Plan and any subsequent review. Neighbourhood plans also need to have to be compatible with relevant EU and human rights obligations.
- 1.4 Applying for designation as a neighbourhood area is the first step local communities are required to take before acquiring their new neighbourhood planning powers. The area indicated on the map in Appendix 1 is the geographical extent in which the Parish Council wishes to undertake neighbourhood planning. In this instance it is the entire Parish of Cayton that is the subject of the application.
- 1.5 Neighbourhood planning provides an opportunity for local communities to be fully engaged in the future of their communities, and the local ownership that comes from neighbourhood planning is an opportunity to assist the Council in improving equality, diversity, cohesion and integration in our communities.
- 1.6 The Local Planning Authority has the primary responsibility for determining applications for neighbourhood areas and designating neighbourhood forums. This includes carrying out public consultations on any Neighbourhood Area Applications and on the final Neighbourhood Development Plan prior to an examination.

2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN

2.1 ENVIRONMENT: A highly attractive area with housing that meets local need

Preparation of a Neighbourhood Development Plan is one means through which the local community can take responsibility for developing plans for how land is used in their own neighbourhood. They set out local priorities to guide development and protect the natural and built environment, within the framework of national and local strategic policies.

2.2 PROSPERITY: A vibrant local economy with thriving towns and villages

Where relevant, Neighbourhood Development Plans can include land use planning policies geared towards helping rural communities and businesses thrive.

2.3 COMMUNITY WELLBEING: Active communities and support for those who need it

Neighbourhood Development Plans are developed by the local community. The process includes extensive community engagement and has the potential

to foster community spirit through agreement of local land use planning priorities.

3. BACKGROUND AND ISSUES

Neighbourhood Development Plans

- 3.1 A Neighbourhood Development Plan (NDP) can set out planning policies for a specific Neighbourhood Area. It is normally prepared by the Parish Council in parished areas.
- 3.2 At present, only Eastfield Town Council and Cayton Parish Council have chosen to prepare a NDP. Additional communities could choose to prepare a NDP at any time. The Council is obliged to be proactive and constructively engage with communities preparing, or considering preparing, a NDP and take key decisions in a timely manner.
- 3.3 Cayton Parish Council has resolved to prepare a NDP. They have submitted their application for designation of Cayton Parish as a Neighbourhood Area, which is the first step in the process.

Designation of a Neighbourhood Area

- 3.4 The procedure for preparing a NDP is set out in the Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (as amended). The first stage is to apply to the Local Planning Authority (LPA) for designation of the Neighbourhood Area. This is the geographical area which will be covered by the NDP.
- 3.5 As soon as possible after an application is received, the LPA is obliged to publicise it on the Council's website and in such other manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the application relates. Representations are invited. The application must be publicised for a period of at least four weeks in the case of a Parish Council application relating to the whole Parish.
- 3.6 Once the publication period is over, the LPA has to consider any representations received and decide whether to designate the Neighbourhood Area. The decision that has to be taken is whether the Parish boundary is the appropriate area for the NDP. The LPA can approve the boundary as proposed, seek modifications with the Parish Council's consent or refuse the application and seek to agree an alternative boundary.

4. CONSULTATION

- 4.1 Following the submission of a nomination, the Local Planning Authority must put the details out to public consultation for a minimum of 4 weeks. This consultation, on the neighbourhood planning area, gives an opportunity for

members of the public, businesses and other interested bodies to make representations relating to the appropriateness of the area to be designated. The Borough Council, as Local Planning Authority is required to consider the nomination and either designate the area, vary the extent of the nomination or refuse to designate the area. If the decision is to refuse or vary the designation, then reasons must be given.

- 4.2 The application for the proposed Cayton Neighbourhood Area was advertised on the Borough Council website and through site notices displayed at various locations within the proposed Neighbourhood Area and also included Killerby and Cayton Bay; both which fall within the Parish boundary.
- 4.3 No formal comments were received by the time of publishing this report. Any comments received between the publication of the report and the end of the consultation period (noon on 7th July 2016) will be reported verbally.

5. ASSESSMENT

- 5.1 In principle, the creation of neighbourhood areas is desirable as it enables the local community to have a greater say over future development affecting their area. A map of the proposed neighbourhood area is provided in Appendix 1.
- 5.2 A statement was submitted by the applicant explaining why this area is considered appropriate to be designated as a neighbourhood area. The area is suggested as being appropriate for a Neighbourhood Plan as the designated area covered the Parish of Cayton entirely.
- 5.3 Officers have met with the Parish Council to provide some initial advice on the processes involved in NDP preparation.
- 5.4 Members are required to consider whether this area is appropriate to be defined as a neighbourhood area. Members are able to amend the boundaries to include additional land or exclude certain areas if it considers it appropriate to do so.
- 5.5 The proposed neighbourhood area adjoins the neighbourhood area designated previously following a proposal by Eastfield Parish Council. Given that both areas follow Parish boundaries this is not considered to give rise to particular concerns, and indeed, there may be benefits arising from the two processes of neighbourhood plan development occurring alongside one another, as there is the opportunity for the two to dovetail to some extent.
- 5.6 If the Local Planning Authority considers that a proposed neighbourhood area is wholly or predominantly business in nature it should be designated as a business area. This has the effect of allowing business people to vote in an additional referendum on whether to bring the neighbourhood plan into force. Part of Scarborough Business Park including Plaxtons does lie within the parish boundary along with an area identified for expansion of the business park (a planning consent was renewed recently for this area to the south of Plaxtons). Notwithstanding this, the parish is predominantly residential in

nature especially when taking into account the proposed allocation for circa 2500 dwellings to the south of Cayton. As a result, it is not considered appropriate to designate the Cayton Neighbourhood Area as a business area; however, Cayton Parish Council should ensure that businesses within the Neighbourhood Plan area have the opportunity to be involved in the process.

