

## Report of Forward Planning & Implementation

### Report to the Chief Planning Officer

Date: 30<sup>th</sup> October 2014

### Subject: Designation of Garforth Neighbourhood Area and Neighbourhood Forum

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Garforth & Swillington, Temple Newsam		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number:		

## 1.0 Summary of main issues

- 1.1 This report considers the designation of the Garforth Neighbourhood Area and Neighbourhood Forum.
- 1.2 The application was submitted by Garforth Neighbourhood Planning Steering Group (a group formed in 2013 to promote neighbourhood planning in the local area).
- 1.3 The proposed Neighbourhood Forum will be tasked with delivering the neighbourhood plan. The forum has an initial membership of 310, made up of 236 residents, 71 businesses and all 3 elected representatives in the ward.
- 1.4 There was one objection made during the 6 week publicity period.
- 1.5 The interim group are eligible to apply to Locality for up to £8,000 funding and, if the forum is designated, will also be able to apply to Locality for direct support to assist with the preparation of the neighbourhood plan and any other relevant need that the group has.

## 2.0 Recommendations

- 2.1 It is recommended that:

- The Chief Planning Officer designates Garforth Neighbourhood Area pursuant to Section 61G and 61I of the Town and Country Planning Act 1990;
- The Chief Planning Officer designates Garforth Neighbourhood Forum pursuant to Section 61F of the Town and Country Planning Act 1990.

### **3.0 Purpose of this report**

3.1 This report recommends the designation of the Garforth Neighbourhood Area and Neighbourhood Forum and covers information relevant to the designation, the duties that the Council has in making a designation and the consultations that have been undertaken.

### **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 Statutory responsibilities of the Council are:

- **the designation of a neighbourhood area**
- **the designation of a neighbourhood forum**
- the publication of a submitted Neighbourhood Development Plan for consultation
- the arrangements for and cost of an independent examination
- the arrangements for and cost of a Referendum
- the formal assessment of the agreed Neighbourhood Development Plan against EU Regulations

4.4 Since the introduction of neighbourhood planning in April 2012, there has been an increased level of activity throughout the country, initially in parished areas and now increasingly in towns and villages in non-parished areas. In Leeds, 27 neighbourhood

areas have been designated and 4 neighbourhood forums (Holbeck, Adel, Oulton & Woodlesford and Aireborough).

- 4.5 Section 61G of the Town and Country Planning Act 1990 (added by the Localism Act) and the Neighbourhood Planning (General) Regulations 2012 outline the Council's responsibilities for the designation of a neighbourhood area and neighbourhood forum and this includes bringing the application to the attention of people who live, work or carry on business in the area for which the application relates.
- 4.6 Under section 61H of the 1990 Act whenever a local planning authority exercises powers under section 61G to designate an area as a Neighbourhood Area, consideration must be given to whether the authority should designate the area concerned as a business area. The designation of the specified area can only occur if the authority considers that the area is wholly or predominately business in nature [Section 61H (3)].
- 4.7 If the application for the Designation of this Neighbourhood Area is approved, then Regulation 7(1) of the Neighbourhood Planning (General) Regulation 2012 requires the designation to be publicised. If the application is refused, reasons must be given under 61G(9) of the 1990 Act and Regulation 7(2) of the Regulations requires the decision to be publicised.
- 4.8 It was agreed at Executive Board on 20 June 2012 that prior to the designation of a neighbourhood area and neighbourhood forum the Council would do the following:
  - Bring the application to the attention of those who live, work and do business in the area;
  - Consider representations received;
  - Consult with the Executive Board Member for Neighbourhoods, Planning and Support Services, Area Committee chairs and local ward members on the proposed designations.

## **Main issues**

### **5.0 Summary of the application**

- 5.1 In line with the Neighbourhood Planning (General) Regulations 2012 the Garforth Neighbourhood Planning Steering Group submitted an application for designation of a neighbourhood area and neighbourhood forum on 28th July 2014.
- 5.2 The application uses the Council's online application form and includes the following:
  - Statement in support of the neighbourhood area
  - Written constitution for the proposed neighbourhood forum
  - List of Forum membership
  - Neighbourhood Forum supporting statement in fulfilment of section 61(F) of the 1990 Act
  - Map of proposed Neighbourhood Area
  - Statement of Appropriateness to be designated a Neighbourhood Area
  - Statement that the body making the application is a 'Relevant Body'

