

# North Yorkshire Council

## Executive Committee

19<sup>th</sup> September 2023

### NEIGHBOURHOOD PLANNING – Making of the Bradleys Both Neighbourhood Development Plan

#### Report of the Corporate Director of Community Development.

#### 1.0 PURPOSE OF REPORT

- 1.1 To present the results of the Bradleys Both Neighbourhood Development Plan (NDP) referendum and the requirements of North Yorkshire Council as the Local Planning Authority to formally 'make' or adopt the Bradleys Both Neighbourhood Development Plan.
- 1.2 To present the Regulation 19 Decision Statement, set out at Appendix A to this report, which sets out the Local Planning Authorities' decision in terms of making or adopting the Bradleys Both Neighbourhood Development Plan and the reasons for making that decision.

#### 2.0 SUMMARY

- 2.1 This report sets out that at the Bradleys Both NDP referendum held on Thursday 27<sup>th</sup> July 2023, more than 50% of those voting voted 'yes' to the question: *"Do you want North Yorkshire Council to use the neighbourhood plan for Bradleys Both to help it decide planning applications in the neighbourhood area?"* As a result of this successful referendum the Bradleys Both NDP now forms part of the statutory development plan for the area along with the adopted Craven Local Plan (2019). This means that decisions by the Local Planning Authority and planning inspectors within the Bradleys Both Parish must be made in accordance with all relevant development plan policies from the Bradleys Both Neighbourhood Development Plan and the adopted Craven Local Plan, unless material considerations indicate otherwise. North Yorkshire Council is now required to formally 'make' or adopt the plan and is required to publish a Regulation 19 Decision Statement, which is a statement setting out the authority's decision relating to making or adopting the Bradleys Both Neighbourhood Development Plan and the reasons for making that decision.

#### 3.0 BACKGROUND

- 3.1 The Bradleys Both Neighbourhood Development Plan (NDP) is a community-led planning framework, which sets out a vision, objectives and planning policies that relate to Bradleys Both Parish. The referendum version of the Bradley Both NDP can be viewed [here](#). Paper copies of the plan can be provided to members if requested.
- 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. The submitted Bradleys Both NDP was examined during January and February 2023 by Mr Chris Collison, an independent examiner appointed by Craven District Council.
- 3.3 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.

3.4 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.

3.5 Mr Chris Collison concluded in the examiner's report that subject to a number of modifications the Bradleys Both NDP meets the basic conditions and recommended that as modified the Plan should proceed to a referendum.

3.6 The Examiner's report and the Regulation 18 Decision Statement, setting out the local planning authority's decision on each of the Examiner's recommendations, was considered by the Skipton and Ripon Area Planning Committee on the 6th June and the Strategic Planning Committee on the 13<sup>th</sup> June 2023. Both committees agreed with the Examiner's recommendations, that the Bradleys Both NDP should, subject to these recommended modifications being made, proceed to referendum and approved the Regulation 18 Decision Statement. Following consultation with these committees, Nic Harne the Corporate Director of Community Development in consultation with Councillor Bastiman, the Executive Member for Open to Business, made the decision to publish the Regulation 18 Decision Statement prior to proceeding to referendum. A referendum version of the Bradleys Both NDP was prepared which incorporated the modifications recommended by the examiner.

3.7 The Bradley's Both NDP Referendum was held on Thursday 27<sup>th</sup> July 2023. All local government electors whose names appeared on the electoral register in the neighbourhood area 12 working days before polling day were entitled to vote. They were asked "*Do you want North Yorkshire Council to use the neighbourhood plan for Bradleys Both 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 formally 'make' the plan. With a turnout of 24.3% on the day of the referendum, 80.34% voted 'Yes' (188 of the 235 ballot papers issued), and 19.66% voted 'No' (46 of the 235 ballot papers issued). Note, one ballot paper was unmarked/void. Therefore, more than half of those voting voted in favour of the Neighbourhood Plan.

