

North Yorkshire Council

Executive Member for Open to Business

23 August 2024

Designation of Sheriff Hutton as a Neighbourhood Area

Report of the Corporate Director for Community Development

1.0 PURPOSE OF REPORT

- 1.1 To approve the designation of the whole of Sheriff Hutton 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 Sheriff Hutton Neighbourhood Development Plan to commence.

2.0 BACKGROUND

- 2.1 On 14 August 2024 an application was submitted to the Council by Sheriff Hutton Parish Council for designation of the parish as a neighbourhood area, to enable them to proceed with formal neighbourhood plan preparations. The submission received is attached as Appendix A and Appendix B.
- 2.2 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. Neighbourhood planning provides a set of tools for local people to plan for the types of development to meet their community's needs.

3.0 DESIGNATION OF SHERIFF HUTTON PARISH AS A NEIGHBOURHOOD AREA

- 3.1 Sheriff Hutton Parish 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 boundary of Sheriff Hutton as a Neighbourhood Area.
- 3.2 Part 2(5) of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the relevant body (Parish 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 submission is in accordance with these requirements.
- 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.

- 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 meets the above criteria. The area specified in the application correlates with the current parish boundary for Sheriff Hutton and does not extend beyond the Sheriff Hutton 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 Plan forms part of the Development Plan for the area and becomes a key mechanism to help support the delivery of key themes in the Council's Plan for the Sheriff Hutton area.

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 Plan. The designation of a Neighbourhood Area by the Local Planning Authority is a critical initial step in the formation a Neighbourhood Plan. Options for the plan's policy scope and content will be considered following this stage.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There is no cost associated with Neighbourhood Area designation, only the amount of Officer time involved, which is minimal at this stage. However, the Council will incur further costs with the subsequent preparation of the Neighbourhood Plan. This will mainly be through officer time supporting preparation of the Neighbourhood Plan and the cost of examination and referendum. These implications are expected to be covered by financial support from government.

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 Plans will be subject to an independent examination, where the Human Rights Act 1998 is considered, and then a local referendum.

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 There are no climate change consideration associated with the report. Where appropriate, a screening report will need to be undertaken once a draft of the Neighbourhood 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. That screening report will also identify any requirement for 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).

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 Council will designate Neighbourhood Areas based on existing Parish and Town Council boundaries unless there is a valid planning reason not to do so. The application to designate Sheriff Hutton as a neighbourhood area meets the requirements set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). 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 parish as a Neighbourhood Area.

11.0 RECOMMENDATION

- i) Approve the designation of the whole of Sheriff Hutton 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 Sheriff Hutton Neighbourhood Plan to commence.

APPENDICES:

Appendix A – Plan of the neighbourhood area

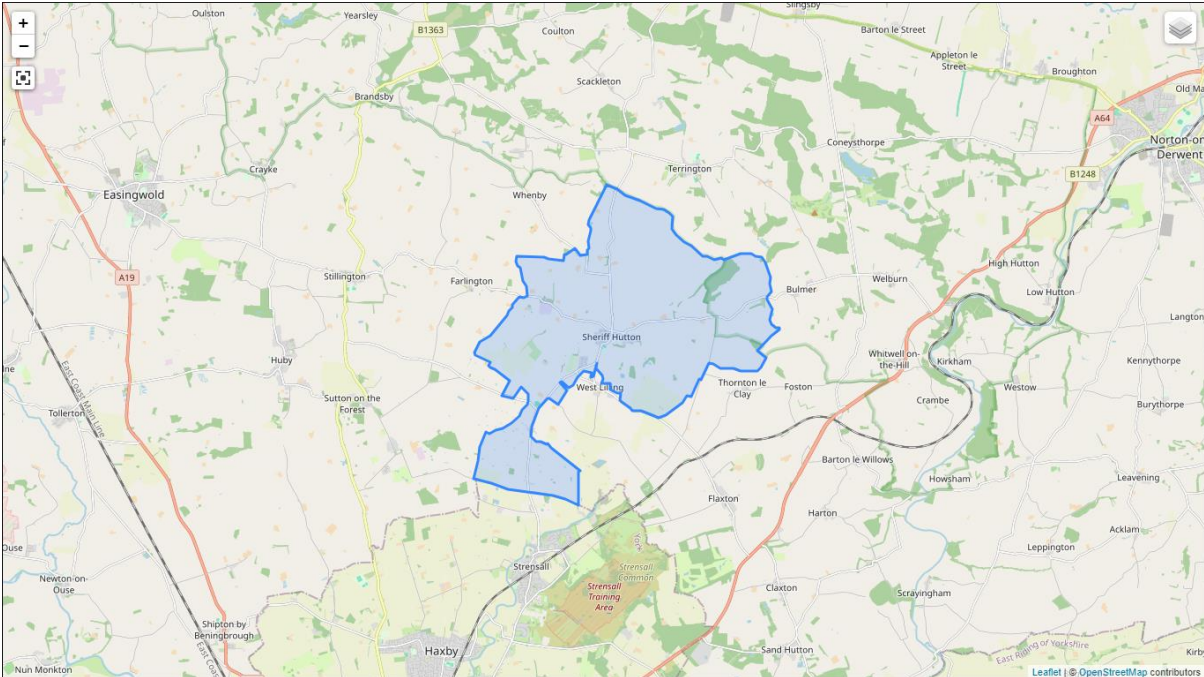
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County Hall
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23 August 2024

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Presenter of Report – Matthew Lishman, Planning Policy and Place Officer

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

Sheriff Hutton Parish Area



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