

Report of Forward Planning and Implementation

Report to Chief Planning Officer

Date: 10th December 2015

Subject: Response to Pre-Submission Draft Clifford Neighbourhood Plan

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Wetherby	<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 Council's response to the pre-submission draft Clifford Neighbourhood Plan which is currently being consulted on by Clifford Parish Council and is available for viewing and comments by those who live, work or carry out business in the Clifford Neighbourhood Area.
- 1.2 The Council has prepared a formal response to the contents of the draft plan under the following headings:
- Timing/risks – the risks of proceeding with a neighbourhood plan in the absence of an approved Site Allocations Plan.
 - Basic Conditions – the neighbourhood plan will be assessed against the Basic Conditions at examination.
 - Planning Policies – more detailed comments on each policy in the draft plan with observations and suggestions for consideration.
- 1.3 The response will be sent to the Clifford Parish Council and the Council and the Clifford Neighbourhood Plan Steering Group may wish to discuss the contents in due course. 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 formal response to the Pre-Submission Draft Clifford Neighbourhood Plan.

3.0 Purpose of this report

3.1 This report recommends the Chief Planning Officer to authorise the Council's comments on the Pre-Submission Draft Clifford Neighbourhood Plan.

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 parish of Clifford was designated the Clifford Neighbourhood Area on 17th September 2012. A steering group was established by the Parish Council to progress the preparation of the plan.

5.0 Main issues

5.1 The City Council's response is divided under 3 main considerations:

- Timing/risks – there is increased risk and uncertainty when progressing a neighbourhood plan in the absence of a complete, up-to-date adopted Local Plan. The Leeds Core Strategy was adopted in November 2014 but the Publications Draft public consultation on the Site Allocations Plan closed on 16th November 2015. The lack of an approved SAP does introduce some uncertainty in relation to assessing general conformity, especially with the recent changes to proposed housing sites in the Outer North East HMCA and there is a risk of some neighbourhood plan policies being superseded by SAP policies once they are adopted.
- Basic Conditions – neighbourhood plans are assessed against the Basic Conditions at examination. The Council reviews the content of the pre-submission draft plan against the Basic Conditions.

- Planning Policies – the Council makes a number of detailed comments on individual policies and suggests further work and changes.

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 however the preferred location for development set out in Key Community Priority-1 does not conform with the strategic approach to the location of development or the robustness of Green Belt therefore the Council advises that this is removed. Policy BE-1 would allocate the existing village green (a greenfield and green space site) for development and use part of the receipt to purchase and lay out a new village green adjacent to the village hall and an existing park. The proposal is supported in principle but there are challenges to the successful delivery of this proposal. More generally there are a number of proposed policies which the Council considers are too broad and loose. These need further work to clarify and tighten the wording. The Character Assessment also needs expanding with further detail on the design, scale, height, layout and materials of the character areas.

6.0 Corporate Considerations

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

7.0 Consultation and Engagement

7.1 The Clifford Neighbourhood Plan group has undertaken wide engagement with the residents and businesses of Clifford 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 formal response. The Environment Agency, English Heritage and Natural England have been formally consulted by the Council in relation to the potential requirement for an environmental impact assessment and other comments on the draft plan were sought.

7.3 Wetherby Ward Members have been kept informed of the plan's progress by both the Council and Clifford Parish Council and have expressed their support for the Plan and its contents. They were notified of the pre-submission consultation period on 12th November and invited to send any comments directly to Tony Blackmore (chair, Clifford Neighbourhood Plan Steering Group)

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 £5,000 on the submission of a neighbourhood plan for examination and a further £20,000 on 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. The Council has recently undertaken public consultation on the Publication Draft Site Allocations Plan and is currently assessing the representations received. Over the next 12 months the Site Allocations Plan will progress as well as a number of draft neighbourhood plans being prepared by local communities, some of which will hopefully be made. 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. There is also the possibility of judicial review. 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 formal pre-submission response sets out the positive aspects of the Plan as well as the Council's observations and suggestions on areas that it considers would benefit from further work. It will be for the Parish Council to consider all comments

made by the Council and others and make appropriate changes to the document prior to submission for examination.

14.0 Recommendations

14.1 It is recommended that:

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

15.0 Background Documents¹

15.1 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.