

Report of Forward Planning and Implementation

Report to Chief Planning Officer

Date: 12th August 2014

Subject: Response to Pre-Submission Draft Linton Neighbourhood Plan

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Harewood	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1.0 Summary of main issues

- 1.1 This report highlights the City Council's response to the pre-submission draft Linton Neighbourhood Plan which is currently being publicised by Collingham with Linton Parish Council and is available for viewing and comments by those who live, work or carry out business in the Linton Neighbourhood Area.
- 1.2 The City Council has prepared a detailed response to the contents of the draft plan under the following headings:
- Timing/risks – highlights the uncertainty and risks of continuing with the preparation of the neighbourhood plan in the absence of an up-to-date Local Plan (Core Strategy and Site Allocations Plan).
 - Basic conditions – considers the draft plan against the basic conditions set out in the 1990 Planning Act. The plan will be considered against these at examination.
 - Planning Policies – contains detailed comments and suggestions on the policies in the draft plan.
 - General Comments – contains more general comments from across the Council.
- 1.3 The response will be sent to the Collingham with Linton Parish Council and discussed at a meeting between the City Council and the Linton Neighbourhood Plan Drafting Committee on 3rd September 2014. The Parish Council is under no obligation to take the Council's comments and suggestions on board.

2.0 Recommendations

2.1 It is recommended that:

- The Chief Planning Officer approves the City Council's response to the Pre-Submission Draft Linton Neighbourhood Plan.

3.0 Purpose of this report

3.1 This report recommends the Chief Planning Officer authorises the sending of the response on the Pre-Submission Draft Linton Neighbourhood Plan to the Collingham with Linton Parish Council.

4.0 Background information

4.1 The Localism Act 2011 gives local communities a new 'right' to prepare a neighbourhood plan which could decide where new development takes place, what it looks like and also include other issues that are locally important. These plans can be simple single-policy plans or they can be multi-policy and more complex if that is what the community wishes. However, they must follow the following 'basic conditions':

- Be in general conformity with local planning policy (the Core Strategy, Site Allocations Plan) and national planning policy (National Planning Policy Framework)
- have appropriate regard to national policy
- contribute to the achievement of sustainable development
- Be compatible with human rights requirements
- Be compatible with EU obligations

4.2 The plan will be subject to an independent examination and tested against the 'basic conditions'. Non-planning matters will not be examined although their contribution to achieving sustainable development may be referred to.

4.3 The part of Collingham with Linton Parish lying to the north of the River Wharfe was designated the Linton Neighbourhood Area on 17th September 2012. The area to the south will be covered by the Collingham Neighbourhood Plan. As the area is parished there was no requirement to designate a neighbourhood forum. A steering group was established by the Parish Council to approve key proposals and issues relating to the neighbourhood plan whilst a smaller drafting committee undertook the detailed work to prepare the draft plan.

5.0 Main issues

5.1 The City Council's response is divided under 4 main considerations:

- Timing/risks – there is increased risk and uncertainty when progressing a neighbourhood plan in the absence of an up-to-date adopted Local Plan. The Leeds Core Strategy is nearing adoption therefore Linton's pre-submission draft has been assessed against the provisions of this rather than the Revised UDP as it has been through inquiry and it is highly likely the Core Strategy will be

adopted before the Linton neighbourhood plan reaches examination and is made. Although this is a sensible approach which has been supported by neighbourhood plan examiners elsewhere in the country, it still has an element of risk as the Core Strategy has not been formally adopted.

- Basic conditions – the neighbourhood plan will be examined on whether it complies with the basic conditions set out in Schedule 4B of the Town and Country Planning Act. The Council considers the draft plan generally complies with them however it makes a number of suggestions concerning further work and redrafting which the Council feels would improve the plan's compliance.
- Planning Policies – the Council makes a number of detailed comments on individual policies and suggests changes.
- General Comments – these are broader comments on issues such as education, public health and CIL.

