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**PART A:** **MATTERS DEALT WITH UNDER DELEGATED POWERS**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **19 FEBRUARY 2019**

**REPORT OF THE:** **SPECIALIST SERVICES LEAD  
GARY HOUSDEN**

**TITLE OF REPORT:** **MALTON AND NORTON NEIGHBOURHOOD PLAN.  
APPLICATION FOR THE DESIGNATION OF A  
NEIGHBOURHOOD AREA.**

**WARDS AFFECTED:** **MALTON, NORTON EAST, NORTON WEST**

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To consider the formal designation of the Malton and Norton Neighbourhood Plan Area.

### **2.0 RECOMMENDATION**

- 2.1 It is recommended that:
- (i) The proposed Neighbourhood Area is designated as the Malton and Norton Neighbourhood Plan Area.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 The Local Planning Authority is required by legislation to determine formal applications for the designation of Neighbourhood Areas that are made by relevant bodies. Town and Parish Councils are relevant bodies for Neighbourhood Planning purposes.

### **4.0 SIGNIFICANT RISKS**

- 4.1 There are no significant risks associated with the recommendation of this report.

### **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 Members are aware that local communities have the opportunity to prepare Neighbourhood Plans for their areas. These are plans which contain community led, locally specific planning policies for an area. Once a plan has progressed through several formal stages, including a local referendum, it can be adopted by the Local Planning Authority and used as part of the development plan for the area.

- 5.2 A key stage in the process of preparing a Neighbourhood Plan is the designation of the Neighbourhood Area. This is the area that a Neighbourhood Plan will cover. In order for a Neighbourhood Area to be designated, the legislation makes it clear that relevant bodies must make an application to the Local Planning Authority to designate the area. The designation of a neighbourhood area falls within the authority of this committee. To be valid, the application must include:
- A map which identifies the area to which the area application relates
  - A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
  - A statement that the body making the area application is a relevant body
- 5.3 Malton and Norton Town Councils have now formally made an application to the Local Planning Authority for the designation of the Malton and Norton Neighbourhood Area. The application is at Appendix One of this report. The application contains the information required by the legislation and it is considered to be valid.
- 5.4 A number of revisions to the legislation covering the designation of a Neighbourhood Area have been made in recent years to simplify the process and to support neighbourhood planning. For example, the Government has clarified that for Parish Council's seeking to have the whole of their parish areas identified as a neighbourhood area, a Local Planning Authority must designate the area as a Neighbourhood Area. In other circumstances, for example where a neighbourhood area covers more than a single parish area or local planning authority area, a Local Planning Authority must publicise the area application to bring this to the attention of people living and working in the area and to provide those with an interest with the ability to make representations on a proposed neighbourhood area.
- 5.5 The Malton and Norton Neighbourhood Area application is an interesting example in terms of the regulations. The proposed area is entirely consistent with the boundaries of both Parish areas. It does not include land from any adjacent Parish or another Local Planning Authority area which are very clear situations which the regulations cover. However, because the application has been made jointly by both local councils and covers both parish areas, consultation on the proposed boundary has been undertaken.
- 5.6 The Government's planning practice guidance provides some indication of the issues which can be taken into account in considering the designation of a Neighbourhood Area. For example, school catchment areas, or the physical characteristics of particular neighbourhoods. It is considered that these matters are for the most part relevant to applications for smaller neighbourhood areas within a wider local council area. The Government is clear that where a Parish Council wishes to undertake neighbourhood planning across the whole of its area, then this should be designated as a Neighbourhood Area.
- 5.7 The proposed Neighbourhood Area was first publicised on the Council's web-site on 13 December 2018 in accordance with the Regulations. This was accompanied by a press release and letters (by email) to a sample selection of local businesses and organisations. The consultation period finished on the 25<sup>th</sup> January 2019 and covered the minimum six week period required.

- 5.8 6 Organisations/individuals have made comments on the proposed Neighbourhood Area. The representations received are summarised in Appendix 2 of this report.