5.3 The Localism Act requires local authorities when determining neighbourhood areas to ensure that boundaries are coherent, consistent and appropriate. Relevant considerations in this respect could be:

- Any natural or man-made features (such as rivers, roads, railway lines or canals);
- Catchment areas for current or planned infrastructure;
- Development proposals and allocations;
- Environmental designations;
- Existing settlements
- Community identity

5.4 In the determination of neighbourhood forums, the Localism Act requires local authorities to ensure that they are made up of a minimum of 21 members who live, work and carry out business in the neighbourhood area. In addition to this, designations should be 'fit for purpose'. Considerations in this respect could include:

- The desirability of designating the forum
- The representation of the proposed forum
- The capacity of the forum to deliver a neighbourhood plan

### **The proposed neighbourhood area**

5.5 Garforth is a town approximately 8 miles to the east of Leeds with a number of services and facilities, including two railway stations, sport clubs, shops, schools, a college, a library and a medical practice. The population is roughly 24,000 (2001 census data). Garforth is separated from the main urban area by large tracts of open countryside.

5.6 The Neighbourhood Area is largely dictated by parish boundaries. In total, five parishes border onto Garforth, including Barwick in Elmet and Scholes, Aberford, Ledston, Kippax and Swillington. Only the north eastern boundary is not defined by a parish. This follows a strong physical feature in the form of the M1.

5.7 Aberford Parish includes land close to Garforth (see plan 1). However, legislation does not allow non-parish areas to include parish land within the Neighbourhood Area.

5.8 The proposed Neighbourhood Area was agreed by the Steering Group after several drop-in sessions.

### **Representations made on the proposed Neighbourhood Area and Forum**

5.9 One objection has been received stating that the Neighbourhood Area should be extended to include land to the north east (thereby incorporating part of Aberford Parish). However, legislation does not allow non-parish areas to include parish land within their Neighbourhood Area.

### **Community identity**

- 5.10 In the main, the Steering Group believe the proposed Neighbourhood Area to be a true reflection of Garforth and its environs. The proposed area includes infrastructure and facilities serving the town, as well as the bulk of the residential area.
- 5.11 The Steering Group purports a “strong sense of neighbourhood and identity”. The application makes reference to there being “many community groups” as well as a number of community hubs (including three community centres and three social clubs).
- 5.12 Although the Steering Group maintain that, in actuality, Garforth extends a bit beyond the northern boundary of the proposed Neighbourhood Area, it is not possible to include this area as it falls within Aberford Parish Council (see para 5.7).

### **Tangibility of boundaries**

- 5.13 The proposed Garforth Neighbourhood Area is largely dictated by adjoining parish boundaries. Most of these parish boundaries follow clear physical features, in the form of roads, field boundaries and footpaths. Where the boundary is not dictated by a neighbouring parish, it follows the M1. Despite the Aberford boundary, the proposed Neighbourhood Area is well defined and makes sense on the ground.

### **Appropriateness of the proposed neighbourhood area**

- 5.14 The Council has an obligation to ensure that neighbourhood planning boundaries are joined-up and complimentary. This includes ensuring that no part of the proposed Neighbourhood Area overlaps any part of any other Neighbourhood Area (in fulfilment of Section 61G(7) of the Act) and also that no part of the proposed Neighbourhood Area consists of or includes the whole or any part of the area of a parish (in fulfilment of Section 61G(3)(b) of the Act).

### **The proposed neighbourhood forum**

- 5.15 The application proposes a total of 310 Forum members, made up of residents, businesses, ward members and Alec Shelbrooke MP. Although it is unlikely all 310 of the proposed members will take an active role in the designated Forum, the legislation requires a membership of 21. Although there maybe questions about numbers of active members, the application meets legislative requirements.
- 5.16 In terms of representation, the proposed Forum includes a mix of residents, businesses and ward members. The Forum is made up of residents (76%), the three Garforth & Swillington ward members and a high number of local businesses. The application proposes a business membership of 71 and, although it is uncertain how many of those will become active Forum members, it is clear that the interest is there as the present time and in this respect the application meets the legislative requirements.
- 5.17 The high level of interest in Neighbourhood Planning in Garforth can be put down to a very effective publicity campaign by the Steering Group (drop in sessions, public meetings and poster designs).

