
REPORT TO: Cabinet Member (Planning)

DATE: 27 July 2021

SERVICE AREA: Place-Shaping and Economic Growth

REPORTING OFFICER: Natasha Durham, Planning Manager (Policy)

SUBJECT: **Roecliffe and Westwick Neighbourhood Plan:
Regulation 18 Decision Statement**

WARDS AFFECTED: BISHOP MONKTON & NEWBY WARD

FORWARD PLAN REF: N/A

1.0 PURPOSE OF REPORT

1.1 To consider the recommendations of the Independent Examiner's Report and recommend that Roecliffe and Westwick Neighbourhood Plan, as modified in line with the Examiner's recommendations, should proceed to referendum. The Examiner's report is included in Appendix 1.

2.0 RECOMMENDATIONS

2.1 It is recommended that:

1. The Council accepts the Independent Examiner's recommended modifications to the Neighbourhood Plan and does not propose any additional modifications.
2. Once modified in line with the Independent Examiner's recommendations, the Roecliffe and Westwick Neighbourhood Plan should proceed to referendum covering the area of the designated Neighbourhood Area.
3. A Regulation 18 Decision Statement, stating this decision and reasons for it, is published together with the Examiner's Report and brought to the attention of those who live, work and do business in the area, and to those who responded to the Submission consultation.

3.0 RECOMMENDED REASON/S FOR DECISION/S

3.1 Following consideration of the documents submitted for examination and the Independent Examiner's report, the Council is satisfied that:

- The Neighbourhood Plan meets the Basic Conditions;
- The Neighbourhood Plan has been prepared and submitted for examination by a Qualifying Body; that being Roecliffe and Westwick Parish Council;
- The Neighbourhood Plan has been prepared for an area properly designated; and
- The policies relate to the use of land and development for the designated neighbourhood area.

3.2 The Neighbourhood Plan should be taken to referendum to ensure that the Council meets its responsibilities in relation to Neighbourhood Planning as set out in the Planning and Compulsory Purchase Act 2004 and The Neighbourhood Planning (General Regulations) 2012.

3.3 To draw the Council's decisions to the attention of those who live, work and do business in the Roecliffe and Westwick Neighbourhood Area and to those who submitted representations in response to the Submission consultation.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION

4.1 Not to publish a Regulation 18 Decision Statement. Following receipt of the Independent Examiner's report the local planning authority is required to decide whether it accepts the Examiner's report in full or in part eg. regarding any proposed modifications and whether/when to hold a Referendum. Not to publish the Decision Statement would mean that the authority was failing in its duty to support the neighbourhood planning process, and in particular Roecliffe and Westwick Parish Council in their preparation of a neighbourhood plan.

5.0 THE REPORT

5.1 Background

The Council formally designated the Roecliffe and Westwick Neighbourhood Area on 2 September 2015. Since this time the neighbourhood plan steering group has undertaken a significant amount of consultation in the development of their neighbourhood plan. Following formal submission of the plan and supporting documents to the Council the plan was publicised and representations invited. The six week publicity period was held from 20 November 2020 to Friday 15 January 2021. All representations received were then forwarded to an Independent Examiner appointed by the Council.

5.2 The Borough Council appointed an Independent Examiner, Mr Terry Heselton BA (Hons), Dip TP, MRTPI to examine whether the Roecliffe and

Westwick Neighbourhood Plan met the Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 and whether the Roecliffe and Westwick Neighbourhood Plan should proceed to referendum.

5.3 In undertaking the Examination the Examiner was required to make one of the following recommendations:

- that the Neighbourhood Plan should proceed to referendum, on the basis that it meets all legal requirements;
- that the Neighbourhood Plan, as modified, should proceed to Referendum;
- that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements

The Examiner has recommended to the Council that, subject to his recommended modifications being made the plan meets the basic conditions and should proceed to referendum.

5.4 Roecliffe and Westwick Parish Council considered and accepted the Examiner's report at the May Parish Council meeting. Where appropriate, the Examiner has sought to retain the policy intentions of the Neighbourhood Plan through the modifications. The Council agrees the modifications to the Neighbourhood Plan are necessary to:

- Ensure consistency with the Harrogate District Local Plan and National Planning Policy Framework;
- Focus on land use and development;
- Remove elements of duplication both from within the Neighbourhood Plan and between the Neighbourhood Plan and Harrogate District Local Plan;
- Update the Neighbourhood Plan to reflect current circumstances and terminology;
- Improve clarity and accuracy of the plan;
- Ensure practical basis for decision making; and
- Remove terminology relating to the plan's draft status in readiness for the final version of the plan.

It is therefore recommended that the Council accepts the modifications in full and the reasons for them, confirms that no additional modifications are proposed and that the plan once modified should proceed to referendum.

Next steps

5.5 In accordance with Regulation 18 of The Neighbourhood Planning (General Regulations) 2012, as soon as possible following this decision a copy of the Examiner's Report and the Council's Decision Statement will be published on the Council's website at: <https://www.harrogate.gov.uk/neighbourhood-planning-2/roecliffe-neighbourhood-plan> and made available to view at the Civic Centre. Roecliffe and Westwick Parish Council will also be asked to put this information on their web site.

- 5.6 The Council is responsible for producing a modified Roecliffe and Westwick Neighbourhood Plan and for making arrangements for referendum. The referendum must be held on or by 56 working days of publication of the decision to take the plan to referendum. This would mean holding a referendum before 13th October 2021. The elections team are aware of these timescales.
- 5.7 The Council is able to claim £20,000 from the government to assist in resourcing this stage of the neighbourhood planning process once a decision statement detailing the Council's intention to send the plan to referendum has been issued. Publishing the Decision Statement now will allow the Council to make use of the July-August window to claim grants, otherwise the next claim window is November-December 2021.

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:

- Financial implications – the costs of the referendum will be covered by the grant that will be claimed from the Government.
- The Principal Lawyer was consulted in the preparation of this report to ensure that the relevant legislation and guidance is being followed.
- The Elections Officer has advised on referendum matters.

7.0 CONCLUSIONS

- 7.1 The Neighbourhood Plan steering group, working in a voluntary capacity, has undertaken a significant amount of work over a number of years to produce the Roecliffe and Westwick Neighbourhood Plan. The appointed independent Examiner and the Council are satisfied that, subject to the recommended modifications, the Basic Conditions for Neighbourhood Plans have been met and the plan has been prepared in accordance with the procedural requirements as set out in the Planning and Compulsory Purchase Act 2004 and The Neighbourhood Planning (General Regulations) 2012.
- 7.2 If successful at referendum, and then formally 'made' by the Council, the Roecliffe and Westwick Neighbourhood Plan will form a part of the Local Development Plan by providing locally distinctive policies for Roecliffe and Westwick Parish that are used in the determination of planning applications.

Background Papers – Roecliffe and Westwick Neighbourhood Plan (2019-2032) submitted November 2020, accessed at:
<https://consult.harrogate.gov.uk/kse/event/35644>

Appendices

Appendix 1 – Roecliffe and Westwick Plan Neighbourhood Plan Independent Examiners Report

OFFICER CONTACT: Please contact (Liz Payne, Senior Planner), if you require any further information on the contents of this report. The officer can be contacted at (*Policy and Place team, PO Box 787, Harrogate, HG1 9RW* 01423 500600 or by e-mail liz.payne@harrogate.gov.uk).