

Report of Head of Forward Planning and Implementation

Report to Chief Planning Officer

Date: 5th November 2015

Subject: Examination of the 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

Summary of main issues

1. The draft Linton Neighbourhood Plan was prepared by Collingham with Linton Parish Council following the process set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and The Neighbourhood Planning (General) Regulation 2012. It was submitted to the City Council for examination in March 2015.
2. The Council appointed Mr Nigel McGurk BSc(Hons) MCD MBA MRTPI to examine the plan with the agreement of Collingham with Linton Parish Council. The Council received Mr McGurk's final examination report on 5th August 2015.
3. The City Council has considered the contents of the report and accepts the majority of the recommended modifications and reasons set out by the examiner. However the Collingham with Linton Parish Council requested that the Council did not accept a small number of the proposed modifications as they felt they would unacceptably change the Plan and remove information that is central to the Plan. Following various discussions with the Parish Council and internally, the City Council has accepted a small number of alternative modifications recommended by the Parish Council. All the proposed modifications are set out in the Decision Statement appended to this report. The Council considers that subject to these changes, the draft Linton Neighbourhood Plan meets the Basic Conditions. It also agrees that the Referendum Area should be the Linton Neighbourhood Area.

Recommendations

4. The Chief Planning Officer is recommended to:

- Agree the modifications and the referendum area
- Agree that the draft Linton Neighbourhood Plan proceeds to referendum

1 Purpose of this report

- 1.1 This report highlights key elements of the report of the examination of the draft Linton Neighbourhood Plan and sets out the City Council's response to the contents, especially the recommended modifications. It also looks forward to the referendum stage.

2 Background information

- 2.1 Collingham with Linton Parish Council agreed that a neighbourhood plan should be prepared for the village of Linton and the part of the parish that lay north of the River Wharfe in May 2012 and a Steering Group and Drafting Committee were established. An application was made to Leeds City Council for the designation of this area as the Linton Neighbourhood Area which was duly approved on 17th September 2012.
- 2.2 The Drafting Committee undertook detailed research as well as extensive engagement with residents, landowners and stakeholders between 2012 and 2014. The pre-submission draft plan proposal was formally consulted on during June - August 2014 in compliance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 and the final Draft Plan was submitted to Leeds City Council for examination on 12th March 2015. With the agreement of the Parish Council, the City Council appointed Mr Nigel McGurk to examine the Draft Plan. Mr McGurk sent his final examination report to the City Council on 5th August 2015 which was duly forwarded to the Parish Council.

3 Main issues

- 3.1 The City Council has considered the contents of the examiner's report and particularly notes the examiner's conclusions:
- the Plan meets the requirements of Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990
 - the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
 - the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area)
 - the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body

- subject to the recommended modifications, the draft plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990:
 - has regard to national policies and advice contained in guidance issued by the Secretary of State
 - has special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses
 - has special regard to the desirability of preserving or enhancing the character or appearance of any conservation area
 - contributes to the achievement of sustainable development
 - in general conformity with the strategic policies contained in the development plan for the area of the authority
 - does not breach and is otherwise compatible with EU obligations
 - meets prescribed conditions and matters in relation to the order
- the Plan has regard to European Convention on Human Rights (ECHR) obligations and complies with the Human Rights Act 1998
- subject to the modifications proposed, the Plan should proceed to referendum
- the referendum area should be the Linton Neighbourhood Area

3.2 Leeds City Council agrees with the majority of the recommended modifications and reasons set out by the examiner. However the Collingham with Linton Parish Council requested that the Council did not accept a small number of the proposed modifications as they felt they would unacceptably change the Plan and remove information that is central to the Plan. Following various discussions with the Parish Council and internally, the City Council has accepted a small number of alternative modifications agreed by the Parish Council. Schedule 4B to the 1990 Act gives the City Council the authority to decide what action to take in response to the recommendations of an examiner and what modifications, if any, to make to the draft plan. The City Council has therefore decided to make the modifications as set out in the schedule contained in the Decision Statement which is appended to this report. It considers that if these modifications are made, the Plan will meet the Basic Conditions, be compatible with the Convention rights and will comply with the definition of a Neighbourhood Development Plan and the provisions that can be made by a NDP. It intends to undertake these changes to the Plan.

3.3 The City Council agrees that the plan should proceed to referendum and that the Linton Neighbourhood Area should be the referendum area. Electoral Services will arrange the referendum to take place in winter 2015.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The Linton Neighbourhood Plan is based on extensive public engagement that took place between 2012 and 2014. A wide ranging approach was taken including focus groups, village surveys, a highways assessment, forums with other Parishes, business consultation meetings, meetings with landowners and developers and a 2 day drop in event. The extent of the public engagement is noted on page 11 of the examiner's report "It is clear.....that plan-makers went well beyond legislative requirements to actively seek comments on, and involvement in, the neighbourhood planning process." Ward members were also involved in the plan preparation process.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 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.

4.3 Council policies and Best Council Plan

4.3.1 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).

4.3.2 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.

4.4 Resources and value for money

4.4.1 The Linton Neighbourhood Plan has been prepared by the Collingham with Linton Parish Council with the support and assistance of the City Council. Indeed, the relationship between the two bodies was specifically commended by Mr McGurk "...there was positive and collaborative working between Collingham with Linton Parish Council and Leeds City Council. Such a collaborative approach has full regard to national advice and is to be highly commended."

4.4.2 The City Council has ensured it has claimed the full grant funding available to local authorities from DCLG to help cover the cost of supporting neighbourhood planning groups. The following has been claimed:

Stage	Amount
Designation of Neighbourhood Area	£5,000
Submission of plan for examination	£5,000
TOTAL	£10,000

A further £20,000 can be claimed on the successful completion of the neighbourhood plan examination.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Neighbourhood planning is taking place within a new and fast-changing national planning background which is focussed on economic growth, localism and sustainability. The Council adopted its Core Strategy in November 2014 and will consult on the Publication Draft Site Allocations Plan September – November 2015. Once adopted, the Linton Neighbourhood Plan will be part of the ‘local plan’ for Leeds and be used to help determine planning applications within the Linton Neighbourhood Area.

4.5.2 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.

4.6 Risk Management

4.6.1 There are risks that

- the plan will not receive more than 50% ‘yes’ votes in the referendum
- the plan will be the subject of a legal challenge or judicial review

The Council will continue to work closely with the Parish Council to manage and minimise these risks.

5 Conclusions

5.1 The City Council agrees with the majority of the examiner’s report including the recommended modifications though proposes a small number of alternative modifications following discussions with the Collingham with Linton Parish Council

and will undertake the changes set out in the Decisions Statement. It also agrees with the proposed referendum area and it will organise a referendum to take place during winter 2015.

6 Recommendations

6.1 The Chief Planning Officer is recommended to:

- Agree the modifications and the referendum area
- Agree that the draft Linton Neighbourhood Plan proceeds to referendum

7 Background documents¹

7.1 Linton Neighbourhood Plan Final Draft 2014 – 2029

Linton Neighbourhood Plan Consultation Statement

Linton Neighbourhood Plan Basic Conditions Statement

Linton Neighbourhood Plan Statement of Reasons Why a Strategic Environmental Assessment is not required

Linton Neighbourhood Plan Examination Report – by Nigel McGurk BSc(Hons)
MCD MBA MRTPI

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.