

North Yorkshire Council

Skipton and Ripon Area Constituency Planning Committee

6th June 2023

**NEIGHBOURHOOD PLANNING – Examiner’s Report on the
Bradleys Both Neighbourhood Development Plan**

Report of the Corporate Director of Community Development.

1.0 PURPOSE OF REPORT

- 1.1 To present the Examiner’s Report on the Bradleys Both Neighbourhood Development Plan, as set out at Appendix A.
- 1.2 To present a Regulation 18 Decision Statement, as set out at Appendix B which sets out:
- The modifications to the submitted Bradleys Both Neighbourhood Plan recommended by the Examiner and reasons contained within the Examiner’s report;
 - The recommended decision North Yorkshire Council, as the Local Planning Authority, is asked to take in response to each recommended modification, as suggested by Planning Policy Officers;
 - Whether the Bradleys Both Neighbourhood Plan meets the basic conditions; and
 - Whether the Council is satisfied that the Plan can proceed to referendum.

2.0 SUMMARY

- 2.1 This report presents the Examiner’s report on the Bradleys Both Neighbourhood Development Plan (the Plan). The Examiner has considered whether the plan meets the basic conditions, with or without modifications to it and other requirements set out by law and recommends whether it can proceed to the next stage of the process which is a referendum. The Examiner recommends that the Plan, subject to a number of recommended modifications being made, meets the Basic Conditions and should proceed to referendum based on the neighbourhood area designated by Craven District Council, on the 9th December 2013. It is the responsibility of North Yorkshire Council, as the Local Planning Authority, to decide what action to take in response to the recommendations set out in the Examiner’s report, relating to the basic conditions, modifications and proceeding to referendum, and to prepare and publish a Regulation 18 Decision Statement setting out what decision is taken in response to each recommendation.

3.0 BACKGROUND

- 3.1 The Bradleys Both Neighbourhood Development Plan is a community-led planning framework, which sets out a vision, objectives and a number of planning policies that relate to the designated neighbourhood area. If the Plan is adopted or ‘made’, it will become part of the local statutory development plan for the area up to 2032 and together with the adopted Craven Local Plan will form the basis for determining planning applications in that area of North Yorkshire.
- 3.2 The Plan was submitted to Craven District Council in October 2022 and relates to Bradleys Both Parish which was designated as a Neighbourhood Area by Craven District Council on 9 December 2013. As required by The Neighbourhood Planning (General) Regulations 2012 (as amended), Craven District Council held a period of public consultation on the submitted

neighbourhood plan over a 7-week period from Monday 12th December 2022 to Monday 30th January 2023. The submitted Bradleys Both Neighbourhood Plan can be viewed at [Bradley | North Yorkshire Council](#)

- 3.3 Mr Chris Collison was appointed by Craven District Council, as the Local Planning Authority, as an independent examiner in January 2023 to undertake the examination of the submitted Bradleys Both Neighbourhood Development Plan. The Plan was examined during January and February 2023 and was conducted by written representations. The final examination report was sent by Mr Collison to both the Parish Council and District Council on 9th March 2023.
- 3.4 The role of the independent examiner is to consider whether the proposed neighbourhood plan meets the following basic conditions set out by law:
- Has appropriate regard to national policy
 - Contributes to the achievement of sustainable development
 - Is in general conformity with the strategic policies in the development plan for the area
 - Is compatible with human rights requirements
 - Is compatible with EU obligations.
- 3.5 In addition, an independent examiner is required to consider whether a proposed neighbourhood plan meets other requirements set out by law, including provisions set out in the relevant sections of the Planning and Compulsory Purchase Act 2004 & the Neighbourhood Planning (General) Regulations 2012 as amended, and whether the voting area for the referendum should be for the neighbourhood area or a wider area.

