

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
6 September 2016

**Subject:** HUTTON RUDBY, RUDBY, MIDDLETON AND SKUTTERSKELFE  
NEIGHBOURHOOD AREA DESIGNATION

Stokesley Ward  
Portfolio Holder for Planning: 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 17<sup>th</sup> June 2016 an application was submitted by Rudby Parish Council to this Council for designation of Hutton Rudby, Rudby, Middleton and Skutterskelfe Parishes as a Neighbourhood Area to enable them to proceed with formal Neighbourhood Plan preparation (see application form and maps at Annex A).
- 1.3 The Council is under a general duty to support Neighbourhood Plan preparation and meetings have been held with the Neighbourhood Plan Steering Group.
- 1.4 The application for Neighbourhood Area designation was publicised on 24 June 2016 and now the Council must consider any representations submitted by 5 August 2016 before making a decision on designation of the area.
- 1.5 The application was publicised on the Council's website and a public notice advert was placed in the Darlington and Stockton Times newspaper on the 1<sup>st</sup> July.
- 1.6 The Council should support the application as it is validly made, the parish area provides for a logical Plan making boundary. No representations have been received in response to the proposed designation. If the Council decides not to support the application it must give reasons.
- 1.7 One of the basic conditions that Neighbourhood Plans must meet is to be in general conformity the Development Plan. The Council and the Neighbourhood Plan Steering Group will need to work together to ensure that the Neighbourhood Plan and the emerging Local Plan are closely aligned.

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

- 2.1 Neighbourhood Planning contributes to one of the four priorities of the Council Plan 2015-19: 'Providing a Special Place to Live'. Neighbourhood Planning gives communities power to develop a shared vision and shape the development of their local area. It provides a tool for local people to get the right type of development for their community where the ambition of the local area is aligned with the strategic needs and priorities of the wider local area.

### **3.0 RISK ASSESSMENT:**

- 3.1 There are no significant risks in approving the recommendation.

3.2 The key risk in not approving the recommendation is as shown below:-

<b>Risk</b>	<b>Implication</b>	<b>Prob*</b>	<b>Imp*</b>	<b>Total</b>	<b>Preventative action</b>
Not approving the designation without sound justification would be contrary to legislation and Government policy	The decision would be harmful to the Council's reputation and could be legally challenged.	4	5	20	To approve the designation of the Neighbourhood Plan area.

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

#### **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 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. These currently total £30,000 for each Neighbourhood Plan, to be made in 3 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. Furthermore, 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 will be dependent on the level of growth expected to take place within the Neighbourhood Plan Area.

#### **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.
- 5.2 Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Act 2004 requires that Neighbourhood Plans meet a number of basic conditions. One of the conditions is that the plan must be in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area).

## **6.0 EQUALITY/DIVERSITY ISSUES**

- 6.1 In preparing a Neighbourhood Plan communities need to be mindful of Equality and Diversity issues and any consultation must be inclusive.

## **7.0 RECOMMENDATIONS:**

- 7.1 It is recommended that Cabinet approves and recommends to Council that:
- (1) the designation of a Neighbourhood Area covering Hutton Rudby, Rudby, Middleton and Skutterskelfe Parishes be approved for the purposes of preparing a Neighbourhood Plan; and
  - (2) Government grant funding be passed to Rudby 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 1/7/16 and on HDC website.

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 01609 779977 info@hambleton.gov.uk hambleton.gov.uk

## Neighbourhood Area Application Form

*(for parished and non-parished areas)*

This form has been prepared by Hambleton District Council to help simplify the application process for designation of a neighbourhood area.

**It is advised you speak with the Council before submitting this form (contact details can be found under Section 8).**

### 1. Name of the proposed Neighbourhood Area

The area covered by Rudby Parish Council, encompassing the parishes of Hutton Rudby, Rudby, Middleton and Skutterskelfe

### 2. Map identifying the extent of the Neighbourhood Area (please attach)

☒ Map attached

### 3. Supporting statement explaining why the Neighbourhood Area is considered appropriate

The Council has a duty to designate neighbourhood areas that are coherent, consistent and appropriate. Relevant considerations in this respect could be:

- village or settlement boundaries, which could reflect areas of planned expansion
- the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities
- the area where formal or informal networks of community based groups operate
- the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style
- whether the area forms all or part of a coherent estate either for businesses or residents
- whether the area is wholly or predominantly a business area
- whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway
- the natural setting or features in an area
- size of the population (living and working) in the area.

