

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
6 October 2015

**Subject:** **STOKESLEY NEIGHBOURHOOD AREA DESIGNATION**

**Stokesley Ward**  
**Portfolio Holder for Environmental and Planning Services: Councillor B Phillips**

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### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 The Localism Act 2011 provided a new statutory regime for Neighbourhood Planning. Regulations came into force on 6 April 2012 making legal provisions in relation to that regime and a first step in the process is the designation of a Neighbourhood Area.
- 1.2 On 23 July 2015 an application was submitted by Stokesley Parish Council to this Council for designation of their parish as a Neighbourhood Area to enable them to proceed with formal Neighbourhood Plan preparation (See letter and maps at Annex A).
- 1.3 We are under a general duty to support Neighbourhood Plan preparation and several meetings have been held with the Neighbourhood Plan Steering Group.
- 1.4 The application for Neighbourhood Area designation was publicised on 31 July 2015 and now the Council must consider any representations submitted by 11 September 2015 before making a decision on designation of the area.
- 1.5 The application was publicised on Hambleton's website and a public notice advert was placed in the Darlington and Stockton Times newspaper.
- 1.6 The Council should support the application as it is validly made, the parish area provides for a logical Plan making boundary and whilst one representation has been made there have been no objections to designation (see letter at Annex B). If the Council decides not to support the application it must give reasons.

### **2.0 LINK TO COUNCIL PRIORITIES:**

- 2.1 The Council Plan 2011 - 15 aims 'to encourage our residents to become more involved in making decisions which impact on local communities'. Although Neighbourhood planning is not mentioned as a priority action, this Neighbourhood Area designation would undoubtedly allow local residents and businesses to decide on future development plan making.

### **3.0 RISK ASSESSMENT:**

- 3.1 There are no risks associated with this report.

### **4.0 FINANCIAL IMPLICATIONS:**

- 4.1 There is no cost associated with Neighbourhood Area designation other than a small cost for advertising the decision in a local newspaper - and for the not insignificant officer time involved. However, the Council will incur much larger costs with the subsequent preparation of the Neighbourhood Plan (e.g. for the examination and referendum) but this is expected to be covered by the Department of Communities and Local Government grants to the Council, which currently total £30,000 for each Neighbourhood Plan, made in three payment stages. Following designation of a Neighbourhood Area, £5,000 will be received by the District Council, which recognises the officer time supporting and advising the

community in taking forward a Neighbourhood Plan. The second payment (of £5,000) is not received until the Neighbourhood Plan is publicised prior to examination. The third payment of £20,000 is made on successful completion of the examination.

4.2 As previously agreed (Cabinet November 2012 - CA46) for Huby and Appleton Wiske and Easingwold (Cabinet July 2014 – CA16), some of this grant should be used to fund the Neighbourhood Plan Group's submitted expenses (e.g. for consultation materials and events) up to £3,000.

4.4 When the Neighbourhood Plan is adopted there will be an impact on this Council's Community Infrastructure Levy (CIL) receipts as 25% (rather than 15%) of payments for eligible developments in the parish will go to the Parish Council to spend on their infrastructure projects. Further, where a Neighbourhood Plan is made these receipts are uncapped, for parishes without a neighbourhood plan receipts are capped at £100 per dwelling per annum. The level of income expected to be lost by this Council whilst at present may be negligible due to approvals at Whitehouse Farm development and the Tanton Road appeal has been upheld, in the future the impact will be dependent on the level of growth expected to take place within Stokesley.

## **5.0 LEGAL IMPLICATIONS:**

5.1 The legal requirements under Part 2 of The Neighbourhood Planning (General) Regulations 2012 have been complied with. The next step requires the Council to publish details (area name, map and applicant) of the Neighbourhood Area designation decision on our website and in such other manner we consider likely to bring it to the attention of local residents, workers and businesses.

## **6.0 EQUALITY AND DIVERSITY ISSUES:**

6.1 None.

## **7.0 HEALTH AND SAFETY ISSUES:**

7.1 None.

## **8.0 RECOMMENDATIONS:**

8.1 It is recommended that Cabinet agrees:

- (1) the designation of a Neighbourhood Area for Stokesley parish and publicises the necessary information;
- (2) Government grant funding be passed to Stokesley Parish Council to cover their submitted costs of plan preparation up to £3,000;

MICK JEWITT

**Background papers:** The Neighbourhood Planning (General) Regulations 2012.  
Public Notice advert in Darlington & Stockton Times 31 July 2015 and on HDC website.  
Supporting Communities in Neighbourhood Planning 2013-15, DCLG, March 2013.

