

## Report of Policy and Plans

### Report to Chief Planning Officer

**Date: 3<sup>rd</sup> May 2017**

### **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 Wetherby Neighbourhood Plan which is currently being consulted on by Wetherby Town Council and is available for viewing and comments by those who live, work or carry out business in the Wetherby 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 Wetherby Town Council and the Council and the Neighbourhood Plan Steering Group may wish to discuss the contents in due course. The Town 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 Wetherby 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 Wetherby 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 Wetherby was designated the Wetherby Neighbourhood Area on 17<sup>th</sup> September 2012. A steering group was established by the Town 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 Consultation on the Pre-Submission Changes to the Site Allocations Plan closed in March 2017. 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 raised through the comments. These are:

- **Policy H1: Provide an Appropriate Mix of Housing** – Policy H1 asks for an appropriate mix of housing in terms of size and affordability which will help to support the specific needs of Wetherby’s residents as identified by the most recent available housing market assessment and/or needs survey. This potentially conflicts with Core Strategy Policy H5 which expects 35% of new dwellings in this area to be affordable and of those, 60% should be affordable for households on lower decile earnings (which will normally be rented housing). The HNA results quoted in the supporting text to Policy H1 refers to 21% of new dwellings being needed as affordable homes for sale / starter homes and only 10% of new dwellings being needed as affordable homes to rent. A further percentage is expected to be dedicated to elderly housing needs, but not necessarily affordable. Whilst the local need assessment would generate close to 35% affordable housing overall, it would expect a much lower percentage of affordable housing for rent. Core Strategy Policy H5 is set for review in the Core Strategy Review which could change things further
- **Policy WE1: Town Centre Development** – This is a much-improved policy and the use of “discouraged” is welcomed. However, be aware that the policy may have unintended consequences, for example an application for change of use from a shop to say a restaurant, which could ensure vitality and viability of town centre would be discouraged by this policy. Outside of Protected Shopping Frontages but still within the Town Centre boundary, a proposal to convert a shop to a restaurant, say, would not generally be considered contrary to Core Strategy policy. Town Centre uses are acceptable uses in town Centre locations. However, this policy appears to “discourage” such proposals.
- **Policy ENV3: Green Corridors** - The GB affords the maximum possible protection and this policy does not add to that. However, the identification of Green Corridors is encouraged but perhaps should be written more positively. Is it only about protection or should it also be about enhancement and providing net gains to Green Infrastructure and Biodiversity?
- The Plan seems to have been through a thorough process, reflecting the needs of the higher proportion of older people, lower proportion of younger and working people, but with a wish and intention to attract a good mix of residents – this is welcomed. However, the needs of disabled people are not

mentioned consistently throughout the Plan. Given the comments on accessibility and the needs of disabled people, the town council may wish to consider conducting an Equalities Impact Assessment of the Neighbourhood Plan. The Council is happy to advise should you wish to explore this further.

## **6.0 Corporate Considerations**

6.1 Once the Plan is made, the Wetherby 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 Wetherby Neighbourhood Plan group has undertaken wide engagement with the residents and businesses of Wetherby 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 has been sent to the Town Council.

7.3 Wetherby Ward Members have been consulted during the production of the Wetherby 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).

## **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 designations, 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 consultation on the Pre-Submission Changes to the Site Allocations Plan in February and March 2017 and will be submitting the Plan for Examination in Public at the start of May. The Examination is due to start in October 2017. A number of neighbourhood plans being prepared by local communities will be proceeding to examination and subsequent referendum over the next 12 months.

## **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 Town 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 Wetherby Neighbourhood Plan.

## **15.0 Background Documents<sup>1</sup>**

15.1 None

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<sup>1</sup> 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.