

MNNP Meeting

Tuesday 13 January 2015 at 7pm

Meeting with Mike Dando

Mike Dando is

- An Associate at Directions Planning Consultants.
- Neighbourhood Plan Advisor with Neighbourhood Plans England.
- Overseeing the development of 24 Neighbourhood Plans in Yorkshire.

Site Allocations Update – Denys Townsend

- RDC site allocation document moving forward quickly.
- By the end of February 2015, draft of recommended sites will be presented to members of RDC.
- The members of RDC will then decide whether the issue should be left until after the elections.

Mike Dando

- He requested an update as to the RDC Community Infrastructure Levy (CIL) situation.
- Mike Skehan advising that RDC would have had a CIL policy in place, but something went wrong with another council somewhere else and, as a result, there will be no adoption of a CIL policy for RDC until mid-summer 2015 at the earliest. When CIL policy is in place, Town Council (TC) will receive 15% of CIL collected in its parish. If Neighbourhood Plan is in place as well, TC gains a greater percentage of CIL, namely 25%. Furthermore, for the TC there is a freedom to spend this CIL money. Under current section 106, then the money from developers which goes to TC has to be used for specific purposes. If a CIL policy not adopted quickly, and all of the site allocations take place – this will have financial implications for TC.
- Mike Dando recommended the exercise of caution – councils are looking at CIL policy and are putting caveats into the spending of CIL money by TCs. Legislation says that TC gets 25% of CIL when a Neighbourhood Plan is in place. But it looks like some councils are trying to wrestle back some of the discretion regarding the spending of CIL.
- Mike Dando has reviewed the interim plan dated October 2011.
- He has assessed the policies in light of 2 to 3 years of experience with Neighbourhood Plans.
- He has no intention on this occasion of going through each policy in the document. However, he noticed that in the draft there are a number of policies which are not planning policies.
- Mike Dando reminding us that:
- Planning Policies in the Neighbourhood Plan are key and it is these powers which are relevant and binding and which are incorporated into the Local Plan – these policies will stand in the Ryedale Plan. The Planning Policies are examined by the Examiner.

- Non-Planning Policies in the Neighbourhood Plan have no legal effect at all – although they can still be included in the Plan. They are merely persuasive. If these are to be included in the Plan – a suggestion is to separate planning policies and non-planning policies in the Plan.
- Mike Dando reminded the group:
- Neighbourhood Plan policies have to comply with the Core Strategy of the Local Plan – therefore the Plan is very limited by the Core Strategy. It is necessary to look at the Core Strategy before deciding on the planning policies.
- We need to decide whether or not the plan will cede site allocations to RDC or not.
- Mike Dando advised the group that he has been through the draft plan to identify the non-planning policies which are included. This will see:
 - Highways – 50% reduction in policies.
 - River Derwent – 75% reduction.
 - Car Parking – 66% reduction.
 - Hospital – 75% reduction.
 - Library – no planning policies present at the moment in the plan.
 - Schools – as above.
 - Housing – many of the policies have been “trumped” by the Core Strategy.
 - Employment – there is a mix of policies.
 - Retail – as above.
 - Town Development –
 - Tourism – 50% reduction.
 - Racing – 40% reduction.
 - Milton Rooms – no planning policies present at the moment in the plan.
 - Sport and Recreation – a mix.
 - Overall – taking out the non-planning policies, the Plan will about halve in size.
- Mike Dando = Missing from our Neighbourhood Plan draft at the moment:
 - Design.
 - Heritage.
 - Green Environment – open spaces etc.
 - Community Services – nothing in there to protect current critical services which we want to protect.
- We cannot proceed on the basis of the draft plan dated October 2011.
- Initial consultation from Summer 2011 will be very valuable.
- Discussion is needed whether we will actually proceed with a Plan – the option of having no plan is still an option.
- If we want to influence proposed development in the parish – then we can achieve this by pushing forward with the Neighbourhood Plan.
- If we are to proceed with a plan, then Mike Dando suggested this Road Map:

Road Map

1. Agree the scope and content of the Plan.
Agree the structure and the layout of the Plan.
Need to decide whether or not the Plan will include Site Allocations.
2. Redraft the current draft plan dated October 2011 based on the above decisions.
3. Look at the existing evidence which we have to underpin the planning policies stated in the draft plan.
If you change the draft plan dated October 2011, by this very task you are moving away from the previous evidence.
4. Have a Preliminary Consultation with the Community in respect of the draft plan.
5. Amend the draft plan in light of community consultation.
6. The draft plan is then “screened” by RDC. For example, there are habitat assessments etc. A “screening opinion” is then issued by RDC. RDC can only pass a screening opinion when the plan is in its draft form.
7. 6 week consultation (Regulation 14 Consultation).
8. Amendment of plan, following above consultation.
9. Creation of 3 supporting technical documents.
10. Then the plan is submitted to RDC which will involve:
 - RDC appoints examiner,
 - Advertised for 6 weeks to invite comments (Regulation 16 Consultation),
 - To the examiner,
 - Examination Report,
 - RDC amends plan/documents if necessary,
11. Referendum.
 - Mike Dando said that the above will take 2+ years.

Referendum

- Same as in any election – run by same department which runs elections.
- Each person on electoral register gets a vote.
- To pass plan – just need a simple majority of votes cast.
- No requirement for a minimum turnout.

Examiner

- Must be a “suitably qualified person”.
- A panel has been created of those persons who are suitably qualified – consists of 100-250 people. The option is open not to use a person on the panel.
- If we use the panel – 3 persons will be selected. Can interview the potential examiners. RDC will then appoint the examiner. The examiner reaches a decision. Examiner has discretion to call a hearing if necessary. Written Report is produced. The report gives recommendations to RDC.

Costs

- We have the £20,000 front runner grant currently held by RDC. This was paid to the local planning authority and it is not ring-fenced for the Neighbourhood Plan. RDC is able to spend this money as it wishes – therefore we must ensure and secure this money for the Plan.
- We do not have to pay for the examiner or the referendum – this is paid by RDC.
- Rule of Thumb cost for a Neighbourhood Plan – about £20,000.
- Malton and Norton are sat in an advanced position as we already have quite a lot of the work done.
- Additional funding – government funding programme ends on 31 March 2015. So we could claim a bridging grant of £7,000 up to the end of March 2015 – but it would have to be spent in that period. Then from April 2015, we could claim £8,000.

Site Allocation/Designation

- RDC to report on this at the end of February 2015.
- We have issue over the plans infringement into the parishes of Huttons Ambo and Settrington.
- In respect of extending the boundary of the plan into Huttons Ambo and Settrington – we need formal agreement by both parish councils.
- Mike Dando – this is all or nothing – it is best to include the whole of both of these parishes in the plan or none of the parishes at all.
- If we included Huttons Ambo and Settrington in the plan – they would vote in the referendum. In addition, they may want specific policies in the plan.
- This has been done before, and Mike explained that one Neighbourhood Plan takes in 10 parishes.
- If we get involved in site allocations, by having our Neighbourhood Plan deal with the site allocations, it must be shown that there has been a “robust assessment” of all available sites.
- If the plan deals with site allocations and the plan is adopted at a referendum and the policies incorporated into the Local Plan – then RDC will have to deal with any legal challenges which may arise.
- The other option is to allow RDC to make the site allocations and we attempt to influence their decisions – this is what has been happening.
- Mike Dando – “I would say that about half of the 20 Neighbourhood Plans which I am dealing with involve are making site allocations”.