

Report of Head of Policy and Plans

Report to Chief Planning Officer

Date: 6th March 2017

Subject: Examination of the draft Collingham 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 Collingham 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, as amended in 2015 and 2016. It was submitted to the City Council for examination in June 2016.
2. The Council appointed Nigel McGurk to examine the plan with the agreement of the Parish Council. The Council received Mr McGurk's final examination report early in October 2016.
3. The City Council has considered the contents of the report and accepts the recommended modifications and reasons set out by the examiner. 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 Collingham Neighbourhood Plan meets the Basic Conditions. It also agrees that the Referendum Area should be the Collingham Neighbourhood Area plus 42 properties in East Keswick Parish that form part of the built-up area of Collingham.

Recommendations

4. The Chief Planning Officer is recommended to:
 - Agree the modifications and the referendum area

- Agree that the draft Collingham Neighbourhood Plan proceeds to referendum

1 Purpose of this report

- 1.1 This report highlights key elements in the report of the examination of the draft Collingham 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 two neighbourhood plans should be prepared for the parish, one covering the village of Linton and the land to the north of the River Wharfe and one covering Collingham and the land to the south of the river. Steering Groups were established for both areas but in Collingham this became the "Neighbourhood Plan Committee". Separate applications were made to Leeds City Council for the designation of the Linton and Collingham Neighbourhood Areas. Collingham Neighbourhood Area was duly approved on 15th August 2013.
- 2.2 The Neighbourhood Plan Committee undertook detailed research as well as extensive engagement with residents, landowners, businesses, clubs, societies and village facilities between 2012 and 2014. The pre-submission draft plan proposal was formally consulted on from 19th October – 6th December 2015 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 14th June 2016. With the agreement of the Parish Council, the City Council appointed Nigel McGurk to examine the Draft Plan. Mr McGurk sent his final examination report to the City Council in October 2016 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:

"I have recommended a number of modifications further to consideration of the Collingham Neighbourhood Plan against the basic conditions.

Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and

- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

Taking the above into account, I find that the Collingham Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.”

3.2 Leeds City Council agrees with the recommended modifications and the reasons set out by the examiner and 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 Collingham Neighbourhood Area and the 42 properties in East Keswick Parish that form part of the built-up area of Collingham should be the referendum area. Electoral Services will arrange the referendum to take place in April 2017.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The Collingham Neighbourhood Plan is based on extensive public engagement that took place between 2012 and 2014. A wide ranging approach was taken including questionnaires to households, walk in events, specific activities for young parishioners, correspondence and meetings with landowners, letters to businesses and engagement with clubs, societies and village facilities. Ward members were also engaged in the plan preparation process.

4.1.2 Ward Members, Chair of Outer North East Community Committee and Councillor Lewis have been consulted on the Decision Statement. Cllrs Stephenson and Lewis have indicated they are happy with it.

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'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 Collingham Neighbourhood Plan has been prepared by Collingham with Linton Parish Council with the support and assistance of the City Council. There has been a close working relationship between the two councils during the preparation of the Plan Proposal.

4.4.2 The City Council has claimed the full grant funding available to local authorities from DCLG to help cover the cost of supporting neighbourhood planning groups. £5,000 was claimed on designation of the Collingham Neighbourhood Area and £20,000 will be claimed at the next opportunity once the date for the referendum is fixed (expected to be 27th April 2017).

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 is currently consulting on the pre-submission changes to the draft Site Allocations Plan. Once adopted, the Collingham Neighbourhood Plan will be part of the development plan for Leeds and will be used to help determine planning applications within the Collingham 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 examiner's report including the recommended modifications. It also agrees with the proposed referendum area and it will organise a referendum to take place in April 2017.

6 Recommendations

- 6.1 The Chief Planning Officer is recommended to:
- Agree the modifications and the referendum area
 - Agree that the draft Collingham Neighbourhood Plan proceeds to referendum

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.