

Report of Policy and Plans

Report to Chief Planning Officer

Date: 29th September 2016

Subject: Response to Pre-Submission Draft Thorp Arch 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 Thorp Arch Neighbourhood Plan which is currently being consulted on by Thorp Arch Parish Council and is available for viewing and comments by those who live, work or carry out business in the Thorp Arch 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.
 - Comments on other parts of the plan and general comments – more general comments.
- 1.3 The response will be sent to the Thorp Arch Parish Council and the Council and the Thorp Arch 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 Thorp Arch 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 Thorp Arch 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 Thorp Arch was designated the Thorp Arch 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 and the Publications Draft public consultation on the Site Allocations Plan closed on 16th November 2015. Further consultation is currently being undertaken on the Outer North East Housing Market Characteristic Area following significant revisions to the proposals after the withdrawal of the Hedley Hall Site. 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 makes comments in relation to the need for a Strategic Environmental Assessment screening report.
- Planning Policies – the Council makes a number of detailed comments on individual policies and suggests further work and changes.
- The overall plan and general comments – the Council makes a few general comments.

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 there are a small number of issues that are questioned or not supported. These are:

- **Policy BE3: Local Green Spaces** – the designation of site K Walton Road Sports Pitch (part) is not supported as it lies within the proposed housing allocation (HG2-277) with a capacity of 142 units. The proposed local green space designation would significantly restrict the potential capacity of the site and consequently the housing needs for the wider area (Outer North East HMCA) would not be met to the detriment of achieving sustainable development.
- **Policy H1: Site Allocations** – Whilst the Council is supportive of this small housing site as it lies within the larger proposed housing allocation HG2-227 in the Publication Draft Site Allocations Plan, it questions the justification for its selection and the process undertaken to assess this and other possible sites.
- **Policy LE1: Thorp Arch Trading Estate** - it is not clear whether the first part of the policy is stating that TATE is designated as an employment site or whether the policy is seeking to designate it as an employment site. It is not currently designated as such but is recognised as an established mixed use site, outside of the settlement hierarchy, but with predominantly employment and retail uses. Designating TATE as an employment site could preclude uses other than employment on the site it would probably not meet the test of having regard to national policy. Depending on the intent of the policy and further clarification and consideration of the wording, it may be appropriate to delete the first sentence.
- The second part of the policy it is not clear as to whether it is only supporting the further development of existing businesses on the site or whether new developments would be permitted on the vacant parts of the site providing that they were for a use classes that already exists. It is recommended that the policy is made clearer.

6.0 Corporate Considerations

6.1 Once the Plan is made, the Thorp Arch 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 Thorp Arch 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 number of Council Officers mainly within the City Development Department but also from Adult Social Care have contributed to the formal response. The Environment Agency, Historic England and Natural England have been formally consulted by the Council in relation to the potential requirement for an environmental impact assessment. The screening report will be forwarded to Thorp Arch Parish Council in due course.
- 7.3 Wetherby Ward Members have been consulted during the production of the Thorp Arch Neighbourhood Plan.

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 the first five neighbourhood area designation made and a further £5,000 for the first five neighbourhood forum designation, to assist with costs. It will also provide a further £20,000 once a date has been set for a referendum following a successful examination. The City Council has now claimed the maximum amount available for area and forum designations and will continue to claim on arrangement of referenda.

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 undertook public consultation on the Publication Draft Site Allocations Plan September – November 2015 and is currently out for further consultation on revised proposals for the Outer North East Housing Market Characteristic Area. Over the next 12 months the Site Allocations Plan will progress to examination as well as a number of draft neighbourhood plans being prepared by local communities, some of which will be formally 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 Thorp Arch 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.