

	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON 10 NOVEMBER 2016 AND CABINET ON 15 NOVEMBER 2016				
	<table> <tr> <td>Key Decision</td> <td style="text-align: right;">NO</td> </tr> <tr> <td>Forward Plan Ref No</td> <td style="text-align: right;">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 style="text-align: right;">Cllr J Plant</td> </tr> </table>	Cabinet Portfolio Holder	Cllr J Plant		
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REPORT OF THE DIRECTOR –16/242

WARDS AFFECTED: FILEY, ALL WARDS

SUBJECT: TO CONSIDER THE DESIGNATION OF A NEIGHBOURHOOD DEVELOPMENT PLAN AREA IN RESPONSE TO THE REQUEST RECEIVED FROM FILEY TOWN COUNCIL AND TO UPDATE THE SCHEME OF DELEGATION FOR FUTURE REQUESTS FOR THE DESIGNATION OF NEIGHBOURHOOD AREAS.

RECOMMENDATION (S):

- a) That Members note the application submitted by Filey Town Council for a neighbourhood development plan area covering Filey Parish and its subsequent approval.
- b) To amend the Scheme of Delegation to delegate authority to the Planning Services Manager and Forward Planning Manager in consultation with the relevant Portfolioholder to designate a neighbourhood area only where it is proposed by a Parish Council and follows the parish boundary.

REASON FOR RECOMMENDATION (S):

Filey Town Council has applied for the designation of Filey 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 Town Council and could, amongst other things, set out planning policies for Filey Parish.

Under the Neighbourhood Planning Regulations (The Neighbourhood Planning (General) Regulations 2012), the Local Planning Authority was obliged to publicise the application as soon as possible after receipt, to those living, working and doing business in the Parish. Furthermore, the application had to be determined within 8 weeks of being first publicised.

On 1st October 2016, new regulations ("The Neighbourhood Planning (General) and Development Procedure (Amendment) Regulations 2016") came into force. This amended previous Regulations and stated that in cases where a parish council applies for designation of the whole of their parish as a neighbourhood area, then the LPA must exercise their powers to designate the specified area as a neighbourhood area. In such a case, the previous 8 week time period, with 4 weeks of publicity, no longer applies.

Filey Town Council's application was received on 7 October 2016, covering the whole of their area and, in line with the amended Regulations, and has been informed that the neighbourhood area is designated and that this will be reported to Cabinet.

The amendment to the Scheme of Delegation is proposed to both reflect the latest changes to the Neighbourhood Planning Regulations (referred to above) and to enable the designation of a neighbourhood area to be signed of or approved in the appropriate timeframe thereby allowing quicker production of neighbourhood development plans.

HIGHLIGHTED RISKS:

The Filey neighbourhood area is approved by right under the amended Regulations and there are therefore no risks related to that element of the report.

1. INTRODUCTION

- 1.1 Under the Localism Act 2011, the Government introduced legislation that gave 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 Development 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 Development 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 Development 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 Town Council wishes to undertake neighbourhood planning. In this instance it is the entire Parish of Filey 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 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 or Town Council in parished areas.
- 3.2 Prior to this submission 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 Filey Town Council has resolved to prepare a NDP. They have submitted their application for designation of Filey 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 For an application to designate a neighbourhood area, if a parish or town council applies for the whole of their area, then the LPA must designate it as a neighbourhood area. In such a case, the previous 8 week time period, with 4 weeks of publicity, no longer applies. In this instance, the application relates to the whole Parish and according to regulations, the LPA must designate the whole of the area.
- 3.6 The application for the proposed Filey neighbourhood area was publicised on the Borough Council website.
- 3.7 The other issue is to set out how future applications for the designation of a neighbourhood area will be considered and reported.

4. ASSESSMENT

Filey Neighbourhood Development Plan

- 4.1 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.

- 4.2 A statement submitted by the applicant explaining why this area is considered appropriate to be designated as a neighbourhood area is attached as Appendix 2.
- 4.3 Under new amended regulations, the LPA must designate the submitted area as a neighbourhood area. As such this part of the report is generally for Members' information.
- 4.4 The application proposes to designate the whole of Filey parished area and there are no considerations that suggest a smaller or larger area would be more appropriate.
- 4.5 Although the Regulations set out that the area must be approved it is considered that this area would constitute an appropriate area for a neighbourhood plan for Filey anyway.

Next Steps for Filey Neighbourhood Development Plan

- 4.6 The proposed neighbourhood area is designated as required by the Regulations and 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.
- 4.7 Filey Town Council are now able to produce a Neighbourhood Development Plan that can eventually be adopted as part of the statutory development plan for the designated neighbourhood area (Filey Parish).
- 4.8 To become part of the statutory development plan, a Neighbourhood Development 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 Development Plan can continue to a Local Referendum (in this case within Filey) and, if successful, be adopted as part of the development plan.

Future Reporting Arrangements

- 4.9 As referred to earlier in this report the Regulations have been updated to speed up the production of neighbourhood plans where the proposing body is a Parish Council and where the area is the whole parish area. In such instances the Local Authority must approve the designation of the area and the consultation period on the designation of the area do not apply.

- 4.10 It is suggested that if further proposals of this nature are submitted, the Local Planning Authority automatically agree to the designation and publicises this on the website and other means as required, without the need to bring a report to Cabinet. Ward Members will be notified by officers on the receipt of such submissions and the Portfolio Holder for Planning can update Members of such submissions in the Cabinet Member Statement. In line with this it is the recommendation of this report is to amend the Scheme of Delegation to delegate authority to the Planning Services Manager and/or Forward Planning Manager to designate a neighbourhood area only where it is proposed by a Parish Council and follows the parish boundary.
- 4.11 No changes are proposed to the consideration of neighbourhood plan area designations that do not meet the above requirements. Where Parishes Councils or Neighbourhood Groups submit a request for the designation of a neighbourhood area that does not follow the full boundary of the parish, the process will follow that as approved under Report 16/012 whereby a report will be brought to Cabinet or, where time does not permit, the decision to designate a neighbourhood area delegated to the Chair of P&D Committee and the Cabinet Portfolio Holder.

5. IMPLICATIONS

a) Policy

- 5.1 Once adopted, the Filey Neighbourhood Development 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 (NPPF). It will also need to be compatible with relevant EU and human rights obligations.
- 5.2 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

- 5.3 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

- 5.4 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.

- 5.5 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

- 5.6 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. Clearly the greater the number of proposed Neighbourhood Plans the greater the impact on staff resources, however, the onus will be on the Parish/Town Council itself to drive forward the process.

e) Planning

- 5.7 As per a), neighbourhood development 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

- 5.8 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

- 5.9 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

- 5.10 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).

6. ACTION PLAN

- 6.1 The timescale for the production of the plan itself is entirely in the hands of Filey Town Council.



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Director

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Background Papers:

Background papers applicable to this report are available on the council's website.
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY
OF THE BACKGROUND PAPERS, PLEASE CONTACT KATJA HARPER
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RISK MATRIX

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/Responsible Officer	Action Plan
1	Nov 2016	Council does not amend scheme of delegation to allow areas to be agreed by Planning Services Manager/Forward Planning Manager	Reports for information only will be taken before Cabinet whereby no decision will actually be required.	Amend the scheme of delegation	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