**Author ref:**

HL

**Contact:**

Hannah Langler

Planning Policy Officer

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22 July 2015

Hannah Langler  
Planning Policy Department  
Hambleton District Council  
Civic Centre  
Stone Cross  
Northallerton  
DL6 2UU

Dear Ms Langler

**Stokesley Neighbourhood Plan**

I am writing to inform you that Stokesley Parish Council has resolved at an ordinary meeting of the Parish Council held on 14<sup>th</sup> July 2015 to develop a Neighbourhood Plan (Minute Reference 8/14/07/15 – 10.).

We are therefore applying to Hambleton District Council to designate Stokesley Parish as the 'Neighbourhood Area' in accordance with Part 2 of the Neighbourhood Planning (General) Regulations 2012.

We confirm that Stokesley Parish Council is a relevant body for the purposes of Section 61G of the 1990 Town and Country Planning Act which specifically includes Parish Councils.

The area to be covered by the neighbourhood plan is the whole of Stokesley Parish. A map confirming the area to be designated is attached.

It is considered that the parish is appropriate to be designated as the neighbourhood area as it has meaningful and clear boundaries, reflects the existing local sense of community and is a generally recognised as an existing, discrete entity for policy making purposes.

An initial public consultation event held at Stokesley Town Hall on June 6<sup>th</sup> 2015 gathered approximately 1,500 comments from the community – analysis of this data is ongoing but clearly demonstrates that the community's views, concerns and aspirations are almost exclusively related to the Stokesley Parish area whilst recognising there are some

connectivity issues with the surrounding area and Parishes which will be addressed as the project moves forward.

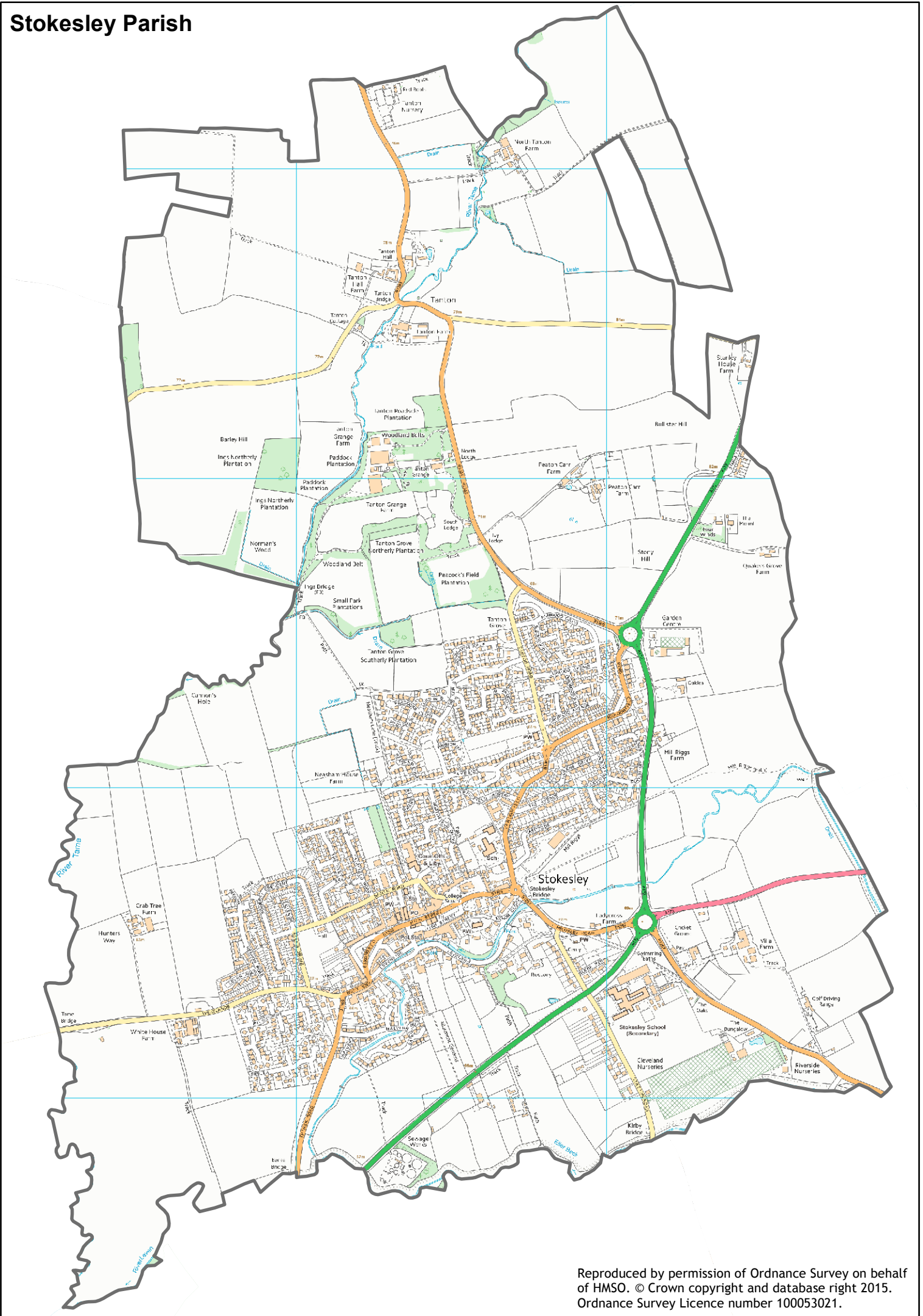
We look forward to working with Hambleton District Council and to your support in developing the Neighbourhood Plan for Stokesley.

