

# North Yorkshire Council

## Executive

5 November 2024

### Neighbourhood Planning – Making of the Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035

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

#### 1.0 PURPOSE OF REPORT

- 1.1 To present the results of the Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035 (the Neighbourhood Plan) referendum and the requirements of North Yorkshire Council as the Local Planning Authority to formally 'make' (adopt) the Neighbourhood Plan.
- 1.2 To present the Regulation 19 Decision Statement, included at Appendix A to this report, which sets out the Local Planning Authority's decision in terms of 'making' (adopting) the Neighbourhood Plan and the reasons for that decision.

#### 2.0 SUMMARY

- 2.1 This report sets out that at the Pannal and Burn Bridge Neighbourhood Plan referendum held on Thursday 3<sup>rd</sup> October 2024, more than 50% of those voting voted 'yes' to the question: *"Do you want North Yorkshire Council to use the neighbourhood plan for Pannal and Burn Bridge to help it decide planning applications in the neighbourhood area?"*
- 2.2 As a result of this positive referendum result, the Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035 now forms part of the statutory development plan for the area along with the adopted Harrogate District Local Plan 2014-2035 (the Local Plan). This means that decisions by the Local Planning Authority and planning inspectors within the Pannal and Burn Bridge parish must be made in accordance with all relevant development plan policies within the Neighbourhood Plan and the Local Plan, unless material considerations indicate otherwise.
- 2.3 North Yorkshire Council, as the Local Planning Authority, is now required to formally 'make' (adopt) the Neighbourhood Plan and to publish a Regulation 19 Decision Statement setting out its decision in relation to the 'making' (adopting) of the Neighbourhood Plan and the reasons for that decision. See Appendix A.

#### 3.0 BACKGROUND

- 3.1 The Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035 is a community-led planning framework, which sets out a vision, objectives and planning policies relating to development in the Pannal and Burn Bridge parish.
- 3.2 The Neighbourhood Plan was submitted to Harrogate Borough Council in December 2022 and relates to Pannal and Burn Bridge parish, which was designated as a Neighbourhood Area by Harrogate Borough Council on 10 August 2017. The submitted Neighbourhood Plan was examined between August 2023 and April 2024 by Ann Skippers MRTPI, an independent Examiner appointed by North Yorkshire Council with the agreement of Pannal

and Burn Bridge Parish Council. The submission version of the plan and further information on its preparation can be found on the North Yorkshire Council website at: [www.northyorks.gov.uk/pannalandburnbridgeneighbourhoodplan](http://www.northyorks.gov.uk/pannalandburnbridgeneighbourhoodplan)

- 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, the Examiner is required to consider whether a proposed plan meets other legal requirements, including provisions set out in the relevant sections of the Planning and Compulsory Purchase Act 2004, and the Neighbourhood Planning (General) Regulations 2012, as amended. The Examiner is also required to recommend whether the voting area for the referendum should be the neighbourhood area or a wider area.
- 3.5 The Examiners report was issued on 23<sup>rd</sup> April 2024 and is available on the Council's website at: [www.northyorks.gov.uk/pannalandburnbridgeneighbourhoodplan](http://www.northyorks.gov.uk/pannalandburnbridgeneighbourhoodplan). The Examiner concluded that, subject to a number of recommended modifications, the Plan meets the basic conditions set out by law and that the Plan, as modified in-line with the recommendations, should proceed to a referendum with a recommended voting area of Pannal and Burn Bridge parish.
- 3.6 The Examiner's report and a Regulation 18 Decision Statement, setting out the Local Planning Authority's decision on each of the Examiner's recommendations, was considered by the Executive of North Yorkshire Council on 16 July 2024. The consideration of the Executive was informed by prior consideration by the Harrogate and Knaresborough Area Constituency Committee (ACC) on 30 May 2024, which recommended that Executive agree the Examiner's findings.
- 3.7 The Executive agreed each of the modifications recommended by the Examiner and the reasons put forward for them. It also agreed that, as modified, the Plan meets the basic conditions and other relevant requirements, and that the Plan should proceed to a referendum of electors in Pannal and Burn Bridge parish (the designated neighbourhood area).
- 3.8 A Regulation 18 Decision Statement was published and a referendum version of the Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035, incorporating the modifications recommended by the Examiner, was prepared. These documents are available on the Council's website at: [www.northyorks.gov.uk/pannalandburnbridgeneighbourhoodplan](http://www.northyorks.gov.uk/pannalandburnbridgeneighbourhoodplan).
- 3.9 A referendum on the Neighbourhood Plan was held on Thursday 3<sup>rd</sup> October 2024. 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 Pannal and Burn Bridge to help it decide planning applications in the neighbourhood area?"*
- 3.10 If more than 50% of those voting vote "yes" then North Yorkshire Council is required to formally 'make' the plan. The turnout at the referendum was 23.28%. Of those that voted, 95.7% voted 'Yes' and 4.3% voted 'No'. As more than half of those voting voted in favour of the Neighbourhood Plan, a positive referendum result was received.

- 3.11 While the Neighbourhood Plan is yet to be formally 'made' (adopted) by the Council, following the positive result at referendum, the plan has come into force as part of the statutory development plan for the area along with the adopted Ryedale Plan 2012-2027. This means that decisions by the Local Planning Authority and planning inspectors within the Malton and Norton on Derwent parishes must be made in accordance with all relevant development plan policies within the Neighbourhood Plan and the Local Plan, unless material considerations indicate otherwise.

