

Craven Spatial Planning Sub-Committee

at 6.30pm on Monday, 8th July 2019
Belle Vue Suite, Belle Vue Square Offices, Skipton

Sub-Committee Members : Councillors Barrett, Brockbank, Myers, Rose, Shuttleworth, Staveley and Sutcliffe. Substitute Members : Councillors Madeley, Mulligan and Solloway.

AGENDA

1. Apologies for absence
2. Appointment of Chairman and Vice Chairman
3. Confirmation of Minutes of meeting held on 25th February, 2019.
4. Public Participation – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
5. Declarations of Interest – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “**disclosable pecuniary interest**” under Appendix A to the Council’s Code of Conduct, or “**other interests**” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

6. Neighbourhood Planning – Making of the Gargrave Neighbourhood Plan : – Report of the Strategic Manager for Planning and Regeneration. Attached.

Purpose of Report – To present the results of the Gargrave Neighbourhood Plan referendum and the requirements of Craven District Council as the Local Planning Authority to formally ‘make’ the Gargrave Neighbourhood Plan; and the Regulation 19 Decision Statement. This sets out the Local Planning Authority’s decision and the reasons for making that decision.

7. Date of Next Meeting (if required)
8. Any other items which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact : Vicky Davies, Senior Democratic Services Officer
Tel. 01756 706486 or e-mail committees@cravendc.gov.uk
27th June 2019

Emergency Evacuation Procedure

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to

- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

CRAVEN SPATIAL PLANNING SUB-COMMITTEE

25th February 2019

Present – The Chairman (Councillor Dawson) and Councillors Barrett, Brockbank, Shuttleworth, Staveley and Sutcliffe.

Officers – Spatial Planning Manager, Planning Officer, Electoral Services Manager and Committee Officer.

An apology for absence was received from Councillor Rose.

Start: 6.30pm

Finish: 7.17pm

The minutes of the Sub-Committee's meeting held on 28th January 2019 were confirmed and signed by the Chairman as a correct record.

Minutes for Report

CSP.168

PUBLIC PARTICIPATION

The following persons addressed the Sub-Committee:-

a. Mrs J Aldersley of Gargrave objected to and questioned the conclusion reached by the examiner in response to concerns expressed to him regarding the consultation process / the approach to consultation and public engagement in preparation of the Gargrave Neighbourhood Plan. She also re-iterated her concerns expressed in addressing the Sub-Committee in January 2019 on the question of highway safety associated with the proposed allocation of a housing site at Marton Road, Gargrave and in particular issues of equality and equality assessment in terms of the suitability of footpaths for wheelchair users and access to / from the proposed site to the village centre and Gargrave Station. Questions as to the ability of the existing drainage system on Marton Road to cope with additional development and the impact on wildlife were also raised.

b. Mr J Adams of Gargrave also addressed the Sub-Committee reiterating his concerns presented to Members on 28th January, 2019 regarding the consultation process / the approach to consultation and public engagement in preparation of the Gargrave Neighbourhood Plan. In summary his concern was not that the consultation statement did not reflect the process that took place, nor that responses had not been referred to, but that the evaluation of residents' feelings had not been fair and objectively undertaken. Similarly he did not believe that consultation had been fair or objectively fairly carried out. Therefore the proposed Gargrave Neighbourhood Plan should not go forward to referendum. He had tried but not found information on Craven District Council's website which showed that proposed housing sites had been objectively assessed, including representations thereon.

In responding to Mr Adams on the question of representations received on housing sites proposed for possible inclusion in the Craven District Local Plan, the Spatial Planning Manager stated that the Council was only required to produce a summary of main issues raised. The Council hadn't, and wasn't required to, itemise and publish each representation received and the detail of each representation, all work carried out and documentation published was compliant with the relevant regulations.

Note : Copies of e-mails and supporting documents submitted by Mr Adams and Mrs Aldersley prior to the meeting had been forwarded to all Members of the Sub-Committee.

CSP.169

GARGRAVE NEIGHBOURHOOD PLAN – EXAMINER'S

REPORT

Further to Minute CSP.160/18-19, the Strategic Manager for Planning and Regeneration submitted a report presenting the Examiner's Report on the proposed Gargrave Neighbourhood Plan.

In presenting the Strategic Manager's report the Planning Officer reminded Members that the role of the independent examiner had been to only consider whether the proposed neighbourhood plan met the following basic conditions as required by the relevant legislation.