Could I please ask that you acknowledge receipt of this application and inform us of the timescale involved for approval of the area designation.

Yours sincerely

Julie McLuckie  
Clerk to Stokesley Parish Council

# Stokesley Parish





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(Representations submitted by email [planningpolicy@hambleton.gov.uk](mailto:planningpolicy@hambleton.gov.uk))

28<sup>th</sup> August 2015

**Re: Stokesley Neighbourhood Development Plan – Application for Neighbourhood Area Designation**

Dear Sirs,

Gladman Developments Ltd (Gladman) specialise in the promotion of strategic land for residential development with associated community infrastructure. This letter provides Gladmans' representations on the application made by Stokesley Parish Council for the designation of a Neighbourhood Area, for the purposes of preparing a Neighbourhood Development Plan.

At this stage Gladman have no specific comments to make on the application for the Neighbourhood Area designation. However, as the first formal stage of preparing a Neighbourhood Plan, Gladman would like to take the opportunity to comment on the Stokesley Neighbourhood Area application to highlight a number of key requirements to which the development of the emerging Neighbourhood Plan should have regard. Gladman wish to participate in the Neighbourhood Plan's preparation and to be notified of further developments and consultations in this regard.

Neighbourhood Plans - Guidance and Legislation

The National Planning Policy Framework (The Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out requirements for the preparation of neighbourhood plans and the role these should take in setting out policies for the local area. The requirements set out in the Framework have now been supplemented by the guidance contained in the Neighbourhood Planning chapter of the PPG.

Paragraph 16 of the Framework sets out the positive role that Neighbourhood Plans should play in meeting the development needs of the local area. Its states that:

*"The application of the Presumption (In Favour of Sustainable Development, set out in paragraph 14 of Framework) will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should:*

- *Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *Plan positively to support local development, shaping and directing development in their area that is outside of the strategic elements of the Local Plan"*

Further guidance on the relationship between Neighbourhood Plans and strategic policies for the wider area set out in a Council's Local Plan is included in paragraph 184 of the Framework:

*"The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans...should not promote less development than set out in the Local Plan or undermine its strategic policies".*

Before a Neighbourhood Plan can proceed to referendum it must be tested against the Neighbourhood Plan Basic Conditions, set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 and further detailed in paragraph 065 of the Neighbourhood Plan PPG. These Basic Conditions are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan*
- Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order*
- Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order*
- The making of the neighbourhood plan contributes to the achievement of sustainable development*
- The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority*
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations*
- Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan*

If a Neighbourhood Plan is not developed in accordance with the Neighbourhood Plan Basic Conditions there is a real risk that it will fail when it reaches Independent Examination.

#### Relationship with Local Plans

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, Neighbourhood Plans should be prepared to conform to up-to-date strategic policy requirements set out in Local Plans. Where an up-to-date Local Plan has been adopted and is in place for the wider authority area, it is the strategic policy requirements set out in this document that a Neighbourhood Plan should seek to support and meet. When a Local Plan is emerging or is yet to be found sound at Examination, there will be lack of certainty over what scale of development a community must accommodate or the direction the policies in the Neighbourhood Plan should take.

The Development Plan consists of the Hambleton Core Strategy (adopted April 2007), Development Policies DPD (adopted February 2008) and the Allocations DPD (adopted December 2010). It is clear that the Development Plan predates the publication of the Framework and its housing requirement is not be based on the full objectively assessed needs for housing as required by the Framework.

