

Report of Forward Planning & Implementation

Report to Chief Planning Officer

Date: 26 September 2014

Subject: Designation of Hyde Park Neighbourhood Area

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<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 considers the designation of the Hyde Park Neighbourhood Area.
- 1.2 The proposed Hyde Park Neighbourhood Area is shown on Plan 1. A new group, the Hyde Park interim forum, has submitted the application.
- 1.4 A total of 69 representations were made on the application during the 6 week publicity period. Appendix 1 provides a summary of the points made. The majority of the comments relate to Hyde Park Corner and the Moorlands areas.
- 1.5 This report also makes reference to the proposed Little Woodhouse Neighbourhood Area which also proposes the inclusion of the Moorlands, St John's and part of the Burley Lodge Local Centre.
- 1.6 The interim group are currently eligible to apply to Locality for up to £8,000 funding.

2.0 Recommendations

- 2.1 The Chief Planning Officer is recommended to agree that:
 - Pursuant to Section 61G and 61I of the Town and Country Planning Act 1990 designate the revised Hyde Park Neighbourhood Area (as shown on Plan 1);

- Pursuant to 61G (9) publish the designation decision (Appendix 2) on the Council's website, including reasons for the refusal of the original application ('designation decision notice').

3.0 Purpose of this report

3.1 This report recommends the designation of the Hyde Park Neighbourhood Area 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, 29 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:
- Advertise the application in a local newspaper and 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.

5.0 Main issues

Summary of the application

- 5.1 The application by the Hyde Park Interim Forum 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'
- 5.2 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

The proposed neighbourhood area

- 5.3 The proposed neighbourhood area is shown on Plan 1. This plan also shows the proposed Little Woodhouse Neighbourhood Area. Both areas propose the inclusion of the Moorlands and St John's areas and part of the Burley Lodge Local Centre.

Community identity

- 5.4 In support of the proposed neighbourhood area the Hyde Park Interim Forum states:

“Our proposed neighbourhood area is considered appropriate by the Hyde Park Interim Forum because of the strong sense of community identity within the area, the area’s historical and geographical development and the area’s particular character.”

“People living or working within the proposed area, from Hyde Park Corner in the north, to the Burley Lodge area in the south, and from the Ashvilles in the west to Hyde Park Close and Moorland Avenue in the east, have said they consider themselves to be part of Hyde Park. There is a definite community identity within this boundary.”

Tangibility of boundaries

- 5.5 The chosen boundary largely follows clear physical features, namely Hyde Park Corner, Woodhouse Moor, Belle Vue Road, Burley Road and the railway line to the west of Cardigan Road.
- 5.6 The application proposes that only the western half of the Burley Lodge Local Centre is included in the area designation, using the middle of Woodsley Road as the neighbourhood area boundary. However, this is not considered to be a tangible boundary, nor is it likely to result in clear and consistent local planning policy for the local centre. A local centre should be part of one neighbourhood area only.
- 5.7 The proposed area includes all of Woodhouse Moor, including areas of greenspace to the north of Woodhouse Street. This area is also part of the proposed Headingley Neighbourhood area. Of the two proposed boundaries (Woodhouse Street and the existing greenspaces areas to the north of Woodhouse Street) it is considered that the street boundary is more clearly defined and in terms of community identity the relationship with the Hyde Park area is relatively weak.

Appropriateness of the proposed neighbourhood area

- 5.7 The proposed neighbourhood area is a an extensive one that includes many opportunities and challenges that could be addressed by a neighbourhood plan, most of which will require partnership working with the Council and other stakeholders, the details of which will be agreed after designation has taken place.
- .5.8 No part of the proposed Neighbourhood Area overlaps any part of any other Neighbourhood Area (in fulfilment of Section 61G (7) of the Act).
- 5.9 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).

Representations on the proposed Hyde Park Neighbourhood Area

- 5.10 During the 6 week publicity period a total of 69 representations were received on the application. Appendix 1 lists the representations made and provides a brief response. Four key issues were raised: support for the inclusion of Hyde Park Corner, support/objection to the inclusion of the Moorlands, support/objection to the inclusion of St John's and an objection to the inclusion of the Western Campus in the neighbourhood area. In addition to these issues, officers highlight an issue regarding the Burley Lodge Local Centre:

