

## Report of Forward Planning and Implementation

### Report to Chief Planning Officer

**Date: 13 January 2015**

**Subject: Designation of Seacroft Neighbourhood Forum**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Killingbeck & Seacroft	<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 The application for designation of the Seacroft Neighbourhood Area has been made by the Seacroft Neighbourhood Plan Steering Group (NPSG) and follows on from the designation of the Seacroft Neighbourhood Area.
- 1.2 The proposed Forum will be tasked with delivering the neighbourhood plan. This plan will be joined-up with and complimentary to the Development Framework currently being prepared by the Council. The application proposes an initial membership of 30, made up of 21 residents, 8 who work in Seacroft (whether for business carried out there or otherwise) and 2 ward councillors (Councillors Hyde and Selby).
- 1.3 The application includes information in support of the application arising from the Localism Act 2011 and the supporting Neighbourhood Planning (General) Regulations 2012.
- 1.6 No representations were made on the application during the 6 week publicity period.
- 1.7 If designated, the forum will be able to apply for funding to assist with the preparation of the neighbourhood plan. This would complement the support already provided by the Council and others.

## 2.0 Recommendation

2.1 The Chief Planning Officer is recommended to:

- Pursuant to Section 61F (5) of the Town and Country Planning Act 1990 designate the Seacroft Neighbourhood Forum.

## 3.0 Purpose of this report

3.1 This report recommends the designation of the Seacroft 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 and 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, Aireborough and Headingley).

- 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 If the application for the Designation of this Neighbourhood Forum 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.
- 4.7 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.

## **5.0 Main issues**

### **Summary of the application**

- 5.1 In line with the Neighbourhood Planning (General) Regulations 2012 the BCF has submitted an application for designation of a neighbourhood forum. The application was submitted on 30<sup>th</sup> September 2014.
- 5.2 The application includes the following:
- 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 designated Neighbourhood Area;
  - Statement that the body making the application is a 'Relevant Body'.
- 5.3 In determining an application for **neighbourhood forum** designation the Council must ensure that membership must include a minimum of 21 members who live, work and carry out business in the neighbourhood area. The Localism Act also obliges local authorities to consider the desirability of designating an organisation which has secured membership drawn from different areas and different sections of the community and whose purpose reflects in general terms the character of the area. The capacity to deliver is also a relevant consideration, although a local authority is not required in law to consider this.

## **Neighbourhood Framework**

- 5.4 The Council is in the process of preparing a Neighbourhood Framework for Killingbeck and Seacroft. This covers a much larger area than the Neighbourhood Area as it includes Hollin Park and the western area of Crossgates. The framework will set out the development and investment priorities for the area and will support the disposal and development of brownfield sites.
- 5.5 Discussions have taken place with the NPSG about the relationship between the Neighbourhood Framework and the Seacroft Neighbourhood Plan. It has been agreed that the framework will identify the development sites (for housing and other uses) across the area, as well as connectivity and greenspace improvements. The Neighbourhood Plan will be tasked with providing design policies and will consider other issues of importance to the local community

## **The proposed neighbourhood forum**

- 5.6 The NPSG has benefitted from significant officer support and the services of a locality-appointed consultant who prepared the application on behalf of the local community.
- 5.7 The application proposes an initial membership of 30, made up of 21 residents, 8 who work in Seacroft (whether for business carried out there or otherwise) and 2 ward councillors (Councillors Hyde and Selby).

## **Representations on the proposed neighbourhood forum**

- 5.17 No representations were received on the proposed neighbourhood area during the 6 week publicity period.

## **Membership**

- 5.19 The nature, spread and composition of the membership meets the necessary legislative requirements as it broadly reflects the nature of the Seacroft Neighbourhood Area – residential with retail and industrial activity and a significant number of people travelling to work in the area. With 30 proposed members, the application exceeds the minimum of 21 required by legislation. There is also a good balance between those who live and work in the neighbourhood area and there is representation from all parts of it.
- 5.20 Although the proposed membership of 30 individuals is relatively low, It is likely that once the forum is 'up and running' additional members will be encouraged to join. Membership of the forum must be open to any individual who lives or works in the neighbourhood area. An early task for the forum will be to actively encourage additional members to join.

## **Residents**

- 5.21 There are 21 individuals who live in the neighbourhood area who have expressed an interest in becoming a member of the forum. The engagement on the

neighbourhood area – undertaken by the Area Support Team and Communitask, with the assistance of National Lottery funding – has helped to publicise neighbourhood planning and secure the level of interest.

## **Business**

- 5.22 The range of proposed business members and members who work in Seacroft reflects the general character of Seacroft. This includes the LS14 Trust (a not-for profit local community organisation), an independent social enterprise (the digital lounge), the David Young Academy, local post offices and a local manufacturer (Scarcroft Interiors). This broadly reflects the character and nature of Seacroft and, as with proposed members who live in the area, it is likely that the business membership will improve over time as the activities of the forum become more widely known. The NPSG are committed to improving business representation and have agreed to prioritise this during 2015.

