

Report of Director of City Development

Report to Executive Board

Date: 22 March 2017

Subject: Making of 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

Summary of main issues

1. The Localism Act 2011 devolved planning powers to parish and town councils or neighbourhood forums to lead on the preparation of neighbourhood plans. A neighbourhood plan can influence where development can go and how it might look. The Government's intention is that neighbourhood planning will make planning more accessible to local people, will help deliver housing and that local communities will be more welcoming of development due to a renewed sense of ownership and from financial incentives such as the Community Infrastructure Levy (CIL).
2. The Clifford Neighbourhood Plan (the CNP) is attached in Appendix 1. It will be the first neighbourhood plan in Leeds to be made by the Council and for that reason Executive Board is being asked to make the Plan for the Clifford Neighbourhood Area. Once made, the CNP will form part of the Council's Development Plan. This is also a good opportunity to update Members on neighbourhood planning progress across Leeds.
3. Once made, the CNP will be used by the Council alongside other local planning documents to determine planning applications in the Clifford neighbourhood area. The Plan sets out a locally distinctive vision for the neighbourhood area and is the result of collaboration between the parish council and the Council.
4. There are 35 other designated neighbourhood areas across Leeds, covering the diversity of the city's neighbourhoods with villages, market towns and inner city communities. Most groups involved are generally making good progress with the help of Government funding and the Council's support and advice, although some areas have struggled and may not proceed with preparing a plan. An update on progress is contained in Appendix 2.

Recommendations

5. Executive Board is requested to:
 - i) Make the Clifford Neighbourhood Plan for the Clifford Neighbourhood Area; and
 - ii) Agree that subsequent Neighbourhood Plans are made by the Chief Planning Officer in consultation with the Executive Member for Regeneration, Transport and Planning pursuant to existing delegations set out in the constitution.

1 Purpose of this report

- 1.1 This report seeks Executive Board's approval to make the Clifford Neighbourhood Plan following the result of the community referendum on Thursday 26 January 2017 where a substantial majority of those voting (92%) voted in favour the Plan. It also seeks agreement that the Chief Planning Officer, in consultation with the Executive Member for Regeneration, Transport and Planning will make future neighbourhood plans under existing delegations set out in the constitution. The report also updates Members on the scope and scale of neighbourhood planning across the city and highlights progress and good practice.

2 Background information

Neighbourhood Planning

- 2.1 The Localism Act 2011 amended the Planning and Compulsory Purchase Act 2004 to introduce major reforms to the planning system that give local communities the 'right' to prepare a neighbourhood plan. A neighbourhood plan is a statutory planning document which can set out local planning policies for the development and use of land in a neighbourhood and is subject to public consultation, independent examination and a referendum. There are 2,000 communities across the country involved in neighbourhood planning although the geographical spread is mixed. Leeds is regarded nationally as being a neighbourhood planning 'hotspot' with 35 designated neighbourhood areas in a wide variety of different neighbourhoods. Some of the plans being prepared are simple design-led plans and others are more complex plans for larger settlements or inner-city areas.
- 2.2 A neighbourhood plan must meet the statutory 'basic conditions', the key 'conditions' being 'general conformity' with local strategic planning policies and regard to the national planning policies in the National Planning Policy Framework. These set the parameters for the plan and an independent examiner then assesses whether a plan meets the 'basic conditions' or not.
- 2.3 Since the introduction of neighbourhood planning, the Government is seeking to implement further reforms aimed at streamlining the process and increasing the powers of neighbourhood planning (in the Neighbourhood Planning Bill and the more recent Housing White Paper).
- 2.4 The Neighbourhood Planning Bill sets out proposals to strengthen neighbourhood planning by simplifying how plans can be revised as local circumstances change and by ensuring plans can come into force as soon as they are approved by local people. The Bill also sets out greater flexibility for changing neighbourhood areas and a requirement for the local planning authority's 'statement of community involvement' to set out how neighbourhood planning will be supported. The Bill also intends to require local planning authorities to consult neighbourhood forums on planning applications in their area (this has been done in Leeds since 2013).
- 2.5 The Housing White Paper sets out the Government's plans to boost the supply of new housing in England and there are significant areas of the report that relate directly to neighbourhood planning. These include: i) provisions for a housing requirement figure (to enable neighbourhood planning groups to obtain a housing requirement figure from their local planning authority to help avoid delays in