4.0 Examiner's Report on the Bradleys Both Neighbourhood Development Plan

- 4.1 It is the responsibility of North Yorkshire Council, as the Local Planning Authority, to ensure that the Plan meets the basic conditions set out in paragraph 3.4 above and to determine whether or not it proceeds to referendum with or without modifications. If the authority is satisfied that the neighbourhood plan does meet the basic conditions, or can do so if modified, a referendum must be held. It is therefore the responsibility of the Council to decide what action to take in response to the recommendations set out in the Examiner's report.
- 4.2 The Examiner's Report relating to the Bradleys Both Neighbourhood Development Plan sets out a total of sixteen recommended modifications to the submitted Plan. The Examiner recommends that this neighbourhood plan, subject to the recommended modifications being made, meets the Basic Conditions and should proceed to referendum based on the neighbourhood area designated by Craven District Council, on the 9th December 2013.
- 4.3 The local planning authority is required to prepare and publish a Regulation 18 Decision Statement, considering each of the Examiner's recommended modifications to the Plan and setting out what decision is taken in response to each of them. The Regulation 18 Decision Statement relating to the Plan is set out at Appendix B to this report and table 1 within it sets out each of the examiner's recommended modifications and reasons, together with recommended decisions to be taken by the Council in response to each modification. Members will note that the Regulation 18 Decision Statement recommends that each of the Examiner's modifications are made to the plan and that, subject to these modifications, the Plan meets the basic conditions and can proceed to a referendum.
- 4.3 As soon as possible after considering the examiner's recommendations and making a formal view about whether the Plan meets the basic conditions, North Yorkshire Council, as the local planning authority, must publish on their website, and in such other manner as it

considers is likely to bring these documents to the attention of people, who live, work or carry-on business in the neighbourhood area:

- The Regulation 18 Decision Statement
- The Examiner's Report
- Details of where and when the Regulation 18 Decision Statement and report can be inspected.

Paragraph 1.5 of the Regulation 18 Decision Statement explains where these documents will be published.

4.4 Referendum Relating to the Bradleys Both Neighbourhood Plan:

The referendum on the Bradleys Both Neighbourhood Plan is planned to be held on 27th July 2023. The rules for the referendum are covered in The Neighbourhood Planning (Referendum) Regulations 2012 (as amended by the NP (Referendum) (Amendment) Regulations 2013 etc. Information about the referendum is required to be published 28 days before the date of the referendum. North Yorkshire Council must then give notice that the referendum is taking place and the date of the poll, 25 working days before the date of the referendum. All local government electors whose names appear on the electoral register in Bradleys Both Parish as of 12 working days before polling day will be entitled to vote. The question that will be asked of people on the electoral register is: *"Do you want North Yorkshire Council to use the Neighbourhood Plan for Bradley to help it decide planning applications in the neighbourhood area?"* If more than 50% of those voting vote "yes" then North Yorkshire Council is required to bring the plan into force, which means that it would form part of the statutory Development Plan for North Yorkshire.

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 5.1 Enabling neighbourhood planning positively contributes towards the Council Plan objective to support local citizens to become more actively involved in their communities.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 No other options considered. The report sets out the steps the Council is required to take to comply with its legal duties under the Town and Country Planning Act relating to preparation of a Neighbourhood Plan and specifically consideration by the local planning authority of each modification recommended by an independent neighbourhood plan examiner and the arrangement of the referendum.

7.0 FINANCIAL IMPLICATIONS

- 7.1 Once a neighbourhood area is approved, the local planning authority is legally required to support, advise and assist parish and town councils in producing a Neighbourhood Plan in its area. This Duty to Support does not require the provision of financial assistance to parish or town councils. The Localism Act does however require the local planning authority to pay for the local referendum and examination in respect of a neighbourhood plan. The Department for Levelling Up Housing and Local Communities (DHULC) provides financial support for neighbourhood planning in the form of a Neighbourhood Planning Grant (NPG). As part of this financial support, local planning authorities can claim £5,000 for the first five neighbourhood areas designated and £20,000 when they issue a decision statement detailing their intention to send the plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012). Therefore, if members choose to approve the recommendations contained in this report, the NPG will be used to fund the referendum for the Bradleys Both Neighbourhood Plan.

