

**REPORT TO:** Cabinet Member (for Planning and Sustainable Transport)

**DATE:** 10 August 2017

**SERVICE AREA:** Planning and Development

**REPORTING OFFICER:** Head of Planning and Development  
*(Rachael Hutton, Principal Planner, Planning Policy)*

**SUBJECT:** **NEIGHBOURHOOD AREA DESIGNATION – PANNAL AND BURN BRIDGE**

**WARD/S AFFECTED:** Pannal

**FORWARD PLAN REF:** N/A

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**1.0 PURPOSE OF REPORT**

- 1.1 To consider the request submitted by Pannal and Burn Bridge Parish Council for the designation of a Neighbourhood Area, covering the whole of their parish area, and to formally designate the 'area' as required by The Neighbourhood Planning (General) and Development Procedure (Amendment) Regulations 2016.
- 1.2 To outline how the Council will be publicising the designation of the Neighbourhood Area as detailed in Part 2 Regulation 7 of the Neighbourhood Planning (General) Regulations 2012.

**2.0 RECOMMENDATION/S**

- 2.1 That the Council formally designates the Neighbourhood Area submitted by Pannal and Burn Bridge Parish Council as shown on the plan and supporting statement attached (Appendix 1).
- 2.2 That the Council publicises the designation of the Neighbourhood Area in line with the methods identified in para 5.7 of this report in order to bring the designation to the attention of people who live, work or carry on business within this area in accordance with Part 2 Regulation 7 of The Neighbourhood Planning (General) Regulations 2012 .

### **3.0 RECOMMENDED REASON/S FOR DECISION/S**

- 3.1 The government through its Localism Agenda provides an opportunity for local communities to get more involved in planning in their areas. Local authorities are expected to play a positive role in facilitating and supporting this process. The first step as required by The Neighbourhood Planning (General) and Development Procedure (Amendment) Regulations 2016 is for the Council to formally designate the Neighbourhood Area and publicise this.

### **4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION**

- 4.1 Two alternative options have been considered, as follows:

A) Not to agree the Pannal and Burn Bridge Parish Council's request for the designation of a neighbourhood area and to publicise this as set out in the Regulations. This is rejected as it would not be in accordance with the Regulations or with the government's localism agenda and would deny the local community the opportunity of participating in a neighbourhood planning project for Pannal and Burn Bridge.

B) To designate the area as a business area. This is rejected as it cannot be said that the area is wholly or predominantly a business area.

### **5.0 THE REPORT**

- 5.1 The Localism Act contains provisions to make the planning system clearer, more democratic and more effective and enables communities to draw up a Neighbourhood Plan.
- 5.2 The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (General) (Amendment) Regulations 2016, set out the procedures to be followed in relation to Neighbourhood Plans. The first stage in the process is that the relevant body (in this case Pannal and Burn Bridge Parish Council) must submit an 'area application' to the local planning authority (see statement and map attached at Appendix 1). The Borough Council must then consider whether or not to designate the 'area'. Following designation of the neighbourhood area details must be published, as soon as possible following the decision, on the Local Planning Authority's website and in such other manner that is likely to bring the decision to designate to the attention of people living, working and carrying on business in the area as detailed in Part 2 Regulation 7 of the Neighbourhood Planning (General) Regulations 2012. The Parish Council will then be able to produce a Neighbourhood Development Plan that can eventually be adopted as part of the statutory development plan.
- 5.3 The 'area' identified by Pannal and Burn Bridge Parish Council is the parish council boundary which seems a sensible and straightforward boundary to adopt, avoiding the need to justify and agree with adjoining parishes an

alternative boundary, and forming an area over which they can legitimately represent. The Parish Council has not consulted with adjacent parishes in formulating their intention to submit an application for the designation of a Neighbourhood area.

5.4 Under the Localism Act 2011, the local planning authority is required to consider whether the area applied for should be designated as a 'business area'. A business area is defined as being one that is wholly or predominately business in nature. There is no threshold test to help determine when an area is judged to be 'wholly' or 'predominantly' a business area and each case must therefore be viewed on its merits

5.5 Given the presence of the largely residential village of Pannal and Burn Bridge within the Parish Council boundary it cannot be said that the area is wholly a business area. Involvement of local businesses within the preparation of the Neighbourhood Plan will be important to the success of the plan, as local businesses will not have an opportunity to vote in the referendum to determine whether the neighbourhood plan should be adopted.

5.6 The Borough Council must publish its decision to designate the neighbourhood area on the Council web site and by any other means considered appropriate to draw the decision to the attention of those who live, work or carry out business within the proposed neighbourhood area.

5.7 The following publicity is proposed:

- a press release outlining details of the designation.
- provision of details of the Neighbourhood Area designation on the Neighbourhood Planning page of the Council's web site and adding Pannal and Burn Bridge to the Neighbourhood Planning map of the District.
- supplying the Parish Council with posters publicising the designation which can be put up in key locations within the neighbourhood area.
- a letter to be sent to neighbouring Parish Councils.
- a letter to be sent to elected members in wards covering or immediately adjoining the Parish Council area

## **6.0 REQUIRED ASSESSMENTS AND IMPLICATIONS**

6.1 The following were considered: Financial Implications; Human Resources Implications; Legal Implications; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

6.2 An Equality Impact Assessment has been prepared to accompany the local plan consultation. The neighbourhood plan together with the Local Plan will eventually form part of the Development Plan for the District. A Risk

Assessment has also been undertaken of the Local Plan process and the findings are contained in the Local Development Scheme. This assessment is considered to be applicable to the Neighbourhood Planning process.

## **7.0 CONCLUSIONS**

- 7.1 The proposal for a Pannal and Burn Bridge Neighbourhood Plan is in accordance with the Localism Bill and the process of taking this work forward follows the requirements as set out in The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (General) (Amendment) Regulations 2016. In order to move forward on the preparation of a Neighbourhood Plan by the Parish Council, Harrogate Borough Council needs to first formally designate a Neighbourhood Area and bring the designation to the attention of people who live, work or carry on business in the area. The Parish Council will then be able to produce a Neighbourhood Plan that if successful can eventually be adopted as part of the statutory development plan for the area.

### **Background Papers - None**

**OFFICER CONTACT:** Please contact (Rachael Hutton, Principal Planner), if you require any further information on the contents of this report. The officer can be contacted at (*Planning Policy/Planning and Development, PO Box 787, Harrogate, HG1 9RW or the relevant office address*) 01423 556578 or by e-mail (Rachael.hutton@harrogate.gov.uk)