

**Calderdale MBC**

**Wards Affected**

**Cabinet**

**Date : 2<sup>nd</sup> February 2015**

**Ripponden Parish Council –**

**Proposed Neighbourhood Area**

**13**

**Report of the Director, Economy and Environment**

**1. ISSUE**

- 1.1 Designation of the prospective Ripponden Parish Council Neighbourhood Area within which planning powers will be granted under Section 61G of the Town and Country Planning Act 1990 in order to bring forward a Neighbourhood Development Plan (NDP).

**2. NEED FOR A DECISION**

- 2.1 Designation of the Neighbourhood Area for Ripponden Parish is a legal process which requires approval of Council.

**3. RECOMMENDATION**

It is recommended :

- 3.1 That Cabinet recommend to Council that the area administered by Ripponden Parish Council is designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act 1990.

## 4. BACKGROUND AND/OR DETAILS

- 4.1 The Localism Act 2011 introduced new powers available to communities which enables them to take responsibility for the planning of their local area with the power to :
- make a neighbourhood development plan (NDP);
  - make a neighbourhood development order (NDO);
  - make a Community Right to Build Order (CRtBO);
- 4.2 The powers can only be taken-up by “relevant bodies” which are of two forms : -
1. **Parish and Town Councils.** These bodies have the right to take up the Neighbourhood Development Plan powers, but need the formal agreement of the Council to the area for which these powers will apply; or
  2. **Neighbourhood Forums.** These bodies can be set up in areas not covered by Town or Parish Councils. The formal designation of the Neighbourhood Forum requires the approval of the Council and the area for which they will take the Neighbourhood Planning Powers also requires a separate resolution.
- 4.3 An application for the designation of a Neighbourhood Area was received on 17<sup>th</sup> November 2014 from the relevant body of Ripponden Parish Council. The application is attached as the Appendix to this Report. The application seeks designation of a Neighbourhood Area for the full administrative area of the Parish Council.
- 4.4 The Neighbourhood Planning (General) Regulations 2012 require that the application for designation of a Neighbourhood Area must include the following information:-
- A map which identifies the area to which the application relates;
  - A statement explaining why this area is considered appropriate to be designated as a neighbourhood area;
  - A statement that the organisation or body is a relevant body for the purposes of Section 61G of the Town and Country Planning Act 1990.

## 5. CONSULTATION

- 5.1 The Neighbourhood Planning (General) Regulations 2012 require the Council to publicise a neighbourhood area application. The Council undertook public consultation which went above and beyond the requirements of the legislation.
- 5.2 Formal consultation commenced on Friday 28<sup>th</sup> November 2014 and closed on Friday 9<sup>th</sup> January 2015. The application was advertised through the Council's web-site, and Statutory Notices were placed in the Halifax Courier. Copies of the application and consultation documents were lodged with Halifax Customer First; at Ripponden Parish Council Offices and at Ripponden Library. Notice was also provided through the Local Plan Consultation email address list to persons and organisations that have registered to be kept up to date with the Local Plan. The Local Plan web-pages set out more detailed information and facilitated on-line

engagement. A questionnaire was established which allowed respondents to say “yes” or “no” to the granting of approval for the Area.

#### 5.4 **Comments Received**

There have been 10 responses in total including from Statutory Consultees each of whom have requested that their interests are taken into account during plan preparation:

