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**REPORT TO:** Cabinet Member (Planning)

**DATE:** 1 November 2018

**SERVICE AREA:** Place-Shaping and Economic Growth

**REPORTING OFFICER:** Tracey Rathmell, Executive Officer Policy and Place  
(*Gill Ritchie, Principal Planner*)

**SUBJECT:** **Ripon Neighbourhood Plan: Regulation 18  
Decision Statement**

**WARDS AFFECTED:** RIPON WARDS

**FORWARD PLAN REF:** N/A

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**1.0 PURPOSE OF REPORT**

1.1 To consider the recommendations included in the Examiner's Report into the Ripon Neighbourhood Plan.

**2.0 RECOMMENDATIONS**

2.1 That the modifications and next steps set out in the Ripon Neighbourhood Plan Regulation 18 Decision Statement (Appendix 1) be agreed in principle, but that the formal decision to publish the Decision Statement be delegated to the Executive Officer Policy and Place following the agreement of the Examiner's Report by Ripon City Council at their meeting on 12 November 2018.

2.2 That the Council do not propose any additional modifications and that the plan, once modified, should proceed to referendum.

2.3 That the Regulation 18 Decision Statement, together with the Examiner's Report is brought to the attention of those who live, work and do business in the area, and to those who responded to the Submission consultation.

2.4 That Ripon City Council is requested to formally agree, at their meeting on 12 November 2018, that the referendum should take place in February 2019 on a date to be agreed between the Council's Returning Officer and the City Council.

### **3.0 RECOMMENDED REASON/S FOR DECISION/S**

- 3.1 To ensure that the council meets the requirements and timescales in relation to Neighbourhood Planning as set out in the Planning and Compulsory Purchase Act 2004 and The Neighbourhood Planning (General Regulations) 2012.
- 3.2 To draw the Council's decisions to the attention of those who live, work and do business in the Ripon 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. For example, should it propose any modifications and whether/when it is appropriate 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 Ripon City Council in their preparation of a neighbourhood plan.

### **5.0 THE REPORT**

#### **5.1 Background**

The Council formally designated the Ripon Neighbourhood Area on 12 December 2012. Since this time the City Plan team 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 1 June to 13 July 2018. All representations received were then forwarded to an independent Examiner appointed by the Council with the consent of the City Council. All documents relating to this consultation including the draft Ripon Neighbourhood Plan can be viewed on the Ripon Neighbourhood Plan section of the Council's web site at:

[https://www.harrogate.gov.uk/info/20103/neighbourhood\\_planning/575/ripon\\_neighbourhood\\_area](https://www.harrogate.gov.uk/info/20103/neighbourhood_planning/575/ripon_neighbourhood_area)

- 5.2 The Borough Council appointed an Independent Examiner, Mr. Nigel McGurk BSc (Hons) MCD MBA MRTPI to examine whether the Ripon Neighbourhood Plan met the Basic Conditions as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 and whether the Ripon 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 The Regulation 18 Decision Statement, attached as Appendix 1, sets out in table 1 the Examiner's recommended modifications together with the reasons for them. The Council accepts the modifications and the reasons for them, in full, confirms that no additional modifications are proposed and that the plan once modified should proceed to referendum.

#### 5.5 **Next steps**

The Examiner issued his report on 8 October 2018. The Council has 5 weeks to make a decision as it is accepting all of the Examiner's recommendations (ie by 12 November 2018). This timescale has meant that it has been necessary to take this report to Cabinet Member (Planning) prior to Ripon City Council having the opportunity to formally consider the Examiner's Report at their meeting on 12 November 2018. This report therefore recommends that the decision to publish the Regulation 18 Decision Statement be delegated to the Executive Officer Policy and Place following Ripon City Council's acceptance of the Inspector's recommended modifications.

5.6 In agreement with Ripon City Council the formal decision will therefore be made as soon as possible after 12 November. This will be published on the Ripon Neighbourhood Plan section of the Council's web site (see link provided in para. 51 above) and a press release will be issued and paper copies of the Regulation 18 Decision Statement and Examiner's Report made available in Ripon Library, at Ripon Town Hall and at the Civic Centre in Harrogate. Ripon City Council will also be asked to put this information on their web site.

5.7 The Council is responsible for producing a modified Ripon Neighbourhood Plan and for making arrangements for referendum. The referendum must be held on or by 56 days of publication of the decision to take the plan to referendum. This would mean holding a referendum during the Christmas period. However, where the Council and the qualifying body (Ripon City Council) are in agreement this period can be extended. It is therefore proposed that in order to avoid the Christmas holiday, and in particular the need to publish the Notice of the Referendum and post polling cards at this busy time, the Returning Officer has advised that a referendum date should be set in February 2019. Ripon City Council has been asked to formally agree to this at their meeting on 12 December 2018.

5.8 Prior to the referendum the Elections Manager will be holding a Briefing Session to include Ripon City Council Members, Ripon Ward Members and the City Plan team as it is important that the regulations and restrictions surrounding a referendum are fully understood.

5.9 The Council is able to claim £20,000 from the government to assist in resourcing this stage of the neighbourhood planning process once we have set a date for referendum following a successful Examination. It may be possible to do this in November this year otherwise the next claim window is March 2019. The £20,000 will cover all relevant additional costs incurred by the Council in relation to this referendum.

## 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:

- The Service Finance Manager was consulted in the preparation of the report regarding the financial implications (see 5.9).
- The Principal Lawyer was consulted in the preparation of this report to ensure that the relevant legislation and guidance is being followed.
- The Elections Manager, Legal and Governance has advised on referendum matters.

## 7.0 CONCLUSIONS

7.1 The Ripon City Plan team, working in a voluntary capacity, has undertaken a significant amount of work over a number of years to produce the Ripon Neighbourhood Plan. This has involved a significant amount of public consultation and the Examiner in his report has highlighted that he is *'satisfied that the consultation process was significant and robust.'*

7.2 The Examiner has recommended a number of modifications to the plan which are considered to strengthen the plan which if successful at referendum will provide an important part of the development plan for Ripon providing locally distinctive policies which will inform the determination of planning applications. The plan as modified also includes a number of Community Actions which the Examiner recognises aim *to provide a positive steer to development aimed at providing for sustainable growth, whilst protecting Ripon's character and appearance.*

7.3 If successful at referendum, and then formally 'made' (ie adopted) by the Council The Ripon Neighbourhood Plan will be the first Neighbourhood Plan to form part of the Local Development Plan for the District.

**Background Papers** – None.

**OFFICER CONTACT:** Please contact (Gill Ritchie, Principal 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 [gill.ritchie@harrogate.gov.uk](mailto:gill.ritchie@harrogate.gov.uk)).