- Did the Plan have appropriate regard to national policy.
- Contribute to the achievement of sustainable development.
- Was in general conformity with the strategic policies in the development plan for the area.
- Was compatible with human rights requirements.
- Was compatible with EU obligations.

The Examiner's report, copies of which had been circulated with the Strategic Manager's report, considered procedural matters including consultation on the draft Plan, and conformity with each of the five basic conditions. Within his report the Examiner had made eighteen recommendations relating to the basic conditions. It was pointed out that as soon as possible after considering the Examiner's recommendations and establishing a formal view on whether the draft neighbourhood plan met the basic conditions, the Council, as local planning authority was required to publish on its website, and in such other manner as was considered likely to bring the following documents to the attention of people, who lived, worked or carried on business in the neighbourhood area:

- The Regulation 18 Decision Statement.
- The Examiner's Report.
- Details of where and when the Regulation 18 Decision Statement and report could be inspected.

The Regulation 18 Decision Statement, a draft copy of which had also been circulated with the Strategic Manager's report, set out:

- Each of the examiner's recommendations and reasons contained within the report;
- The action Craven District Council, as the Local Planning Authority, would take in response to each recommendation, as suggested by the Council's Planning Policy Team;
- Whether the Gargrave Neighbourhood Plan met the basic conditions and
- Whether the Council was satisfied that the Plan could proceed to referendum.

Having considered each recommendation the Planning Policy Team had concluded that, subject to the modifications included therein, all eighteen recommendations should be accepted. Subject to the Sub-Committee's agreement that the draft Plan met the basic conditions and could now proceed to a referendum, the intention was that the referendum be held on Thursday 30th May 2019. If more than 50% of those voting at the referendum voted "yes" the Plan would be brought into force, meaning it would form part of the statutory development plan for Craven up to 2032. Both the Development Plan and the Neighbourhood Plan would then form the basis for determining planning applications in the Neighbourhood Plan area.

Members having considered the Examiner's recommendations, the proposed modifications and the Planning Policy Team's suggested action in response to each recommendation, it was proposed, and

Resolved – (1) That the recommendations within the Examiner's Report in respect of the proposed Gargrave Neighbourhood Plan and action to be taken in response to each recommendation, as suggested by the Planning Policy Team, are accepted.

(2) That, subject to the text being modified as necessary so as to comply with the Examiner's recommendations, it is agreed that the Gargrave Neighbourhood Plan

meets the 'Basic Conditions' as applied to neighbourhood plans by the Planning and Compulsory Purchase Act 2004.

(3) That, as recommended by the Examiner, the proposed Gargrave Neighbourhood Plan now proceed to referendum, the area covered by the referendum to be the Gargrave Neighbourhood Plan Area designated by this Council on 27th January 2014 (Minute CSP.77/13-14 refers).

RECOMMENDED – (4) That a supplementary estimate in the sum of £9,085 to cover the examination of the Gargrave Neighbourhood Plan and other ancillary costs is approved.

(5) That a budget up to £20,000 to cover the costs associated with the referendum on the Gargrave Neighbourhood Plan is approved; the costs to be reimbursed by a Neighbourhood Planning Grant of £20,000.

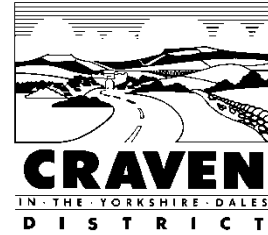
CSP.170

DATE OF NEXT MEETING

To be arranged, if required, in consultation with the Chairman and Sub-Committee Membership.

Chairman.

