

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
22 January 2013

Subject: NEIGHBOURHOOD PLAN MAKING

**All Wards outside the North York Moors National Park
Cabinet Member for Housing and Planning: Councillor M Robson**

1.0 PURPOSE AND BACKGROUND:

- 1.1 This report is to agree the places and circumstances where the Council would support Neighbourhood Plan preparation by Parish Councils. A related report on Council funding for Neighbourhood Plan making was agreed by Cabinet on 27 November 2012.
- 1.2 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need if they feel this is inadequate in the existing local plan. However, one of the tests set for producing a legally compliant Neighbourhood Plan is for it to be “in general conformity with the strategic policies of the local plan” (Local Development Framework - LDF). Neighbourhood Plans would take precedence over the LDF but should not promote less development than the LDF or undermine its strategic policies.
- 1.3 This means the scope for Neighbourhood Plan production could be limited to certain settlements/parishes where development is promoted in the LDF Core Strategy. It is a matter which needs proper guidance and clarification from this Council at the outset so parish and town councils understand whether it is appropriate for them to prepare a plan. So far District Council support has been given to Plan preparation at Huby and Appleton Wiske, identified as Secondary Villages in the LDF Settlement Hierarchy (with Cabinet approving Neighbourhood Area designations in September 2012), but concerns have been raised about Neighbourhood Plan preparation for some smaller settlements (eg Flawith and Crathorne) due to issues of LDF strategic policy conformity.
- 1.4 The adopted LDF was intended to provide for the development needs of the Plan area up to 2026, including land allocations and it is felt unlikely that much more development will be promoted through Neighbourhood Plans driven by a local community. The approach taken to Neighbourhood Planning so far in Hambleton has therefore been one of not being proactive about their production but responding to requests for advice and being supportive.
- 1.5 However, the settlements where production of a Neighbourhood Plan would be supported needs to be decided in terms of meeting the test of general conformity with the strategic policies of the LDF. Fundamentally, in terms of the location of development, the Core Strategy contains a Settlement Hierarchy which defines two Principal Service Centres, three Service Centres, 16 Service Villages and 30 Secondary Villages. There are a large number of smaller villages excluded from the hierarchy.

- 1.6 Core Policy CP4 allows for development within Development Limits, including allocated sites in the top three categories of the hierarchy and one secondary village (Dalton). Development beyond the defined limits of those settlements in the hierarchy (ie in other settlements and the countryside) is only allowed for in exceptional cases. Criterion vi of the policy allows for development which would support the social and economic regeneration of rural areas. This criterion is open to wide interpretation, but could allow for development beyond defined Development Limits and in the smaller villages without Development Limits.
- 1.7 Policy CP6 provides for housing development in the various categories of settlements in the hierarchy and elsewhere. In settlements in the hierarchy new housing development in the Principal Service Centres and Service Centres is not limited and in Service Villages development is to be at a level appropriate to the needs of the local communities. At the Secondary Village level land is only to be allocated if there are exceptional circumstances and elsewhere will be permitted only in exceptional circumstances to meet a specific local need.
- 1.8 Under existing policies there is therefore potential for Neighbourhood Plans to be produced for any settlement and for them to promote more development than is provided for in the LDF on the basis of proving exceptional circumstances to meet a specific local need. A Neighbourhood Plan for settlements at Secondary Village level and below would have to undergo appropriate evidence gathering to prove that exceptional circumstances exist. This is more likely to be easier to prove in a Secondary Village without an existing allocation of land, based on its local population or service delivery needs, than in a smaller village or hamlet.
- 1.9 The scope for Neighbourhood Plans should therefore be supported in terms of general conformity with strategic policies in the LDF in parishes with settlements at Service Village level and above, but below this only if they can prove exceptional local circumstances.
- 1.10 The extent to which the Council could support Neighbourhood Plans for smaller settlements should be where an exceptional case is made (as or similar to Policy CP4 criterion vi for social and economic regeneration) but this must be backed up by evidence that this is 'a wider community based need' and not limited to an individual or a small number of individuals. Development in these circumstances would have to show a social and economic regeneration purpose not just one, and mechanisms would be required to ensure that both the social and economic benefits are achieved. Such evidence should be provided as early as possible in the process to prevent abortive work.

2.0 LINK TO CORPORATE PRIORITIES:

- 2.1 Neighbourhood Planning should assist in delivering more housing and affordable housing, which are Council Plan priorities.

3.0 RISK ASSESSMENT:

- 3.1 There are no significant risks in approving the recommendations. The recommendations are intended to reduce the risk of a Neighbourhood Plan failing at Examination through lack of general conformity with the LDF and to avoid abortive District Council expenditure in supporting the production of a plan that would fail.

4.0 FINANCIAL IMPLICATIONS:

4.1 The Council is required to meet the costs of Neighbourhood Plan examinations and referendums, plus advertising costs, these are currently estimated to be in the order of £7,000 for each Plan. Grant money is currently being provided by Government to cover these costs but this may not be available long term.

5.0 LEGAL IMPLICATIONS:

5.1 The Council has a statutory duty to assist Parish Councils in preparing their Neighbourhood Plans. Neighbourhood Plan preparation needs to follow the specific procedures and regulations and it is a requirement the Council will need to assess general conformity of plans when a draft plan is received.

6.0 RECOMMENDATIONS:

6.1 It is recommended that the Council supports the principle of Town and Parish Councils preparing Neighbourhood Plans for:

- 1) all settlements in the LDF settlement hierarchy at Service Village level and above;
and
- 2) below this level if they can prove exceptional local circumstances relating to the wider community needs.

MICK JEWITT

Background papers: National Planning Policy Framework (March 2012)
LDF Core Strategy (April 2007)
Localism Act 2011
Planning & Compulsory Purchase Act 2004 (as amended)

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