## **Desirability**

- 5.23 The constitution submitted with the application clearly sets out the aims and objectives and governance arrangements for the forum. This includes the preparation of a neighbourhood plan that is in general conformity with local and national planning policy and a strong desire to work in partnership with the Council:

*The members of the proposed forum are committed to formulating and producing a neighbourhood plan for Seacroft that will reflect as far as is practicable the aspirations of the wider Seacroft community, whilst also conforming with national and local planning policy frameworks.*

*Constructive working relationships have been established with officers of Leeds City Council and this has provided a positive impetus and foundation for taking forward neighbourhood planning in Seacroft.*

*The designation of the neighbourhood forum will provide the formal platform for the community to work together, in concert with the Council, to plan positively and creatively for the future development of Seacroft through preparation of a neighbourhood plan.*

## **Capacity**

- 5.24 The NPSG has met regularly since early 2013 and built up a range of skills and a strong understanding of neighbourhood planning (and planning in general). However, it is likely that the forum will require significant support to prepare a neighbourhood plan that is fit for independent examination. In this respect, partnership working with the Council will be critical (on the Neighbourhood Framework and planning issues) and with the Community Leadership Team on non-planning issues. It is anticipated that support for project management, plan writing and a health check on the plan will be provided externally with the help of Locality support and grant funding.

## **6.0 Next steps**

- 6.1 Subject to designation being made, the Forum will elect a Board which will consist of up to 12 members, including a Forum Chair, Secretary and Treasurer and other positions as set out in the constitution. The Board will act on behalf of the Forum in the preparation of the Neighbourhood Plan and will be responsible for day to day business.
- 6.2 A successful Neighbourhood Forum designation will allow the group to formally apply for support and grant funding 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. An early discussion with the Council to agree the scope of the neighbourhood plan will be a priority.
- 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 4.1.
- 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's responsibilities, the responsibilities of the forum and obligations and working arrangements for the key stages in neighbourhood planning, from designation to referendum.

## **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 statutory 6 week publicity period was advertised throughout the neighbourhood area and took place between 24<sup>th</sup> October 2014 and 5<sup>th</sup> December 2014. The application was available to inspect at Seacroft Library, the Development Enquiry Centre (Leeds City Council, Leonardo Building), and Leeds

City Council's website. The NPSG assisted in the publicity. A letter was also sent to all residents groups and members of the Community Leadership Team. No representations were received.

- 8.3 Officers from City Development (planning and regeneration service) made a presentation to the February 2013 meeting of the Killingbeck and Seacroft Community Leadership Team (CLT) titled 'A Neighbourhood Plan for Seacroft?'. Strong support was expressed for a neighbourhood plan and it was agreed that a neighbourhood planning steering group should be established.
- 8.4 The NPSG has met regularly since Spring 2013 and includes local residents, Councillor Hyde, Councillor Selby, representatives from organisations working in the area, the LS14 Trust and officers from City Development and the Area Support Team.
- 8.5 On 16<sup>th</sup> September 2014 Councillor Gruen chaired a meeting with members of the NPSG and local ward members to discuss the neighbourhood area and forum. This set out a way forward for partnership working and next steps.
- 8.7 In preparation for the first meeting of the neighbourhood forum, meetings were held at the Seacroft library on Saturday 8<sup>th</sup> November and Saturday 10<sup>th</sup> January 2015. These were attended by Councillors Hyde and Selby, local residents, local business, numerous local organisations and officers. At both meetings, officers set out the scope of the Neighbourhood Framework and answered questions on its relationship to the neighbourhood plan. This was followed by workshop sessions and expressions of interest for the election of chair, treasurer, secretary and board.
- 8.8 Councillor Hyde and Councillor Selby have expressed their support for the designation of the neighbourhood forum.

## **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.

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

- 11.1 The Council has already claimed £5,000 from the Department of Communities and Local Government for the neighbourhood area designation and can claim a further £5,000 for the forum designation.

### **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 application by the interim Seacroft Neighbourhood Forum meets legislative requirements and has a proposed membership which is representative of those who live, work and carry out business in the Seacroft Neighbourhood Area. The application shows a clear desire to work in partnership with the Council on the regeneration in the Seacroft Neighbourhood Area, particularly on the preparation of the Seacroft Neighbourhood Framework and other matters. The interim forum intends to prepare a neighbourhood plan that is in general conformity with local and national planning policy as well as one that is joined-up with and complimentary to the Neighbourhood Framework. This presents a unique local opportunity to deliver an exciting vision for Seacroft. It would also be an approach of national significance that would pioneer a complimentary role for neighbourhood plans in area regeneration.

### **15.0 Recommendation**

- 15.1 The Chief Planning Officer is recommended to:



- Pursuant to Section 61F (5) of the Town and Country Planning Act 1990 designate the Seacroft Neighbourhood Forum.

## **16.0 Background Documents<sup>1</sup>**

16.1 None

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<sup>1</sup> 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.