Craven Spatial Planning Sub-Committee – 8 July 2019



NEIGHBOURHOOD PLANNING – Making of the Gargrave Neighbourhood Plan

Report of the Strategic Manager for Planning and Regeneration

Ward(s) affected: All

1. **Purpose of Report** – To present the results of the Gargrave Neighbourhood Plan referendum and the requirements of Craven District Council as the Local Planning Authority to formally ‘make’ the Gargrave Neighbourhood Plan; and the Regulation 19 Decision Statement. This sets out the Local Planning Authorities’ decision and the reasons for making that decision.
2. **Recommendations** – Members are recommended:
 - 2.1 To formally ‘make’ the Gargrave Neighbourhood Plan.
 - 2.2 To agree the Regulation 19 Decision Statement set out at appendix 1.
3. **Report**
 - 3.1 The Gargrave Neighbourhood Plan is a community-led planning framework, which sets out a vision, objectives and a number of planning policies that relate to the designated neighbourhood area. The referendum version of the Gargrave Neighbourhood Plan can be viewed [here](#) Paper copies of the plan can be provided to members if requested.
 - 3.2 The submitted Gargrave Neighbourhood Plan was examined during November & December 2018 by an independent examiner whose role is to consider whether the proposed neighbourhood plan meets the basic conditions set out by law. Following the examination of the Gargrave Neighbourhood Plan the examiner concluded in his final report that subject to modifications the Gargrave Neighbourhood Plan meets the basic conditions. The examiner also recommended that the Plan as modified by his recommendations should proceed to a referendum. Members of this subcommittee, at a meeting held on 25th February 2019, agreed that subject to the examiner’s modifications, the Gargrave Neighbourhood Plan meets the ‘Basic Conditions’ and could proceed to Referendum. The Gargrave Neighbourhood Plan Referendum was held on Thursday 30th May 2019. All 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 Craven District Council to use the neighbourhood plan for Gargrave to help it decide planning applications in the neighbourhood area?”

- 3.3 If more than 50% of those voting vote “yes” then Craven District Council is required to formally ‘make’ the plan. On the day of the Gargrave Neighbourhood Plan referendum 66.1% voted ‘yes’ and 33.9% voted ‘no’, therefore more than half of those voting voted in favour of the Neighbourhood Plan.
- 3.4 As the Gargrave Neighbourhood Plan has successfully passed the referendum, it now forms part of the statutory development plan up to 2032. Along with the Craven Local Plan, planning applications should be determined in accordance with the Gargrave Neighbourhood Plan, unless material considerations indicate otherwise.
- 3.5 Craven District Council, as the Local Planning Authority is required to formally ‘make’ the Gargrave Neighbourhood Plan within 8 weeks from the date immediately following the date of the referendum i.e. by the 26th July 2019. There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan or Order. These are where it considers that the making of the neighbourhood plan or Order 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). It is Officer’s opinion that none of these circumstances apply.
- 3.6 As soon as possible after deciding to make the Gargrave Neighbourhood Plan, the Local Planning Authority is required to publish a Decision Statement, which is a statement setting out the authorities decision and the reasons for making that decision. As soon as possible after making the Gargrave neighbourhood plan, the local planning authority must publish it. Both the Decision Statement and the ‘made’ Gargrave Neighbourhood Plan must 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. The qualifying body (Parish Council) and any person who has been asked to be notified of the Council’s decision to make the Gargrave neighbourhood Plan will be informed.
- 3.7 Given the requirements set out above, members are therefore recommended to ‘make’ the Gargrave Neighbourhood Plan and to agree the Decision Statement set out at appendix 1 to this report.

4. **Implications**

- 4.1 **Financial and Value for Money (vfm) Implications** – Once a neighbourhood area is approved, the local planning authority is legally required to support, advise and assist parish and town councils in producing a Neighbourhood Plan in its area. This Duty to Support does not require the provision of financial assistance to parish or town councils. The Localism Act does however require the local planning authority to pay for the local referendum and examination in respect of a neighbourhood plan. The Ministry of Housing Communities and Local Government provide financial support for neighbourhood planning. For the period 2018/19 the following financial support will be provided:

- **Area designation:** LPAs can claim £5,000 for the first five neighbourhood areas designated only. The limit of five areas applies to the total number of areas designated in the LPA (i.e. it includes areas designated in previous years). £5,000 was claimed in July 2014 following the designation of the Gargrave Neighbourhood Area by CDC in January 2014. Craven District Council has claimed for a further two areas designated in Bradley and Cononley.
- **For all areas:** LPAs can claim £20,000 once they have set a date for a referendum following a successful examination where a neighbourhood plan has not previously been made for that area. In the case of the Gargrave Neighbourhood Plan, Craven District Council has made a claim for £20,000, which will be used to cover the cost of the examination and referendum.