- **National Farmers Union** : have raised a number of issues that will be forwarded to the Neighbourhood Planning Team at Ripponden Parish Council for their consideration during plan preparation
- **Coal Authority**: - have indicated that the proposed Neighbourhood Area lies outside the defined coalfield and therefore they do not require to be consulted as the plan is prepared. The detailed comments will be forwarded to Ripponden Parish Council.
- **Highways Agency** : have made comments relating to the location of the M62 within the Neighbourhood Area and the need for them to be consulted upon the plan as it is prepared. The detailed comments will be forwarded to Ripponden Parish Council..
- **Environment Agency** : have provided comments relating to their involvement in Neighbourhood Planning. These comments will be forwarded to Ripponden Parish Council.
- **Natural England** : have provided comments relating to their status as statutory consultee on Neighbourhood Plans. These comments will be forwarded to Ripponden Parish Council.
- **English Heritage** : have provided details of their requirements to be consulted and engaged within the Neighbourhood Planning process. The comments will be forwarded to Ripponden Parish Council;
- **Kirklees Council** have pointed out that the proposed neighbourhood area border follows the Calderdale boundary which borders in part on the Kirklees district boundary. They therefore request that Ripponden Parish Council consult with them as their Neighbourhood Development Plan develops. South Pennines local authorities including Kirklees and Calderdale have commissioned a South Pennines Wind Energy Landscape Study which may be useful as evidence to inform and support the forthcoming neighbourhood development plan dependant on the issues which are to be addressed.
- **Wakefield, and Oldham Councils** have raised no comments on the proposed Neighbourhood Area.

5.4 **Individual comments** : There has been only one comment from an individual. This supports designation of the Neighbourhood Area, but has been made by a person who lives outside the proposed area.

5.5 **Comment** : It is very disappointing that there have been no responses at all from within the Ripponden Parish Council area. Engagement with the local community will be an issue that the Neighbourhood Planning Team within the Parish Council will need to address as the plan is prepared.

## 6. OPTIONS CONSIDERED

6.1 The following considerations need to be made regarding the application: -

- a. Is the application from a “relevant body” and does it provide the required information?
- b. Should the Council approve the Ripponden Parish Council area as the Neighbourhood Area in its entirety; should the Council reject the Neighbourhood Area; or should the Council make amendments to the area that will be designated?

6.3 **Is the application from a “relevant body” and does it provide the required information?**

The LPA can designate a Neighbourhood Area but only if a valid application has been made and that application was made by a “Relevant Body.”

**Consideration:** The application from Ripponden Parish Council has been submitted by a “relevant body” that has the right to apply to take up these powers.

The application contained in the Appendix to this report provides the information required in the Neighbourhood Planning (General) Regulations (set out in paragraph 4.4 above) and therefore the application has been validly submitted.

6.3 **Should the Council approve the Ripponden Parish Council as the Neighbourhood Area in its entirety; should the Council reject the Neighbourhood Area; OR should the Council make amendments to the Area that will be designated?**

**Consideration :** The proposed Neighbourhood Area covers the administrative areas of Ripponden Parish Council. It has an area of 5,464ha, which makes it the largest single Parish Council area in Calderdale and a population of over 6,500. The largest settlement is the combined area of Ripponden and Rishworth, and there are a number of villages including Barkisland, Soyland and parts of Mill Bank/Cotton Stones. Green Belt is designated across the whole of the area outside the Ripponden/Rishworth and Barkisland settlements, and extensive area in the west is covered by the Special Protection Area (SPA) and Special Area of Conservation (SAC) of the South Pennine Moors protected under European legislation.

The Council could propose that the area to be designated as part of the Neighbourhood Area could be limited to that outside the SPA/SAC with an appropriate buffer zone. This may reduce some of the work needed by the NDP team particularly in respect of Habitats Regulations Assessment (HRA). However the Council should not wish to fetter Ripponden Parish Council in creating their own vision for development in their area.

The Neighbourhood Area proposed is considered to be appropriate and does not need to be amended.

## 7. FINANCIAL IMPLICATIONS

- 7.1 Once the Neighbourhood Area has been formally designated the Council has a “Duty to Support” the creation and development of the Neighbourhood Development Plan or other rights that the relevant bodies choose to take up. The local planning authority is legally required to advise or assist those bodies producing a Neighbourhood Plan in its area.

This could include things like:

- arranging meetings, as appropriate, with the qualifying body;
- making available data for the evidence base, such as housing need data, development viability considerations, environmental designations, and flood risk assessments;
- setting out local strategic policies in the Local Plan;
- setting out national policies which will need to be considered;
- providing advice on the legal requirements for Neighbourhood Planning under the Localism Act;
- providing advice on general planning matters;
- sharing information on key contacts and stakeholders;
- making available venues and helping to arrange community engagement activities, to avoid consultation overload and maximise efficiencies of resources;
- checking the plan prior to formal submission;
- participation in meetings of the qualifying body or its working groups;
- providing advice on who needs to be consulted, especially in order to help the draft proposals meet the basic conditions (such as compatibility with EU obligations);
- providing technical support, such as assistance in laying out and illustrating a plan;
- providing members for neighbourhood forums or more informal steering/working groups;
- identifying any need for and undertaking environmental assessment or Habitat Regulations Assessment.