Gladman note that on 16<sup>th</sup> September 2014 the Council decided to undertake a full Plan review. The Council are currently in the initial stages of preparing its emerging Local Plan, Gladman therefore question the Parish Council's ability to progress with a Neighbourhood Plan at this time as there is no up-to-date Development Plan consistent with the requirements of the Framework to which the Neighbourhood Plan can be based or tested against.

Given the above it cannot be certain what level of development Stokesley will need to accommodate to meet the district's housing needs. Gladman therefore recommend that further work on the Neighbourhood Plan be delayed until the strategic requirements for the wider area are more certain.

Although the Neighbourhood Plan PPG indicates that Neighbourhood Plans can be advanced before an up-to-date Local Plan is in place, Gladman would strongly question the ability to progress a Neighbourhood Plan on this basis. If a Neighbourhood Plan is progressed prior to an up-to-date Local Plan being prepared, or the strategic policies and development requirements set out in an emerging Local Plan change, then the work on the Neighbourhood Plan is likely to be abortive. A Neighbourhood Plan cannot be consistent with the requirements of the Framework or the meet the Neighbourhood Plan Basic Conditions if it is progressed on a development plan that is out-of-date.

### **Woodcock Judgement**

The recent Woodcock High Court judgement demonstrates the implications of progressing a Neighbourhood Plan where there is no up-to-date Local Plan in place nor a 5 year housing land supply (as is currently the case in Hambleton). In summary, this High Court Judgement demonstrates the following key points:

- That paragraphs 14 and 49 of the Framework in regard to five year housing land supply and the weight that should be given to extant housing land policies applies equally to both emerging and 'made' Neighbourhood Plans as other development plan documents otherwise adopted and/or emerging by the local planning authority.
- There is nothing in policy or statute that elevates Neighbourhood Planning to a level above the wider development plan that enables special consideration.
- Neighbourhood Plans must respect national policy and the core planning principles outlined within the Framework.
- Prematurity must be assessed against the whole requirements of the PPG. In Neighbourhood Planning there is no requirement for planning bodies to produce an OAN, as there is no requirement to consider the effectiveness or justification of a Plan.

Given the recent Woodcock judgement it would be inappropriate to progress with a Neighbourhood Plan at this time as the Council do not have an up-to-date Framework/PPG compliant Plan in place nor is the Council able to demonstrate a 5 year housing land supply.

If the Stokesley Neighbourhood Plan is progressed prior to the adoption of the emerging Local Plan then the housing policies contained in the Neighbourhood Plan will be found out of date before they are even adopted. Gladman recommend that the progression of the Neighbourhood Plan be delayed until there is greater certainty regarding the strategic priorities for the wider area.

### **Neighbourhood Plan Policies and Proposals**

In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the Framework and the wider strategic policies for the area set out in the Council's Local Plan. Neighbourhood Plans should provide a policy framework that complements and



supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.

The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent development from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the strategic development needs for the area. Policies that are clearly worded or intended to place an unjustified constraint on further sustainable development taking place would not be consistent with the requirements of the Framework or meet the Neighbourhood Plan Basic Conditions.

Communities should not seek to include policies in Neighbourhood Plans that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies and proposals should be designed to add value to policies set out in Local Plan and national guidance, as opposed to replicating their requirements. The community should liaise with the Council's planning team to seek advice on the appropriateness of the Neighbourhood Plan's proposals.

#### Sustainability Appraisal/Strategic Environmental Assessment

The preparation of a Neighbourhood Plan may fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would be likely to have significant environmental effects. The requirement to undertake an SEA will be dependent on a Neighbourhood Plan's proposals, but is likely to be necessary where a Plan is proposing specific allocations or site designations.

In accordance with Schedule 1 of the SEA Regulations, a Screening Assessment of a Neighbourhood Plan's proposals should be completed to assess whether an SEA must be prepared. Where an SEA is required this should be commenced at the earliest opportunity, alongside the preparation of the emerging Neighbourhood Plan, to ensure the Neighbourhood Plan's proposals have been properly considered through the SEA process, and appropriately justified against other reasonable alternatives. Where an adequate SEA has not been undertaken a Neighbourhood Plan is unlikely to meet the Neighbourhood Plan Basic Conditions.

Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing an SA can help to show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA is unlikely to require significant additional input.

The Council's planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan's proposals. To be compatible with EU obligations, further appraisals, such as a Habitats Regulations Assessment, may also be required depending on local circumstances.

I hope you have found this letter to be constructive. Should you have any queries in relation to our response please do not hesitate to contact us.

Yours faithfully

John Fleming

Gladman Developments Ltd