5.2 Overall it is considered that the draft plan is in general conformity with national guidance and the strategic policies of the Core Strategy. There are some proposed policies which the City Council considers to be rather onerous and prescriptive, particularly in relation to design and development and others that are broad general statements which lack evidence of any detailed consideration of the issue they refer to, e.g. small scale development. The City Council suggests further work that would be useful to clarify what is envisaged and therefore provide a more robust foundation to some of these policies. The lack of any specific housing site allocations creates considerable uncertainty over how the improvements and projects included in the draft plan will be delivered.

5.3 Colingham and Linton Parish Council are under no obligation to take these suggestions on board however a meeting has been arranged for 3rd September between Council officer and the Linton NP Drafting Group to go through the comments in more detail and discuss the way forward

6.0 Corporate Considerations

6.1 Once adopted and made, the Linton Neighbourhood Plan will be part of the statutory development plan for Leeds. It will also promote a number of projects, some of which will involve the City Council in their delivery.

7.0 Consultation and Engagement

7.1 The Linton Neighbourhood Plan group has undertaken wide engagement with the residents and businesses of Linton as well as statutory bodies and other external organisations.

7.2 A wide range of Council Officers within the City Development Department and beyond have contributed to the response. The Environment Agency, English Heritage and Natural England have been formally consulted by the City Council in relation to the potential requirement for an environmental impact assessment and other comments on the draft plan were sought.

7.3 Councillor Gruen was consulted on 5th August 2014 and a meeting was held on 6th August. Harewood Ward Members were sent the draft response on 6th August at the request of Cllr Gruen. Two councillors have confirmed they support the

production of the Linton neighbourhood plan and the current pre-submission draft and are happy for the Council's response to be sent to the Collingham with Linton Parish Council.

8.0 Equality and Diversity / Cohesion and Integration

8.1 The Government has undertaken an Equalities Impact Assessment of the Localism Act in relation to neighbourhood planning (2011). The Council views the neighbourhood planning process as an opportunity to deliver equality, diversity, cohesion and integration objectives.

9.0 Council policies and City Priorities

9.1 Neighbourhood plans link well to all three of the Council's corporate priorities set out in the Vision for Leeds:

- Leeds will be fair, open and welcoming (neighbourhood plans must not breach, and be otherwise compatible with, EU obligations and be compatible with human rights requirements);
- Leeds' economy will be prosperous and sustainable (the making of the neighbourhood plan must contribute to the achievement of sustainable development);
- All Leeds' communities will be successful (the making of the neighbourhood plan must be in general conformity with the strategic policies contained in the development plan for Leeds, a significant part of which is planning for growth).

9.2 The issues outlined also meet the Council value of 'Working with Communities' and related priority of 'consultation' set out in the Council's Business Plan 2011 – 15.

10.0 Resources and value for money

10.1 The Department of Communities and Local Government will provide £5,000 to the Local Planning Authority for every area designation made and a further £5,000 for every forum designation, to assist with costs. It will also provide £25,000 on the completion of a successful examination.

11.0 Legal Implications, Access to Information and Call In

11.1 Neighbourhood planning is taking place within a new and fast-changing national planning background which is focussed on economic growth, localism and sustainability meaning testing times for local decision-making. Over the next 12 months the Council hopes to adopt the Core Strategy, consult on the draft Site Allocations Plan and alongside this there will be a number of draft neighbourhood plans being prepared by local communities. Once adopted, these documents will comprise the 'local plan' for Leeds.

12.0 Risk Management

12.1 The examination and referendum process introduces risks in the neighbourhood planning system where the outcome will be dependent on the examiner's recommendations and a public vote. The Council will seek to manage this risk by

working closely with designated areas to ensure that their neighbourhood plans complete the independent examination successfully.

13.0 Conclusions

13.1 The response sets out clearly observations and suggestions from the Local Planning Authority. Colingham and Linton Parish Council are under no obligation to take these suggestions on board however a meeting has been arranged for 3rd September between Council officer and the Linton NP Drafting Group to go through the comments in more detail and discuss the way forward.

14.0 Recommendations

14.1 It is recommended that:

- The Chief Planning Officer approves the City Council's response to the Pre-Submission Draft Linton Neighbourhood Plan.