- 7.2 The Duty to Support does not require the giving of financial assistance to parish councils or designated neighbourhood forums, but Council's may offer financial assistance if they wish. This Council does not have a budget specifically for supporting Neighbourhood Planning, and therefore support will generally be in kind and through staff time and assistance rather than financial contributions.

- 7.3 The Government has recognised the liabilities that Council's will have in respect of Neighbourhood Planning and has established a fund against which the Council can draw down phased funding called Neighbourhood Planning Grant. For the Financial year 2014/15 the arrangements set by DCLG are as follows: -

- The first payment of £5,000 will be made following designation of a neighbourhood area recognising the officer time supporting and advising the community in taking forward a neighbourhood plan. For authorities designating several neighbourhood areas, each local planning authority could claim up to a maximum of £100,000 for area designations, in 2013/14 for example.

- The second payment of £5,000 will be made when the local planning authority publicises the neighbourhood plan prior to examination. This will contribute towards the costs of the examination as well as other staff costs incurred at this stage.
- The third payment of £20,000 will be made on successful completion of the neighbourhood planning examination. This is to cover costs for that examination and any other further steps that may be needed for the neighbourhood plan to come into legal force, including referendum. However, the payment is not dependant on pursuing the referendum route if both parties agree on a different approach at that point (for example, if both parties agree, the neighbourhood plan could be taken forward as part of the local plan or as a supplementary planning document). There was no cap in 2013/14 nor in 2014/15.

7.4 Revised funding arrangements are being introduced by the DCLG from April 2015. This will allow an approved Neighbourhood Area to apply for £8,000 to help fund plan preparation.

## **8. EQUALITY AND DIVERSITY**

8.1 The Equality Act 2010 introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

8.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality.

It is considered that there are no direct equality and diversity implications arising from this recommendation.

## **9. RISK AND LEGAL IMPLICATIONS**

9.1 Granting Neighbourhood Planning Powers gives the “qualifying body” the power to bring forward the following: -

- a neighbourhood development plan (NDP);
- a neighbourhood development order (NDO);

- a Community Right to Build Order (CRtBO);

Preparation of these plans and orders would be the responsibility of Ripponden Parish Council. However, Calderdale Council would be responsible for final checking of the NDP and for appointing the Inspector to undertake the examination and arranging the referendum. Ultimately the major risk is that the “qualifying body” fails to bring forward a “sound” Neighbourhood Development Plan. However that is not a reason which should weigh against designation.

- 9.2 Ensuring the Council fulfils its “Duty to Support” obligations (generally set out in paragraph 7.1) will help ensure that the Neighbourhood Forum addresses the relevant planning and other issues as they progress in plan making and avoid potential issues through the process.
- 9.3 The Town and Country Planning Act 1990 Section 61G (as amended by the Localism Act 2011) provides the framework for the Council to grant the powers sought by this application to Ripponden Parish Council.

## 10. CORPORATE IMPLICATIONS / POPULATION OUTCOMES

- 10.1 The granting of the powers for the neighbourhood area will contribute to the Council’s priority outcomes for: -

**Growth** : *driving economic development and enterprise;*

The NDP will bring forward policies and ideas for growth and development within the Ripponden Parish Council area to meet the aims and aspirations of the local community;

**Ambition** : *raising aspiration and achievement for all our residents;*

The NDP will help to promote enterprise across Ripponden Parish Council area and allow the community to develop its own vision and proposals for a better future;

## 11. CONCLUSION

- 11.1 This application by the Ripponden Parish Council is from a “relevant body” that has the right to take up the neighbourhood planning powers derived from the Localism Act 2011. The area to be covered by the Neighbourhood Area is the Parish and so is an appropriate area within which a Neighbourhood Development Plan can be prepared.