3.8 As the Bradleys Both NDP has successfully passed the referendum, it now forms part of the statutory development plan for the area along with the adopted Craven Local Plan (2019). This means that decisions by the Local Planning Authority and planning inspectors within the Bradleys Both Parish must be made in accordance with all relevant development plan policies from the Bradleys Both Neighbourhood Development Plan the adopted Craven Local Plan, unless material considerations indicate otherwise.

#### **4.0 MAKING OF THE BRADLEY NDP**

4.1 North Yorkshire Council, as the Local Planning Authority is required to formally 'make' or adopt the Bradleys Both Neighbourhood Development Plan within 8 weeks from the day after the date of the referendum i.e., by 22 September 2023. There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan or Order. These are where it considers that the making of the neighbourhood plan or Order would breach, or otherwise be incompatible with, any EU or human rights obligations (see section 61E(8) of the Town and Country Planning Act 1990 Act as amended). It is Officer's opinion that none of these circumstances apply.

- 4.2 As soon as possible after deciding to make the Bradleys Both NDP, the Local Planning Authority is required to publish a Decision Statement, which is a statement setting out the authority's decision and the reasons for making that decision. Both the Decision Statement and the 'made' Bradleys Both NDP must then be published 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. Details of where these documents may be inspected are also required to be published. Any person who has been asked to be notified of the Council's decision to make the Bradleys Both NDP will be informed.
- 4.3 Given the requirements set out above, the Executive is therefore asked to recommend that the Chief Executive, exercise his power, in an emergency, to make any decision which could be taken by the Council in order to ensure that the Bradleys Both NDP is made on or before the 22 September 2023 in order to comply with the Neighbourhood Planning (General) Regulations 2012 (as amended) and to approve the Decision Statement set out at appendix A to this report.

## **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 making a decision relating to 'make' a neighbourhood development plan.

## **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, a claim of £20,000 relating to North Yorkshire Council issuing a decision statement for the Bradleys Both NDP will be made later this year in line with the NPG requirements.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 The legal requirements of The Neighbourhood Planning (General) Regulations 2012 (as amended) have been complied with. Following a successful referendum, North Yorkshire Council as the Local Planning Authority is required to formally 'make' the Bradleys Both Neighbourhood Development Plan. The next step requires the Council to publish the Regulation 19 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.

## **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](#) (See section relating to submission of the Bradleys Both neighbourhood development plan - October 2022). 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 B 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 Bradleys Both NDP includes a range of policies to guide development in the designated neighbourhood area (the parish), including policies relating to climate change. The Bradleys Both NDP has been subject to an independent examination which concluded that subject to a number of recommended modifications the Plan meets the basic conditions set out in paragraph 3.3 above. These modifications were made to produce the referendum version of the Bradleys Both NDP. It is considered therefore, that the Bradleys Both Neighbourhood Plan, which has been successful at referendum, considers how the plan can help to deliver the council's climate change ambitions. A Climate Change Impact Assessment is set out at Appendix C.

## **11.0 REASONS FOR RECOMMENDATIONS**

11.1 In order to meet the requirements of The Neighbourhood Planning (General) Regulations 2012 (as amended) following a successful referendum, North Yorkshire Council as the Local Planning Authority is required to make a decision relating to making the Bradleys Both NDP and publish a Regulation 19 Decision Statement setting out the decision and the Council's reasons for making that decision. The following recommendations relate to these legal requirements.

### **12.0 RECOMMENDATION(S)**

12.1 The Executive recommend to the Chief Executive that he exercises his power pursuant to paragraph 5.7 of Schedule 4 of the Constitution, in an emergency, to make any decision which could be taken by Council to

- i) make the Bradleys Both NDP on or before the 22 September 2023
- ii) approve the Decision Statement set out at appendix A to this report.

### **APPENDICES:**

Appendix A – Regulation 19 Decision Statement  
Appendix B – Equalities Impact Assessment  
Appendix C – Climate Change Impact Assessment

### **BACKGROUND DOCUMENTS:**

Submitted Bradleys Both Neighbourhood Development Plan Oct 2022  
A Report of the Independent Examination of the Bradleys Both Neighbourhood Development Plan March 2023  
Both these background documents can be viewed at [Bradley | North Yorkshire Council](#)

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19<sup>th</sup> September 2023

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