getting a neighbourhood plan in place); ii) clear design expectations (amendments to planning policy to create an expectation that neighbourhood plans should set out clear design expectations); and iii) Green Belt (allowing neighbourhood plans to determine changes to Green Belt where a strategic plan has demonstrated the need for green Belt boundaries to be amended). These are all significant proposals and mark a clear expectation that neighbourhood plans can and should be 'pro development'.

Neighbourhood Planning in other Leeds areas

- 2.6 Neighbourhood planning activity in Leeds builds on a long history of community-based planning and covers the diversity of Leeds' neighbourhoods. Unlike most parts of the country there is a high level of involvement from non-parished and inner-city communities. . Some groups have struggled and found the process overly long and bureaucratic but most are progressing well (albeit taking longer than they anticipated). The Holbeck Plan looks set to be another 'exemplar' plan from a Leeds group and will be submitted for examination in the spring. The Plan could set the standard for other inner-city communities in Leeds (and nationally), subject to a successful examination.
- 2.7 There are 35 designated neighbourhood areas across Leeds and local people will have an opportunity to vote on at least 5 neighbourhood plans during 2017 - Holbeck, Collingham, Boston Spa, Barwick in Elmet with Scholes and Bardsey. Other plans may also come forward for a public vote this year but this will depend on local progress. The Linton plan has been the subject of legal challenge and has yet to be 'made' but it is expected that this will be resolved during 2017 (as set out in paragraph 4.1 below). Good progress is being made in many other areas with a high number of draft plans coming forward (these are set out in Appendix 2).
- 2.8 Local Planning Authorities have a 'duty to support' local communities in the preparation of a neighbourhood plan. It is for each local planning authority to determine the appropriate level of support and the level of support varies significantly across the country. Leeds is regarded by the Department of Communities and Local Government and Planning Aid England as one of the leading Councils for advice and support.
- 2.9 The level of support provided in Leeds varies dependant on a group's capacity to prepare a plan and the level of funding and support they are receiving from other sources. Some groups have periods where they are relatively self-sufficient (usually parished areas) but others need advice and support throughout (generally non-parished and inner-city groups). All groups receive advice and support at the formal stages of the plan-making process (neighbourhood area designation, neighbourhood forum designation, pre-submission consultation, examination, referendum) and assistance with process issues, , policy writing, evidence and mapping where needed.. Some groups have benefitted from tailor-made support (dependant on local needs), including assistance with governance arrangements, neighbourhood forum formation, design workshops, policy-writing workshops, advice on consultation and engagement, help with funding applications, officer attendance at community meetings and advice on project delivery. Locality teams have also provided some support including assistance with consultation and engagement, organising local workshops and governance support.

- 2.10 Neighbourhood Planning is a resource challenge for the Council but officers have fostered and managed a range of other resources to assist local people such as the Council's 'graduate training programme', the student placement programme at Leeds Beckett University as well as a number of work experience students from other parts of the country. These have all made a significant difference to a number of groups, in particular inner-city areas. Also, of particular benefit to groups has been the regular neighbourhood planning events held in Leeds to share good practice and provide networking opportunities. These have been coordinated by the Council's neighbourhood planning steering group which brings together a number of Council service areas with Leeds Beckett University, Planning Aid England, Leeds Civic Trust and others.
- 2.11 For those groups that are struggling with the process, officers have been working with Planning Aid England to set up additional support with the help of professional volunteers. Beeston will be the first group to benefit from this arrangement and others will be helped during 2017, based on the Beeston experience.
- 2.12 There are a number of important observations to be made that are particularly relevant to neighbourhood planning in Leeds:
- A high 'social capital' across the city (there is an estimated 2,000 + members of steering groups and neighbourhood forums);
 - The challenges and constraints for all participants are lessened from the local good practice demonstrated by the Clifford plan (and Holbeck);
 - The involvement of inner-city communities in particular has brought wider community benefits beyond the scope of traditional planning;
 - Neighbourhood plans have an important role to play in helping to deliver housing, including 'shaping' allocations that the Council is proposing in the draft Site Allocations Plan;
 - Neighbourhood planning is set to grow and the Government intends to streamline and strengthen powers as set out in the Neighbourhood Planning Bill and the Housing White Paper.