Ian Gray  
Director of Economy & Environment

12 January 2015

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**For further information on this report, contact:**

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**The documents used in the preparation of this report are:**

1. Localism Act 2011;
2. Town and Country Planning Act 1990 (as amended);
3. Locality – Neighbourhood Plans Roadmap Guide 2013;
4. Calderdale Council - Neighbourhood Development Plans Guidance March 2013;
5. Application by Ripponden Parish Council for designation of a Neighbourhood Area (November 2014).

**The documents are available for inspection at:**

- On the internet or Council's web-site;
- The application is available for inspection at:  
<http://www.calderdale.gov.uk/environment/planning/local-plan/neighbourhood-development-plans/index.html>





# Ripponden Parish Council

## Application to designate a Neighbourhood Area

### Contents:

- Extract from Ordinance Survey Map identifying the outer boundaries of the Parish of Ripponden being the area to which this application relates.
- A statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area.
- A statement that the organisation making the application is relevant/and or qualifying body for the purpose of 61G of the 1990 Act as amended by the Localism Act 2012.

### Contact Details:

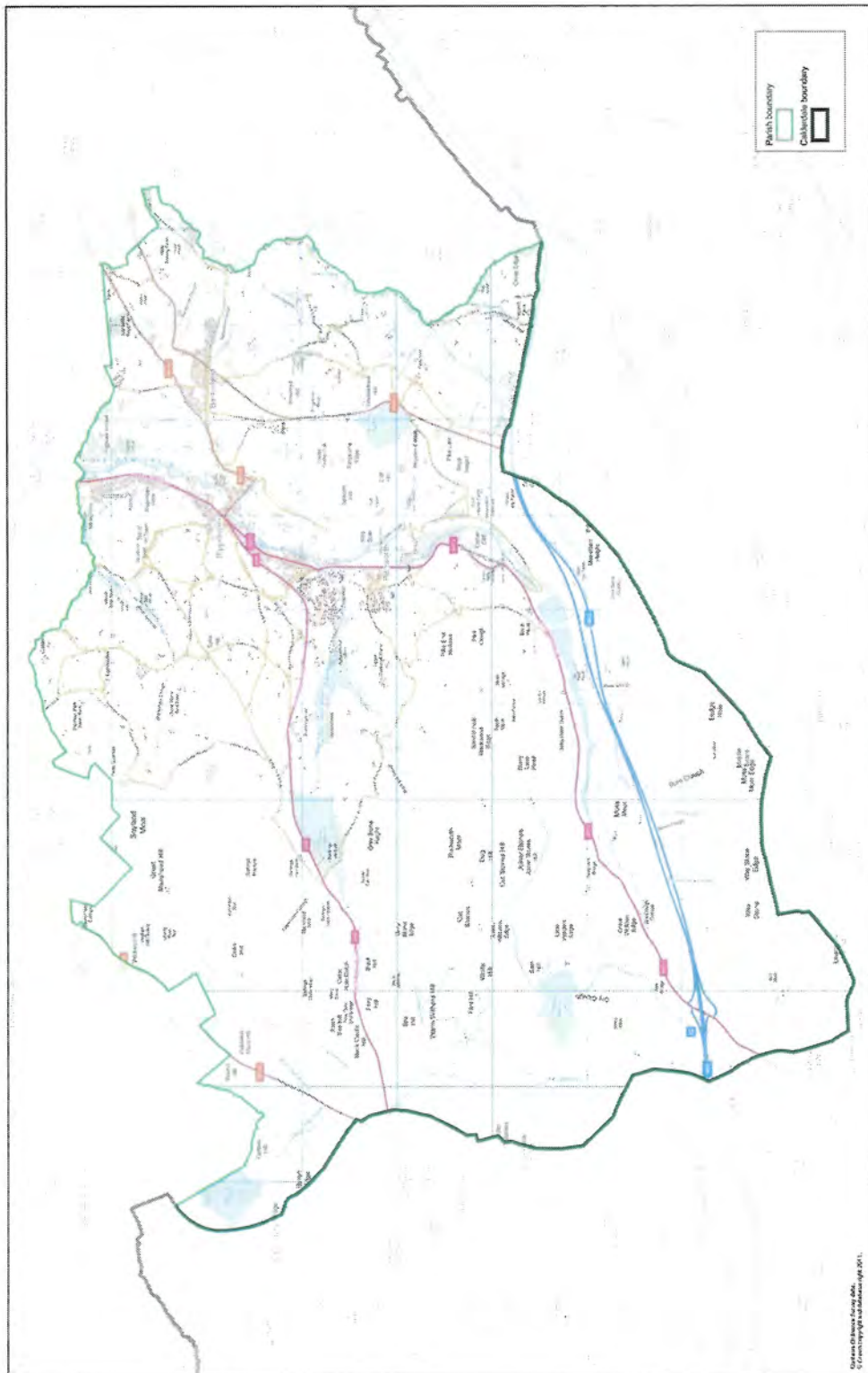
Anne Haynes – Clerk/Responsible Officer for Ripponden Parish Council  
107 Halifax Road  
Ripponden  
HX6 4DA