- 5.7 There is no further guidance on how local authorities should determine the acceptability of a proposed area. The application proposes to designate the whole of Cayton parished area and there are no considerations that suggest a smaller or larger area would be more appropriate.
- 5.8 Upon consideration of the Act and the relevant planning regulations, it is recommended that the neighbourhood area application be approved.

Next Steps

- 5.9 If the proposed Neighbourhood Area is designated, details must be published, as soon as possible following the decision, on the Local Planning Authority's website and in such other manner that is likely to bring the decision to designate to the attention of people living, working and carrying on business in the Area as detailed in Part 2 Regulation 7 of the Neighbourhood Planning (General) Regulations 2012.
- 5.10 Should the decision be taken not to designate a Neighbourhood Area, the Council is required to publish a document setting out the decision and the reasons for making that decision on the Council's website and in such other manner that is likely to bring the decision to the attention of people living, working and carrying on business in the Area. This should be done as soon as possible following the decision, as set out in Part 2, Regulation 7.
- 5.11 If the application for a Neighbourhood Area is approved, Cayton Parish Council will be able to produce a Neighbourhood Plan that can eventually be adopted as part of the statutory development plan for the designated Neighbourhood Area (Cayton Parish).
- 5.12 To become part of the statutory development plan, a Neighbourhood Plan must receive a majority 'Yes' vote in a local referendum organised by the Local Planning Authority. To reach the referendum stage a Neighbourhood Plan needs to progress through several stages. Completed Neighbourhood Plans will be submitted to the Local Planning Authority who will need to be satisfied that the submitted plan complies with the strategic priorities of the local development plan (e.g. Local Plan). Following a period of public consultation, the submitted plan will be examined by an independent inspector who is required to ensure the plan meets a set of basic conditions and legal requirements. Following a successful examination, a submitted Neighbourhood Plan can continue to a Local Referendum (in this case within Cayton) and, if successful, be adopted as part of the development plan.

6. IMPLICATIONS

a) Policy

6.1 Once adopted, the Cayton Neighbourhood Plan will form part of the statutory Development Plan. It will need to be in conformity with strategic policies in the local development plan and have regard to the National Planning Policy Framework. It will also need to be compatible with relevant EU and human rights obligations.

6.2 It would then be used by the Local Planning Authority in making planning decisions within that area in addition to the Borough Local Plan and the NPPF.

b) Legal

6.3 The Town and County Planning Act 1990 (as amended by the Localism Act 2011) and The Neighbourhood Planning (General) Regulations 2012 set out the requirements and procedures for the designation of Neighbourhood Areas. The 1990 Act places a duty on the Council to designate Neighbourhood Areas. Additionally the Council has a statutory duty to provide advice and assistance (not financial) as deemed appropriate to Parish Councils in the preparation of Neighbourhood Plans.

c) Financial

6.4 No significant impacts at this stage, however, it should be noted that the costs of holding the Examination in Public and the subsequent referendum will have to be borne by the Council. A referendum could, however, be held at the same time as other election events if the timescales allowed.

6.5 The Department for Communities and Local Government has allocated funding to provide financial assistance to Local Planning Authorities dealing with Neighbourhood Plans. Support is made in recognition of the consultation and officer time that will be spent supporting and advising the community in taking forward a Neighbourhood Plan/Area. Providing DCLG funding arrangements continue, the Council will be able to apply for payments to cover costs that will be incurred later in the process.

d) Staffing

6.6 Matters relating to Neighbourhood Planning are dealt with by Officers within the Forward Planning Section, with assistance from Legal Services. The time associated with assisting the preparation of the NDP will be met within existing staff resources. Given the commitments associated with the Council's own emerging Local Plan, which is to be the subject of an examination in public commencing in August 2016, the onus will be on the Parish Council itself to drive forward the process.

e) Planning

6.7 As per a), neighbourhood plans once made (adopted) will form part of the local development plan and therefore need to be in general conformity with the strategic planning policies, the current Scarborough Borough Local Plan and any subsequent review. Neighbourhood development plans also need to

have regard to national planning policy and be compatible with relevant EU and human rights obligations.

f) Crime and Disorder

6.8 I have considered whether the following implications arise from this report and am satisfied that there is no identified implication that will arise from this decision.

g) Health and Safety

6.9 I have considered whether the following implications arise from this report and am satisfied that there is no identified implication that will arise from this decision.

h) Environmental

6.10 Neighbourhood Development Plans are required to conform to national and local policy which is supported by sustainability appraisals. However, depending on the nature of the Neighbourhood Development Plan, the Plan may need to be supported by its own Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA).

7. ACTION PLAN

7.1 Agreement of the Neighbourhood Planning Area will be in July 2016, subject to Cabinet agreement. The timescale for the production of the plan itself is entirely in the hands of Cayton Parish Council.



Trevor Watson
Director

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Background Papers:

Please give details of all publicly accessible (non private) background papers applicable to the report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT STEVE WILSON ON 01723 232480 e-mail steve.wilson@scarborough.gov.uk

RISK MATRIX

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/Responsible Officer	Action Plan
1	July 2016	Council does not make a decision on area designation	Council (Local Planning Authority) criticised for not enabling the Governments localism agenda and helping to bring forward Neighbourhood Development Plans.	Agree (or refuse) the proposed area	D2	B2	Mr D Walker / Mr S Wilson	None

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

Likelihood:

- A = Very Low
- B = Not Likely
- C = Likely
- D = Very Likely
- E = Almost Certain

Impact

- 1 = Low
- 2 = Minor
- 3 = Medium
- 4 = Major
- 5 = Disaster

Appendix 1

INSERT MAP OF CAYTON