Key Issues - The proposed Little Woodhouse Neighbourhood Area

- 5.11 Given the issues raised in this report and the representations received, there are four key issues for the designation of the neighbourhood area:
- (i) **Hyde Park Corner** – A previous designation report for the Headingley Neighbourhood Area recommended that Hyde Park Corner is excluded from the Headingley Neighbourhood Area given the stronger historical, community and business connections to Hyde Park and the opportunity for this area to act as a focus for regeneration of the wider Hyde Park area. This has been agreed by Headingley & Hyde Park and Woodhouse ward members;
 - (ii) **The Moorlands area** – The LWCA has successfully operated in this area for 21+ years and it would therefore be logical and consistent for the area to be included in the Little Woodhouse Neighbourhood Area. This position is strengthened by the Moorlands Conservation Area which stretches into the Little Woodhouse area. It would not be appropriate for the Conservation Area to be part of two neighbourhood areas;
 - (iii) **St John's and Hyde Park** – Adjacent to the Moorlands this estate is part of a group of Council estates that lie mainly in the Little Woodhouse area (Rosebanks & Rillbanks, Kendalls, Consorts). As with the Moorlands area, this area has been part of the LWCA boundary for 21+ years and this has been a successful relationship (and without challenge). As with the Moorlands area this area has been a successful part of the LWCA area for 21+ years (also without challenge) and it would therefore be logical and consistent for this area to also be included in the Little Woodhouse designation;

- (iv) **Burley Lodge Local Centre** – it is important for the consistent application of planning policy that the whole of the local centre is within one neighbourhood area. Given that this report recommends the inclusion of the Moorlands area within the Little Woodhouse neighbourhood area and that the main attractions of the local centre (the post office, Yorkshire Bank) lie within the LWCA area it is consistent, logical and appropriate for the Burley Lodge Local Centre to lie within the Little Woodhouse Neighbourhood Area. It is important to note, however, that given the importance of this area for both Hyde Park and Little Woodhouse residents it may be that the examiner for the Little Woodhouse plan may recommend that some residents in the Burley Lodge area should be eligible to vote in the referendum.
- (v) **Woodhouse Moor** – the representation made by the interim Headingley Neighbourhood Forum argues that the effective boundary of Woodhouse Moor is Woodhouse Street and that, spatially, the greenspaces to the north of the street belong more closely to the properties to the north and the school. This is a convincing argument.

6.0 Next steps

- 6.1 Subject to designation being made, the interim Hyde Park Neighbourhood Forum will submit an application for the designation of the Hyde Park Neighbourhood Forum. A successful Neighbourhood Forum designation will allow the group to formally apply for support to prepare the neighbourhood plan, managed through Locality.
- 6.2 The final neighbourhood plan and supporting documents will be submitted to the Council and will then publicised for a further 6 weeks.
- 6.3 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 4.1.
- 6.4 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.
- 6.5 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's responsibilities, parish/town council's responsibilities and obligations and working arrangements for the key stages in neighbourhood planning, from designation to referendum. If designated, the Little Woodhouse Community Association/Interim 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 During the statutory 6 week publicity period The Council and the LWCA promoted the application and it was available to inspect at the Swarthmore Centre. Appendix 1 summarises the representations received.
- 8.3 Members of the Hyde Park Interim Forum have taken an active part in the Inner North West Planning Sub group discussions on neighbourhood planning and have undertaken numerous community events over the past 18 months which have also been used to promote neighbourhood planning and to encourage ideas and membership.
- 8.4 The proposed neighbourhood areas for Hyde Park and Little Woodhouse were discussed at a meeting with Councillors Walshaw (Headingley) and Councillor Akhtar (Hyde Park & Woodhouse) on 12th September. It was agreed that the Hyde Park neighbourhood area should include Hyde Park Corner, all of and the whole of Woodhouse Moor and exclude the Moorlands, St John's area and Burley Lodge Local Centre. To ensure that neighbourhood planning activity in the wider inner north west area is joined-up and complimentary in the future it was also agreed that the Council would facilitate a neighbourhood planning forum for the inner north west area.

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's value of 'Working with Communities' and related priority of 'consultation' set out in the Council's Business Plan 2011 – 15.

11 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 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 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 Conclusions

14.1 The Hyde Park application has been considered alongside the proposed Little Woodhouse and Headingley Neighbourhood Areas. The number of representations (the highest number in the country) highlight issues that are not clear-cut and will require partnership working in the future. It is considered to be logical, consistent and appropriate for Hyde Park Corner and Woodhouse Moor to be within the Hyde Park Neighbourhood Area but it is recommended (as also outlined in the Little Woodhouse report) that the Moorlands and St John's areas as well as all of the Burley Lodge Local Centre are part of the Little Woodhouse Neighbourhood Area. Furthermore, Woodhouse Street provides a better and more clearly defined boundary between Hyde Park and Headingley. This designation will not exclude any residents from neighbourhood planning activity and it may be that in the future a neighbourhood planning examiner will recommend that some Hyde Park residents are eligible to vote in the Little Woodhouse plan. The Council will facilitate a neighbourhood planning working group for the inner north west area to ensure neighbourhood planning activity is joined-up and complimentary and the sustainability and regeneration benefits are maximised.

15 Recommendations

15.1 The Chief Planning Officer is recommended to:

- Pursuant to Section 61G and 61I of the Town and Country Planning Act 1990 designate the revised Hyde Park Neighbourhood Area (as shown on Plan 1);
- Pursuant to 61G (9) publish the designation decision (Appendix 2) on the Council's website, including reasons for the refusal of the original application ('designation decision notice').

16 Background Papers¹

16.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.