Tel: 01422 823245

E-mail: [clerk@rippondenparishcouncil.gov.uk](mailto:clerk@rippondenparishcouncil.gov.uk)

## 1. Neighbourhood Area Designation

The proposed Neighbourhood Area Designation is inclusive of the area within the boundaries of Ripponden Parish Council. (see map below)



## **2. Statement as to why this land should be designated**

It is the intention of Ripponden Parish Council to create a Neighbourhood Development Plan, working in consultation with interested parties including but not limited to:

- The Planning Authority
- Other key public bodies
- Residents
- Businesses
- Community and Environmental organisations
- Agriculture and rural interests and
- Those interested in development.

This will ensure that taking the National Planning Policy Framework into consideration, the area will:

- Undertake and achieve development in a sustainable manner;
- Meet its housing needs and responsibilities in the right location;
- Provide for a viable economic future and promote a socially inclusive community
- Whilst at the same time caring for the outstanding beauty of the landscape, the valued heritage of the area and already delineated conservation areas in the Parish.

**The essential aims of the Neighbourhood Development Plan will be as follows:**

### **Spatial and Development Principles**

- To ensure that the Parish of Ripponden continues to be a vibrant, pleasant, sustainable and safe place in which to live, with facilities that meet the needs and aspirations of the people who live and work there.
- To assess and respond to the spatial issues and opportunities of the whole Neighbourhood Plan area.
- To encourage the sequential use of brownfield sites before greenfield and green belt sites.
- To continue to promote sustainable access and transport to and within the area.

### **Economic**

- To ensure that the Parish area maintains flourishing retail, commercial and manufacturing sectors.
- To promote tourism and a flexible use of agricultural land.
- To maximise the area's employment potential within the character of the Parish area, by the provision of land including office, retail, wholesale and industrial space in the most appropriate location.



## **Social**

- Ensuring housing meets the needs of all sections of the community.
- To ensure that all development, as identified in the Local Plan, is provided in the right location and in sympathy with the area's rural aspect and heritage.
- To ensure that the infrastructure is developed to meet the needs of the community.
- To support the requirements of residents within the educational, health, leisure, heritage and sporting sectors; and to encourage and identify opportunities for development.

## **Environmental**

- To maintain and protect the natural environment as well as the availability of green spaces.
- To respect the areas character, natural and heritage environment and existing townscape.

## **Effective Process**

- To maintain a continuing dialogue between the Parish Council, the community, key partners, local organisations, developers and the local Planning Authority.
- The Neighbourhood Plan should respond and meet the aspirations of the community.

### **3. Statement of why this group is capable of being a 'qualifying body' for the purpose of a Neighbourhood Development Plan**

Section 61G ss2a of the Town and County Planning Act 1990, (as amended by the Localism Act 2012) states that a Parish Council is a qualifying body. As such Ripponden Parish Council is a suitable 'qualifying body' for the purpose of developing a Neighbourhood Development Plan.