- 4.2 Legal Implications** – 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 2004 (as amended). Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 and the subsequent amendments (2015, 2016 & 2017) sets out the Council's legal duties in respect of deciding to make a neighbourhood development plan. There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan or Order. These are where it considers that the making of the neighbourhood plan or Order would breach, or otherwise be incompatible with, any EU or human rights obligations (section 61E(8) of the Town and Country Planning Act 1990 Act as amended)
- 4.3 Contribution to Council Priorities** – Enabling neighbourhood planning positively contributes towards the Council Plan objective to support local citizens to become more actively involved in their communities.
- 4.4 Risk Management** – 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 relating to preparation of a Neighbourhood Plan and specifically relating to the making of a neighbourhood plan.
- 4.5 Equality Impact Assessment** – CDC has received confirmation from Gargrave Parish Council that it is satisfied that its Public Sector Equality Duty (PSED) has been complied with in respect of preparing the Gargrave Neighbourhood Plan. Gargrave Parish Council has prepared a record of how the PSED has been complied with in relation to the Gargrave Neighbourhood Plan and CDC have been informed by the parish council that this is available on the parish council website.
- 5. Consultations with Others** – Financial Services and Legal Services.
- 6 Access to Information : Background Documents** – Gargrave Neighbourhood Development Plan 2018-2032 referendum version can be viewed at <https://www.cravendc.gov.uk/planning/planning-policy/planning-for-parishes/neighbourhood-planning/gargrave/> If members prefer to have a paper copy of the neighbourhood plan, please contact Vicky Davies.

7. **Author of the Report** – Ruth Parker, Planning Officer; telephone 01756 706232; e-mail rparker@cravenc.gov.uk

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

8. **Appendices:**
Appendix 1: Regulation 19 Decision Statement



Gargrave Neighbourhood Development Plan

Regulation 19 Decision Statement

Section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended)

Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

1. Summary

1.1 In line with Regulation 19 of the regulations set out above Craven District Council have produced this 'Decision Statement' in relation to the Gargrave Neighbourhood Development Plan (the 'Plan'). As the Plan has successfully passed the referendum, held on Thursday 30th May 2019, Craven District Council has 'made' (brought into legal force) the Plan, which now forms part of the statutory development plan up to 2032 for the Gargrave designated neighbourhood area.

2. Reason for this Decision

2.1 Following an independent examination of written representations, the Examiner, Mr Robert Bryan B.A Hons. MRTPI, concluded in his final report that subject to modifications the Gargrave Neighbourhood Plan meets the basic conditions set out by law and recommended that the plan should proceed to a referendum. At a meeting of Craven Spatial Planning Sub Committee, held on the 25th February 2019, members agreed these modifications and the reasons put forward by the examiner for them, and agreed that the Plan could proceed to referendum (see regulation 18 Decision Statement at <https://www.cravendc.gov.uk/media/7634/reg-18-decision-statement.pdf>)

2.2 A referendum was held on Thursday 30th May 2019 within the Gargrave designated area and posed the question:

'Do you want Craven District Council to use the Neighbourhood Plan for Gargrave to help it decide planning applications in the neighbourhood area?'

2.3 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Council must make the Plan if more than half of those voting have voted in favour of the Plan.

2.4 On the day of the referendum 66.1% voted 'yes' and 33.9% voted 'no', therefore more than half of those voting voted in favour of the Plan.

2.5 Following this outcome, the Plan was 'made' (brought into legal force) by Craven Spatial Planning Subcommittee on the 8th July 2019.

3. Inspection of Regulation 19 Decision Statement

3.1 A copy of this Decision Statement is being sent to:

- The qualifying body, namely Gargrave Parish Council; and
- To any person who asked to be notified of the decision.

3.2 This Decision Statement, the made Plan and other supporting documents can be inspected:

- At Craven District Council offices at Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ. Opening Hours: 9.00am to 5.00pm Monday to Thursday, 9.00am to 4.30pm Friday.
- Online via Craven District Council website at:
<https://www.cravencd.gov.uk/planning/planning-policy/planning-for-parishes/neighbourhood-planning/gargrave/>
- At Gargrave & Malhamdale Community Library, West St, Gargrave, Skipton BD23 3RD.
Opening hours: Monday, 3pm to 6pm, Wednesday, 2pm to 5pm, Friday, 2pm to 5pm, Saturday, 10am to 1pm (closed Tuesday, Thursday & Sunday)
- Online via Gargrave Parish Council website at: <http://gargravepc.org.uk/>

For more information, please contact the Planning policy Team at Craven District Council on localplan@cravencd.gov.uk or 01756 706472.

This Decision Statement is dated 8th July 2019.