3. Main Issues

3.1 Clifford Neighbourhood Plan

- 3.1.1 Clifford was one of the first neighbourhood areas to be designated in Leeds and the CNP allocates a small housing site and is seeking to deliver a new village green. The policies are locally distinctive and cover the protection and enhancement of local heritage, greenspace and character. Officers regard the Plan as an 'exemplar', particularly for setting out 'the story of the plan' and its policies in a 'user-friendly' way but also for the collaboration involved. The Consultation Statement gives details of the engagement, consultation and collaborative working that shaped the CNP
<http://www.leeds.gov.uk/docs/Clifford%20Consultation%20Statement.pdf>.

- 3.1.2 The making of the CNP is the culmination of a statutory process set out in The Neighbourhood Planning (General) Regulations 2012 (as amended) which has included the following stages:

Area designation

- 3.1.3 Clifford Parish Council applied for the designation of Clifford parish as the Clifford Neighbourhood Area and it was designated by the City Council on 17th September 2012. A Steering Group made up of local volunteers was set up by the Parish Council to prepare the CNP.

Collaborative working

- 3.1.4 The City Council carried out its 'duty to support' the production of the Plan by working with the Steering Group throughout. This included guidance on process and advice on policy-writing.

Pre-Submission Draft Plan and Examination

- 3.1.5 The Pre-Submission Draft Clifford Neighbourhood Plan was examined by Ms Rosemary Kidd, an independent planning examiner. Her final report was received by the Council in early September 2016 recommending that subject to a number of minor modifications the CNP should precede to Referendum. The Council agreed with the examiner's proposed changes and set out its decision and reasons in a Decision Statement published on 7th December 2016.

Referendum

- 3.1.6 A referendum was held in the Clifford Neighbourhood Area on Thursday 26th January 2017 and posed the question: 'Do you want Leeds City Council to use the Neighbourhood Plan for Clifford to help it decide planning applications in the neighbourhood area?'
- 3.1.7 A substantial majority of those who voted were in favour of the CNP being used to help decide planning applications in the Plan area. The results of the referendum were:

Response	Votes
Yes	290 (91.77%)
No	26 (8.22%)
Turnout	23.81%

Making the Plan

- 3.1.8 Given that the outcome of the referendum was that more than half of those voting voted in favour of the Plan statutory requirements require that the Council must

make the CNP within 8 weeks following the day of the referendum result. The Council has no discretion in making the Plan unless it considers that making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

- 3.1.9 Officers are satisfied that the making of the CNP would not breach, nor would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3.2 Linton Neighbourhood Plan

- 3.2.1 The Linton Neighbourhood Plan was the first neighbourhood plan in Leeds to be supported at referendum (December 2015 – 96% ‘yes’ vote) but the Council has not made the Plan as it has been subject to a Judicial Review challenge and subsequent Court of Appeal Hearing. Although the Council has successfully defended both challenges a further appeal has been lodged and we are currently awaiting the outcome of that application before deciding how to progress.

4.0 Corporate Considerations

Once the CNP is made, it will be part of the Development Plan for Leeds. The Plan also promotes a number of projects, some of which will involve the Council if they are to be successfully delivered.

4.1 Consultation and Engagement

- 4.1.1 The Clifford Neighbourhood Plan group undertook comprehensive engagement with the residents and businesses of Clifford parish as well as statutory consultees and others. Details of the consultation and engagement and how they informed and shaped the neighbourhood plan are set out in the Consultation Statement which was submitted for independent examination along with the Plan <http://www.leeds.gov.uk/docs/Clifford%20Consultation%20Statement.pdf>.
- 4.1.2 Wetherby Ward Members have been kept informed of the Plan’s progress by both the Council and Clifford Parish Council. Updates on progress have been given at the Outer North East Community Committee.