8.0 LEGAL IMPLICATIONS

- 8.1 The legal requirements of The Neighbourhood Planning (General) Regulations 2012 (as amended) have been complied with. The next step requires the Council to publish the examiner's report and the plan proposal decision via a Regulation 18 Decision Statement on the Council's website and in such other manner as the Council considers is likely to bring these documents to the attention of people, who live, work or carry on business in the neighbourhood area. The Localism Act 2011 places a duty on local authorities to hold referendum(s) where a neighbourhood plan has a successful examination, and the local planning authority is satisfied that it meets the basic conditions set out in the legislation. The Neighbourhood Planning (Referendums) Regulations 2012 and the subsequent amendments as made by the Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 sets out the Council's legal duties in respect of covering all aspects of organising and conducting polls including the opening hours of polling stations and the content of ballot papers. These largely replicate the Local Authorities (Conduct of Referendums) (England) Regulations 2012. The plan should proceed to the referendum stage in a timely manner.

9.0 EQUALITIES IMPLICATIONS

- 9.1 All Development Plan Documents are accompanied by an Equalities Impact Assessment (EIA) to ensure that planning policies do not unlawfully discriminate against any protected characteristic. An EIA was provided as appendix 5 to the submitted Bradleys Both Neighbourhood Plan and can be viewed at [Bradley | North Yorkshire Council](#) This EIA concludes that the submitted Bradleys Both Neighbourhood Plan itself has no negative impacts on any of the protected characteristics but any need for mitigation that arises subsequently could be addressed as part of the planning process. An Equalities Impact Assessment is set out at Appendix C which refers to and reflects the EIA submitted with the Bradleys Both Neighbourhood Development Plan.

10.0 CLIMATE CHANGE IMPLICATIONS

- 10.1 Plan making presents a key opportunity to set out and deliver a county-wide approach to reduce carbon emissions and mitigate the impact of climate change. The submitted Bradleys Both Neighbourhood Plan includes a range of policies to guide development in the designated neighbourhood area (the parish), including policies relating to climate change. This Neighbourhood Plan has been examined to determine whether it meets a number of 'Basic Conditions' (as listed at paragraph 3.4 above). The Conclusion and Referendum section of the Examiner's Report (see page 60 of Appendix A) sets out that subject to 16 recommended modifications the submitted Bradleys Both Neighbourhood Plan does meet these Basic Conditions. Therefore, it is considered that, subject to the Examiner's recommended modifications, the submitted Bradleys Both Neighbourhood Plan considers how the plan can help to deliver the council's climate change ambitions. A Climate Change Impact Assessment is set out at Appendix D.

11.0 REASONS FOR RECOMMENDATIONS

- 11.1 In order to meet the requirements of The Neighbourhood Planning (General) Regulations 2012 (as amended) and The Neighbourhood Planning (Referendums) Regulations 2012 (as amended) the Council is required to publish the examiner's report and the plan proposal decision via a Regulation 18 Decision Statement, and to make a decision as to whether the Bradleys Both Neighbourhood Plan can proceed to referendum. The following recommendations relate to these legal requirements.

12.0 RECOMMENDATIONS

- i) To consider the Examiner's Report presented to Appendix A and agree with the following recommendations included in that report:
 - The sixteen modifications to the Bradleys Both Neighbourhood Plan recommended by the Examiner.
 - That, subject to the recommended modifications being made, the plan meets the Basic Conditions.
 - That the Bradleys Both Neighbourhood Plan should, subject to the recommended modifications being made, proceed to referendum based on the area that was designated by Craven District Council on 9th December 2013.
- ii) To approve the Regulation 18 Decision Statement set out at Appendix B which sets out the information in the bullet points above.

APPENDICES:

Appendix A – A Report of the Independent Examination of the Bradleys Both Neighbourhood Development Plan

Appendix B – Regulation 18 Decision Statement

Appendix C – Equalities Impact Assessment

Appendix D - Climate Change Impact Assessment

BACKGROUND DOCUMENTS: None

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County Hall
Northallerton
6th June 2023

Report Author – Ruth Parker, Principal Spatial Planning Officer
Presenter of Report – Ruth Parker, Principal Spatial Planning Officer

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.