#### **4.0 MAKING OF THE NEIGHBOURHOOD PLAN**

- 4.1 Following the positive result at referendum, North Yorkshire Council, in its role as the Local Planning Authority, is required to formally 'make' (adopt) the Neighbourhood Plan within 8 weeks from the day after the date of the referendum i.e., by 29 November 2024. There are narrow circumstances where the planning authority is not required to make a neighbourhood plan following a positive referendum. These are where it considers that the making of the plan 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). However, the Officer opinion is that none of these circumstances apply.
- 4.2 As soon as possible after deciding to 'make' the Neighbourhood Plan, the Local Planning Authority is required to publish a Decision Statement setting out the authority's decision and the reasons for making that decision. Both the Decision Statement and the 'made' Neighbourhood Plan 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 and any person who has asked to be notified of the Council's decision should be informed.
- 4.3 Given these requirements, the Executive is asked to recommend that Full Council formally 'make' (adopt) the Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035 and approve the Decision Statement set out at Appendix A to this report.

#### **5.0 CONTRIBUTION TO COUNCIL PRIORITIES**

- 5.1 Making (adopting) the Neighbourhood Plan will contribute positively to the Council's priorities, as set out in the Council Plan. The Neighbourhood Plan will play a role in helping to realise ambitions across the priority themes. It will be particularly relevant to the Place and Environment ambition that communities are supported and work together to improve their local area.

#### **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 to make a decision on 'making' (adopting) a neighbourhood development plan following a positive result at referendum.

#### **7.0 FINANCIAL IMPLICATIONS**

- 7.1 Once a neighbourhood area is designated by the Local Planning Authority it is legally required to support, advise and assist the qualifying body, for example the relevant parish level council, in producing a neighbourhood plan for their area. This Duty to Support does not require the provision of financial assistance, however, the Localism Act does require the authority to pay for the local referendum and examination of a neighbourhood plan.

- 7.2 The Ministry of Housing, Communities and Local Government (MHCLG) provides financial support for neighbourhood planning in the form of a Neighbourhood Planning Grant (NPG). As part of this support, Local Planning Authorities can claim £5,000 for the first five neighbourhood areas designated and £20,000 when they issue a Regulation 18 Decision Statement detailing their intention to progress a plan to referendum (as set out in the Neighbourhood Planning (General) Regulations 2012). Therefore, a claim of £20,000 relating to the Neighbourhood Plan referendum, which has taken place, will be made 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 to date. Following a positive referendum result, North Yorkshire Council, as the Local Planning Authority, is now required to formally 'make' (adopt) the Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035. This includes requiring the Council to publish the 'made' (adopted) Neighbourhood Plan and a Regulation 19 Decision Statement on its 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 An Equality Impact Assessment (EIA) of the Neighbourhood Plan has taken place and is included at Appendix B. The EIA considered the Neighbourhood Plan as amended in-line with the Examiner report, which went forward to referendum. As the plan content has not changed further, the original EIA is carried forward unaltered.
- 9.2 The EIA demonstrates that the policies within the plan do not show potential for discrimination, and that opportunities to advance the equality of opportunity for people with protected characteristics and to foster good relations between groups have been taken.
- 9.3 While many of the policies within the Neighbourhood Plan are not relevant to equalities, the plan includes policies that will 'make things better' for people with protected characteristics. The protected characteristics with the largest number of positive benefits identified are age and disability, although the plan will also be beneficial in relation to religion or belief and pregnancy or maternity. In conclusion, it is considered that the EIA demonstrates that the public sector equality duty has been met.

## **10.0 CLIMATE CHANGE IMPLICATIONS**

- 10.1 An initial Climate Change Impact Assessment (CCIA) of the Neighbourhood Plan has taken place and is included at Appendix C. The CCIA considered the Neighbourhood Plan as amended in-line with the Examiner report, which went forward to referendum. As the plan content has not changed further, the original CCIA is carried forward unaltered. The screening indicates that the plan will have both positive and neutral environmental effects, but importantly no negative effects.
- 10.2 The positive effects are: decreasing greenhouse gas emissions, achieved through policies encouraging improvements to walking, cycling and horse riding provision, and supporting electric vehicle charging infrastructure; decreasing potential pollution, through policy requiring no unacceptable impacts on air quality; a positive impact on ecology, through policies protecting wildlife and biodiversity; and increasing protection of heritage and landscape, through the addition of relevant policies.
- 10.3 While positive effects are identified a full CCIA is not included. This is in-line with the Council's guidance, which states that a full CCIA may not be necessary if the proposal will

be subject to planning permission, Environmental Impact Assessment (EIA), or Strategic Environmental Assessment (SEA). As the policies in the Neighbourhood Plan will be used to assess proposals seeking planning permission, it is considered that a full CCIA it is not necessary. In addition, the plan has been subject to SEA and HRA screening processes. Through these exercises it has been concluded that the plan is unlikely to have significant environmental effects and, as such, a full SEA and/or HRA is not required.

## 11.0 REASONS FOR RECOMMENDATIONS

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

### 12.0 RECOMMENDATION(S)

- 12.1 The Executive recommend that Full Council:
- i) 'make' (adopt) the Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035 at its meeting on 13 November 2024;
  - ii) approve the Regulation 19 Decision Statement included 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:

Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035: Submission Version (December 2022)

Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035: Referendum Version (May 2024)

Independent Examiner's Report on the Pannal and Burn Bridge Neighbourhood Development Plan 2021-2035 (April 2024)

These background documents are available on the Council's website at:

[www.northyorks.gov.uk/pannalandburnbridgeneighbourhoodplan](http://www.northyorks.gov.uk/pannalandburnbridgeneighbourhoodplan)

Corporate Director – Nic Harne, Corporate Director Community Development  
County Hall  
Northallerton  
5<sup>th</sup> November 2024

Report Author – Joe Varga, Planning Policy and Place Officer CG

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