## **6.0 REPORT**

- 6.1 As part of the application for the proposed neighbourhood area, the Town Councils list the reasons why they consider it is appropriate the proposed boundary covers the whole of both Parish Areas. In summary, the local councils are keen to ensure that the Neighbourhood Plan operates within the interest of all of their communities and that it contains policies, to meet a range of objectives that will be applied over all of their areas.
- 6.2 Several key points have arisen in response to the consultation undertaken on the proposed extent of the Neighbourhood Area. In summary these relate to concerns that the:
- boundary of the neighbourhood area dissects the York Road Industrial Estate which may not be conducive to a coherent approach
  - western boundary at York Road does not run to the A64 and could limit future expansion and transport infrastructure provision
  - boundary should be extended to the east to include more land at and around Brambling Fields and the eastern side of Norton reflecting future options for growth and transport improvements
  - the Langton Wold Gallops should be included and the Musley Bank racehorse training centre included
- 6.3 It is considered that in principle, the proposed Neighbourhood Area provides the opportunity for the Neighbourhood Plan to provide a joined up and co-ordinated approach for the towns. A Neighbourhood Area covering both towns and their hinterlands is also consistent with the strategic approach of the Development Plan which identifies the twin towns together as the 'Principal Town' for planning purposes.
- 6.4 The representations received raise valid planning points. It is however, important to remember that any Neighbourhood Plan would need to be prepared to be consistent with the adopted Development Plan for the area which is in place at the time. A Neighbourhood Plan will not be the only mechanism which establishes policies for the area and there are existing and emerging Development Plan policies which will provide a framework for the Neighbourhood Plan. Additionally, future reviews of the development plan will also provide a framework for any review of a Neighbourhood Plan. For these reasons, the fact that the proposed Neighbourhood Area does not extend to all of the A64 junctions does not mean that longer term strategic development/infrastructure planning will be undermined. Similarly, the racing gallops are within open countryside and in a location where the development plan would not support significant new development. The protection of the gallops would not be dependent on the land falling within the area of the Neighbourhood Plan.
- 6.5 An expansion of the proposed area to cover land beyond the parish areas of Malton and Norton would mean that adjacent Parish Councils would have to agree to land within their areas being planned for by Malton and Norton Town Councils. The Town Councils have considered the extent of the proposed neighbourhood area, both in relation to the A64 and the York Road Industrial Estate and it is understood that they have sought to engage neighbouring parishes. However, there has been no indication that there is any wider appetite for a larger Neighbourhood Area or that this would be

acceptable to the neighbouring Parishes.

- 6.6 Members could refuse to agree the boundary as it is proposed on the basis that it dissects the York Road Industrial Estate. As it stands, in theory, this could lead to a situation where a specific set of policies operate within the part of the industrial estate within the neighbourhood plan area but not all of it. It is considered that the risk that a differential approach which would be to the detriment of occupiers of the industrial estate is low. That part of the industrial estate is long established and is built out. Whilst the Neighbourhood Plan could introduce policies covering the change of use or design matters, it is reasonable to assume that the Town Councils would not seek to introduce policies which would be detrimental to the economic vitality of the business community.
- 6.7 Members should also be mindful of the fact that if either of the Town Councils wanted to establish a Neighbourhood Area for the whole of their own individual areas, the Local Planning Authority would have to designate the whole of the area, irrespective of where a parish boundary is located.
- 6.9 Taking into account all of the issues raised and legal considerations, it is considered that the proposed Neighbourhood Area is appropriate and should be designated as a Neighbourhood Area.

## **7.0 IMPLICATIONS**

- 7.1 The following implications have been identified:

- a) Financial  
There are no financial implications associated with the designation of the Neighbourhood Area. The financial implications of neighbourhood planning for Local Authorities are associated with the examination of the plan and local referendum.
- b) Legal  
The designation of a Neighbourhood Area is a legal requirement to support the production of Neighbourhood Plan. No other Neighbourhood Areas have been defined within the proposed area and there are no outstanding applications for other/alternative Neighbourhood Areas.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
Neighbourhood Planning has some implications for RDC staffing resources in terms of providing support to Parish Councils. There are no other implications associated with the recommendation.

## **8.0 NEXT STEPS**

- 8.1 Once a neighbourhood area is designated, a Local Planning Authority must publicise the designation of the area on its web-site and in other ways in order to bring the designation to the attention of those living and working in the neighbourhood area.
- 8.2 The responses received on the proposed neighbourhood area will be shared with Town Councils, for information as part of the Neighbourhood Plan process.

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**Background Papers:**  
MHCLG - Planning Practice Guidance

**Background Papers are available for inspection at:**  
<https://www.gov.uk/guidance/neighbourhood-planning--2#designating-a-neighbourhood-area>