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. Neighbourhood Plans by their very nature should be inclusive and be shaped by a range of people who live, work and carry out business in an area.
- 4.2.2 One of the lessons learned from ‘taking stock’ of neighbourhood planning in Leeds is that plans in all areas would benefit from an equalities impact assessment. Although this is not a statutory requirement, officers are to encourage groups to undertake these assessments in order to assist in plan preparation where needed.

4.3 Council policies and the Best Council Plan

4.3.1 The CNP links 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's value of 'Working with Communities' and "empowering people to influence decisions where they live" as set out in the Council's Best Council Plan 2015 - 20. They also relate to the priority for 2016/17 of "supporting communities, raising aspirations" in the 2016/2017 update.

4.4 Resources and value for money

4.4.1 The expenditure cost of neighbourhood plans to the Council varies, related to local issues and the local capacity to prepare a plan as well as the size of the referendum area. Clifford Parish Council has had a high capacity to prepare the Plan and has benefitted from funding from central government, administered by Locality. The cost to the Council of the Clifford neighbourhood plan examination was £3,034.65 and the referendum was £4,772.68.

4.4.2 Local Planning authorities are able to claim £20,000 from the Department of Communities and Local Government following the successful examination of a neighbourhood plan. A claim for £20,000 has been submitted for the CNP. In 2013, £5,000 was successfully claimed for designating the Clifford neighbourhood area.

4.5 Legal Implications, Access to Information and Call In

4.5.1 As soon as possible after a neighbourhood plan is made, the Local Planning Authority must publish the Plan together with the 'decision statement'. This will set out the details of where and when the Plan can be viewed.

4.5.2 The decision is exempt from call-in pursuant to Rule 5.1.3 of the Executive Decision making Procedure rules as it is considered urgent as any delay in making the decision will seriously prejudice the Council's interest, namely that it would not be possible to make the Plan in accordance with the statutory timeframe which requires that the Plan be made within 8 weeks from the day after the referendum is held that being 27 January 2017.

4.6 Risk Management

4.6.1 The CNP is required to be in general conformity with the strategic plans for the area (the Core Strategy and the Unitary Development Plan). It should also be joined-up and complementary with the emerging Site Allocations Plan. The Examiner recommended a number of modifications to the Plan which have addressed all of the representations made. This has minimised risk of challenge and removed potential conflict between the CNP and the Council's adopted

planning policies. It has also resulted in policies that are clear for applicants and robust and deliverable for the Council as the Local Planning Authority. No challenge has been made to the CNP.

- 4.6.2 Once a neighbourhood plan is made, its policies take precedence over existing non-strategic policies in the Local Plan for that neighbourhood area if there is conflict. However, with the collaboration between the Council and the parish council throughout the preparation of the Plan, no areas of conflict have been identified.

5. Conclusions

- 5.1 The CNP is an 'exemplar' neighbourhood plan that is the result of engagement with local stakeholders and collaboration between the parish council and the Council. The Plan meets the statutory 'basic conditions' and given the decisive referendum result it must be made by the Council. All communities across Leeds can be inspired by this Plan, whether they are preparing plans for other villages like Clifford, inner city neighbourhoods or market towns. The Plan demonstrates good practice in all respects and efforts are underway to ensure this is shared with other groups in Leeds, including at a Leeds neighbourhood planning event organised by Locality at Tiger 11, Beeston in the spring.

6. Recommendations

- 6.1 Executive Board is requested to:-

- i) Make the Clifford Neighbourhood Plan for the Clifford Neighbourhood Area;
- ii) Agree that subsequent Neighbourhood Plans are made by the Chief Planning Officer in consultation with the Executive Member for Regeneration, Transport and Planning pursuant to existing delegations within the constitution.

7. Background documents¹

- 7.1 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.