### REPORT TO:
Cabinet Member for Planning

### DATE:
18 April 2019

### SERVICE AREA:
Economy and Culture

### REPORTING OFFICER:
Tracey Rathmell, Executive Officer Policy and Place
(Janet Entwistle, Senior Planner)

### SUBJECT:
Neighbourhood Area Designation – Staveley and Copgrove

### WARD/S AFFECTED:
Claro Ward

### FORWARD PLAN REF:
N/A

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## 1.0 PURPOSE OF REPORT

1.1 To consider the request submitted by Staveley and Copgrove Parish Council for the designation of a ‘neighbourhood area’ for the purposes of neighbourhood planning, as required by The Neighbourhood Planning (General) and Development Procedure (Amendment) Regulations 2016.

1.2 To outline how Harrogate Borough Council will publicise 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 Staveley and Copgrove Parish Council, as set out in the attached application (appendix 1), which comprises a supporting statement and plan.

2.2 That the council publicises the designation of the Staveley and Copgrove Neighbourhood Area in line with the methods identified in paragraph 5.10 of this report in order to bring the designation to the attention of people who live, work or carryout business within the 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’s localism agenda provides an opportunity for local communities to get more involved in planning in their areas through neighbourhood planning. Local planning authorities are expected to play a positive role in facilitating and supporting this process. The Neighbourhood
Planning (General) and Development Procedure (Amendment) Regulations 2016 requires that the first step in the neighbourhood planning process is for the local planning authority to formally designate a neighbourhood area and to publicise the designation.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION (Must be used for reports to Cabinet & Cabinet Members)

4.1 Two alternative options have been considered, as follows:

A) Not to agree Staveley and Copgrove 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 neighbourhood planning.

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

5.0 THE REPORT

5.1 The Localism Act 2011 contains provisions that enable communities to become more involved in planning in their areas through the use of neighbourhood planning tools, such as neighbourhood plans and neighbourhood development orders.

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 planning. The first stage in the process is that the relevant body (in this case Staveley and Copgrove Parish Council) must submit a neighbourhood area application to the local planning authority.

5.3 Staveley and Copgrove Parish Council has submitted a neighbourhood area application, see appendix 1. Following the designation of a neighbourhood area, the parish council intend to produce a neighbourhood development plan (neighbourhood plan) that can eventually be ‘made’ (adopted) as part of the statutory development plan.

5.4 On receipt of a neighbourhood area application, and in line with the Regulations outlined in paragraph 5.2, the planning authority must then consider whether or not to designate the area.

5.5 The application by Staveley and Copgrove Parish Council seeks to designate a neighbourhood area comprising the whole area that the parish council serves. In considering the application, it is noted that the parish council has sought the views of neighbouring parish councils and the local community regarding their proposal prior to making the application. Following consultation, a steering group consisting of parish council and community members has been formed to develop the plan and maintain community engagement throughout the process.
5.6 The neighbourhood area proposed (the whole parish council area) is a sensible and straightforward boundary to adopt. It forms a suitable area in which to carry out spatial plan making, comprises an area over which the parish council can legitimately claim to represent and avoids the need to justify and agree an alternative boundary with adjoining parish councils.

5.7 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.

5.8 While there is business activity within the proposed neighbourhood area, it would not be accurate to describe the area as either wholly or predominately in business use. The area includes the two villages of Staveley and Copgrove, a small business park at Copgrove and scattered individual dwellings. Although it would not be appropriate to designate the area as a business area, the involvement of local businesses in the preparation of the neighbourhood plan, which the parish council intends to prepare, will be important to its success and should be encouraged.

5.9 Following the designation of a 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 draw the designation to the attention of people living, working and carrying out business in the neighbourhood area, as detailed in Part 2 Regulation 7 of the Neighbourhood Planning (General) Regulations 2012.

5.10 The following publicity is proposed:
- A press release outlining details of the designation.
- Providing details of the neighbourhood area designation on the Staveley and Copgrove neighbourhood planning page of the council’s website and adding Parish Council area to the neighbourhood planning map of the district.
- Supplying the parish council with posters publicising the designation that they can put up in key locations within the neighbourhood area.
- Sending a letter to neighbouring parish councils to inform them of the designation.
- Sending a letter to elected members representing 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 Analysis Report has been prepared alongside the development of the local plan. 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 council’s local development scheme. This assessment is considered to be applicable to the neighbourhood planning process.

7.0 CONCLUSIONS

7.1 In order for the parish council to realise the benefits that neighbourhood planning can deliver, including the ability to develop a neighbourhood plan, Harrogate Borough Council first needs to formally designate a neighbourhood area and bring the designation to the attention of people who live, work or carry out business in the area.

7.2 This proposal for a Staveley and Copgrove Neighbourhood Area is in accordance with the Localism Act 2011 and the requirements set out in The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (General) (Amendment) Regulations 2016. Designation of the neighbourhood area will enable the parish council to develop a neighbourhood plan in consultation with the community that, if successful at referendum, can be ‘made’ (adopted) as part of the statutory development plan.

Background Papers – Appendix 1: NP Area Application Staveley and Copgrove

**OFFICER CONTACT:** Please contact Janet Entwistle if you require any further information on the contents of this report. The officer can be contacted at: Policy and Place/Place-shaping and Economic Growth, PO Box 787, Harrogate, HG1 9RW Tel no: 01423 500600 (Ext 58357) or by e-mail: janet.entwistle@harrogate.gov.uk