## **6.0 Next steps**

- 6.1 Subject to designation being made, the Forum will elect a Steering Committee as set out in their constitution. The Steering Committee will then be responsible for the election of a chair and secretary and other positions as outlined in the constitution.
- 6.2 A successful Neighbourhood Forum designation will allow the group to formally apply for support to prepare the neighbourhood plan, managed through Locality.
- 6.3 If designated, the neighbourhood forum will prepare a neighbourhood plan and be responsible for consultation on it during the 6 week pre-submission stage. This will include consultation with the Council, landowners and other key stakeholders.
- 6.4 The final neighbourhood plan and supporting documents will be submitted to the Council and will then publicised for a further 6 weeks.
- 6.5 The neighbourhood plan will be assessed by an independent examiner who will only consider whether the plan meets the basic conditions as outlined in paragraph 2.1.
- 6.6 The Council will use the examiner's report to assess the neighbourhood plan and approve or reject the proposal. If the Council approves the proposal it will arrange for a referendum on the proposed plan to be held and all those registered to vote in the neighbourhood area will be entitled to vote. A majority of the votes in favour of the proposal is needed for the plan to be accepted.
- 6.7 If there is a majority vote in favour of the plan, the plan will be 'made' (adopted) by the Council and will become part of Leeds' Local Plan and will complement, though not repeat or replace local and national plans.

## **7.0 Corporate Considerations**

- 7.1 A Neighbourhood Planning Agreement has been prepared to assist in the management of neighbourhood planning in Leeds. The agreement is optional and sets out Leeds City Council responsibilities, parish/town council responsibilities and obligations and working arrangements for the key stages in neighbourhood planning, from designation to referendum. If designated, the Garforth Neighbourhood Forum will be asked to sign up to this.

## **8.0 Consultation and Engagement**

- 8.1 Under Regulations 6 and 9 (Neighbourhood Planning (General) Regulations 2012) the Council publicised the application to those who live or work in the area to which the application refers.
- 8.2 The consultation was advertised locally from 31st July 2014 and the application was available to inspect at Garforth Library and One Stop Centre.
- 8.3 One representation was received.

- 8.4 Garforth & Swillington ward members have already stated their support for the designation of the neighbourhood area and forum and have attended several consultation events.
- 8.5 A series of meetings and workshops have been held throughout Garforth since October 2013. These have included public meetings and drop in events.
- 8.6 Over the last year there has been an extremely effective membership drive to publicise and promote neighbourhood planning in Garforth with the main aim to sign-up volunteers. This was achieved through well publicised meetings and a series of targeted events.
- 8.7 The designation report was circulated to Garforth & Swillington ward members as well as Temple Newsam ward members on 3<sup>rd</sup> October 2014 for their comments (a small part of the proposed Neighbourhood Area falls within Temple Newsam). No objections were raised.

## **9.0 Equality and Diversity / Cohesion and Integration**

- 9.1 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.

## **10.0 Council policies and City Priorities**

- 10.1 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).
- 10.2 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.

## **11.0 Resources and value for money**

- 11.1 The Department of Communities and Local Government will provide £5,000 to the Local Planning Authority for every area designation made and a further £2,000 for every forum designation, to assist with costs.

## **12.0 Legal Implications, Access to Information and Call In**

12.1 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.

### **13.0 Risk Management**

13.1 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.

### **14.0 Conclusions**

14.1 The Steering Group have submitted an application for Area and Forum designation that meets the legislative requirements set out in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area is largely dictated by adjoining parish boundaries, however, the legislation does not allow the Garforth Neighbourhood Forum to prepare a Neighbourhood Plan for land within Aberford Parish. The Council has lobbied DCLG on this. Therefore, while the Aberford situation is regrettable, the proposed Neighbourhood Area is regarded as appropriate and satisfactory. In terms of the proposed Forum, the application meets legal requirements, although there are questions over how many of the proposed members will take an active role in the future. However, over the past 11 months, the Steering Group has demonstrated the necessary skills, capacity and energy to deliver a Neighbourhood Plan capable of passing independent examination. A particular strength has been the level and quality of the early engagement. Furthermore, the constitution sets out a desirable and credible approach to plan delivery – focussed on 'bottom up' planning, partnership working and delivery. The Council – and other organisations – will provide support to the Forum as and when needed and will be responsible for arranging and paying for an independent examination and referendum.

### **15.0 Recommendations**

15.1 It is recommended that:

- The Chief Planning Officer designates Garforth Neighbourhood Area pursuant to Section 61G and 61I of the Town and Country Planning Act 1990;
- The Chief Planning Officer designates Garforth Neighbourhood Forum pursuant to Section 61F of the Town and Country Planning Act 1990.



