

# North Yorkshire Council

## Assistant Director of Planning

### Designation of Sherburn in Elmet Parish as a Neighbourhood Area

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

#### **1.0 PURPOSE OF REPORT**

- 1.1 To approve the designation of the whole of Sherburn in Elmet Parish as a Neighbourhood Area under Part 2(7) of the Neighbourhood Planning (General) Regulations 2012 (as amended), to enable the next stages of the development of Sherburn in Elmet Neighbourhood Development Plan to commence.

#### **2.0 BACKGROUND**

- 2.1 Sherburn in Elmet Town Council initially contacted the Council on 18 December 2023 to enquire about designating the whole parish of Sherburn in Elmet as a Neighbourhood Area to enable Sherburn in Elmet Town Council to investigate and produce a Neighbourhood Development Plan for their area.
- 2.2 Sherburn in Elmet Town Council, following unanimous agreement at the Town Council meeting on 15 January 2023, submitted a formal application to designate the whole parish of Sherburn in Elmet, which was received on 17 January 2024.
- 2.3 Neighbourhood planning was introduced through the Localism Act in 2011 and provides communities with direct power to develop a shared vision for their area, shaping development and growth. Through a neighbourhood development plan, communities are able to choose where they want new homes, shops and offices to be built while also having their say on design and infrastructure needs. Neighbourhood planning provides a set of tools for local people to plan for the types of development to meet their community's needs and where the ambitions of the neighbourhood plan align with the strategic needs and priorities set out in the wider development plan.

#### **3.0 DESIGNATION OF SHERBURN IN ELMET PARISH AS A NEIGHBOURHOOD AREA**

- 3.1 Sherburn in Elmet Town Council has applied to North Yorkshire Council, as the relevant body defined in Section 61G of the Town and Country Planning Act 1990 (the 1990 Act), to designate the whole parish area of Sherburn in Elmet as a Neighbourhood Area in accordance with The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 3.2 Part 2(5) of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the relevant body (Town Council) to submit an area application and must include:  
(a) a map which identifies the area to which the area application relates;  
(b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and  
(c) a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

- 3.3 The area application submitted by Sherburn in Elmet Parish Council includes a map identifying the area to which the application relates, a supporting statement explaining the reasoning for designating the area, and a statement that the body (Town Council) is the relevant body under section 61G of the 1990 Act.
- 3.4 Under section 61G(4) of the 1990 Act (as amended by the Localism Act 2011) local authorities, in determining an application, must have regard to “*the desirability of designating the whole of the area of a parish council as a neighbourhood area, and the desirability of maintaining the existing boundaries of areas already designated as a neighbourhood area*”. Therefore, the presumption is that councils will designate neighbourhood areas based on existing parish and town council boundaries unless there is a valid planning reason not to do so. In this respect it is for the Council to ensure that neighbourhood areas are coherent, consistent and appropriate.
- 3.5 Part 2(5A) of the Neighbourhood Planning (General) Regulations 2012 (as amended) describes the scenario for designating the whole area of a parish council and this regulation relates where:
- (a) a local planning authority receive an area application from a parish council;
  - (b) the area specified in the application consists of the whole of the parish council's area; and
  - (c) if any part of the specified area is part of a neighbourhood area, none of that neighbourhood area extends outside the parish council's area.
- 3.6 The area application submitted by Sherburn in Elmet Town Council meets the above criteria in that the Town Council have made the application following approval in the Town Council Full Council meeting held on 15 January 2024, and the area specified in the application correlates with the current parish boundary for Sherburn in Elmet and does not extend beyond Sherburn in Elmet parish.
- 3.7 Where the criteria of Part 2(5A) applies, the requirements to publicise the area application under Part 2(6 and 6A) does not apply and the local planning authority must exercise their powers under section 61G(5) of the 1990 Act to designate the specified area as a neighbourhood area.

#### **4.0 CONTRIBUTION TO COUNCIL PRIORITIES**

- 4.1 Once ‘made’ (adopted), a neighbourhood development plan forms part of the development plan for the area and may help support the delivery of four of the five key themes of place and environment, economy, health and wellbeing and people in the Council's Plan for Sherburn in Elmet.

#### **5.0 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 Through the Localism Act, the Council has a duty to support Parish and Town Councils who wish to prepare a neighbourhood development plan. The designation of a neighbourhood area is the first stage in the preparation of a neighbourhood plan and consideration of options for the plan will be considered following this stage.

#### **6.0 FINANCIAL IMPLICATIONS**

- 6.1 The Council has a duty to support those communities wishing to undertake a neighbourhood plan and in addition to officer time in supporting the neighbourhood plan group, there is a cost of administrating the latter stages of the neighbourhood plan process in terms of undertaking formal consultation once the draft neighbourhood plan has been submitted to the Council, appointing an independent examiner and the holding of a referendum.

## **7.0 LEGAL IMPLICATIONS**

- 7.1 The designation of a neighbourhood area is undertaken in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). Local planning authorities must designate a neighbourhood area if it receives a valid application in accordance with section 61G(5) of the 1990 Act as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

## **8.0 EQUALITIES IMPLICATIONS**

- 8.1 At this stage there are no detailed policies to review. Neighbourhood plans are required to be in general conformity, and plan positively to support, the strategies set out in the wider development plan, which has been subject to equalities impact assessments. All neighbourhood development plans will be subject to an independent examination, where consideration of the Human Rights Act 1998 is taken into account, and then a local referendum.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

- 9.1 The 2008 Planning Act requires only Development Plan Documents to be subject to a Sustainability Appraisal. Where appropriate, however, a screening report will need to be undertaken once a draft of the neighbourhood development plan is available to determine whether a Strategic Environmental Assessment (SEA) is required in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. In addition, the report will also screen to determine whether or not the neighbourhood development plan requires a Habitat Regulations Assessment in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). A HRA is required when it is deemed that likely negative significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project.

## **10.0 REASONS FOR RECOMMENDATIONS**

- 10.1 Part 2(7) of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires local planning authorities to either designate the area (7(1)) as set out above or refuse to designate (7(2)).
- 10.2 The Town and Country Planning Act 1990 requires local planning authorities, when determining applications, 'to have regard to the desirability of designating the whole of the area of a parish council as a neighbourhood area, and the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas' (section 61G(4)).
- 10.3 Therefore, the presumption is that councils will designate neighbourhood areas based on existing parish and town council boundaries unless there is a valid planning reason not to do so.
- 10.4 The application to designate the whole parish of Sherburn in Elmet as a neighbourhood area meets the requirements set out in the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Council as the local planning authority must exercise their powers under section 61G(5) of the Town and Country Planning Act 1990 to designate the whole of Sherburn in Elmet parish as a neighbourhood area.

## **11.0 RECOMMENDATION**

- i) Approve the designation of the whole of Sherburn in Elmet parish as a Neighbourhood Area under Part 2(7) of the Neighbourhood Planning (General) Regulations 2012 (as amended), to enable the next stages of the development of Sherburn in Elmet Neighbourhood Development Plan to commence.

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