In addition, other considerations are important and these could include:

- The local sense of a 'neighbourhood';
- The views of those who live, work and carry out business in the area;
- The aims of the neighbourhood plan (will the neighbourhood area assist in the delivery of the vision?)
- The availability of data (to produce an evidence base and inform robust decision making);

**Although not always the case, for most Parish and Town Councils the Parish area provides an appropriate, 'ready-made', Neighbourhood Area.**

Please outline the reasons in support of the Neighbourhood Area;

The area to be covered by the neighbourhood plan is that represented by Rudby Parish Council, encompassing the parishes of Hutton Rudby, Rudby, Middleton and Skutterskelfe. 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 generally recognised as an existing, discrete entity for policy making purposes.

Furthermore, Rudby Parish Council has the following reasons for believing that there is widespread community support both for the principle of developing a Neighbourhood Plan and for the designation of the whole parish as the Neighbourhood area.

- 1) A public meeting was held on 23<sup>rd</sup> May 2016 to determine the level of support from the community for a Neighbourhood Plan. This was attended by 185 people, mainly from the Hutton Rudby / Rudby village area. Subsequent to this meeting over 40 people have expressed interest in working on the Neighbourhood Plan.
- 2) A meeting for the Neighbourhood Plan team of volunteers was held on 2<sup>nd</sup> June. At this meeting, the options of "Whole of Parish" and "Main Settlement Area" were debated. This meeting resolved to recommend that Rudby Parish Council designate the whole parish as the Neighbourhood area.

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

#### **4. Statement of intent**

The Council needs to be assured that the organisation making the application is a relevant body.

Simply state that the Parish or interim Forum making the application is a relevant body for the purposes of Section 61G of the 1990 Town and Country Planning Act, and outline the groups intention to prepare a neighbourhood plan.

We confirm that Rudby Parish Council is a relevant body for the purposes of Section 61G of the 1990 Town and Country Planning Act.

Rudby Parish Council resolved at an ordinary meeting of the Parish Council held on 13<sup>th</sup> June 2016 to develop a Neighbourhood Plan for the whole of the Rudby Parish Council area.

## 5. Contact/s

The Neighbourhood Planning (General) Regulations 2012 Regulations 8, 9 and 10 requires details **of at least one member** of the group to be made public.

**Please note, contact information provided in this section will be published.**

You may wish to provide contact details for more than one member.

Title: Mrs	Title:
First Name:	First Name:
Surname: Pyle	Surname:
Address:	Address:
Postcode:	Postcode:
Email: rudbyparish@btinternet.com	Email:

## 6. Declaration

I/We hereby apply to designate a neighbourhood area as described on this form and the accompanying information.

Name(s): Mr A Parry, chair RPC  
Name(s): Mr J Cooper, vice-chair RPC

Date: 17/06/16  
Date: 17/06/16

## 7. Returning your application

Please return your printed application form and attachments to:

Planning Policy and Conservation Team  
Hambleton District Council  
Civic Centre, Stone cross,  
Northallerton, North Yorkshire DL6 2UU

Or email as an attachment to [planningpolicy@hambleton.gov.uk](mailto:planningpolicy@hambleton.gov.uk)

## 8. Further information

Information can be found on the Hambleton District Council Neighbourhood Planning webpage [www.hambleton.gov.uk](http://www.hambleton.gov.uk)

Alternatively, please contact the Planning Policy and Conservation Team on 01609 779977 or email [planningpolicy@hambleton.gov.uk](mailto:planningpolicy@hambleton.gov.uk)

## **9. Next Steps**

Following the submission of the neighbourhood area application form, Hambleton District Council will:

- Check the application is valid;
- Publish the application for a minimum six week period to allow for representations; and
- Consider representations and make a decision whether to designate a neighbourhood area.



