

**Report of Policy and Plans****Report to Chief Planning Officer****Date: 20<sup>th</sup> June 2017****Subject: Making of Collingham Neighbourhood Plan**

Are specific electoral wards affected? If yes, 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 Localism Act 2011 devolved planning powers to parish and town councils or neighbourhood forums to lead on the preparation of neighbourhood plans which 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 Collingham Neighbourhood Plan (CNP) is attached in Appendix 1. It will be the first neighbourhood plan in Leeds to be made by the Council under delegated powers. Clifford was the first neighbourhood plan to be made by Executive Board.
3. Once made, the CNP will form part of the Council's Development Plan and will be used by the Council alongside other local planning documents to determine planning applications in the Collingham 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.

**Recommendations**

4. It is recommended that:
  - i) The Chief Planning Officer makes the Collingham Neighbourhood Plan for the Collingham Neighbourhood Area.

## **1. Purpose of this report**

- 1.1 This report recommends that the Chief Planning Officer makes the Collingham Neighbourhood Plan following the result of the community referendum on Thursday 27 April 2017 where a substantial majority of those voting (91.97%) voted in favour the Plan.

## **2. Background information**

- 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.
- 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 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.

## **3. Main issues**

- 3.1 The CNP contains locally distinctive policies that cover the protection of the village setting, promoting good quality design, flooding considerations, providing a mix of housing types, protecting village services and facilities, as well as protecting and improving car parking, green infrastructure and the public rights of way network. The Consultation Statement gives details of the engagement, consultation and collaborative working that shaped the CNP.
- 3.2 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***

- 3.3 Collingham with Linton Parish Council applied for the designation of the southern part of the Collingham with Linton Parish (the area to the south of the River Wharfe) as the Collingham Neighbourhood Area and it was designated by the City Council on 15th August 2013.

### ***Collaborative working***

- 3.4 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***

- 3.5 The Submission Draft Clifford Neighbourhood Plan was examined by Mr Nigel McGurk, an independent planning examiner. His final report was received by the

Council in early October 2016 recommending that subject to a number of 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 15th March 2017.

### ***Referendum***

- 3.6 A referendum was held in the Collingham Neighbourhood Area on Thursday 27th April 2017 and posed the question: 'Do you want Leeds City Council to use the Neighbourhood Plan for Collingham to help it decide planning applications in the neighbourhood area?'
- 3.7 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:

<b>Response</b>	<b>Votes</b>
Yes	401 (91.97%)
No	34 (7.8%)
Ballot paper rejected - being unmarked or wholly void for uncertainty	1 (0.23%)
Turnout	21.9%

### ***Making the Plan***

- 3.8 Given that more than half of those voting voted in favour of the Plan and statutory requirements require that the Council must make the CNP within 8 weeks following the day of the referendum, 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).
- 3.9 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).
- 3.10 The Neighbourhood Planning Act 2017 sets out provisions for post-examination neighbourhood plans that are intended to send a positive signal to groups. - a draft plan will become part of the development plan if there is a 'yes' vote at Referendum and once an examination takes place an LPA must take the plan into account when determining planning applications. Further details will be announced in secondary legislation.

## **4. Corporate considerations**

Once the CNP Plan 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 Collingham Neighbourhood Plan group undertook comprehensive engagement with the residents and businesses of Collingham 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/Collingham%20Neighbourhood%20Plan%20-Consultation%20Statement.pdf>.

- 4.1.2 Harewood Ward Members have been kept informed of the Plan's progress by both the Council and Collingham 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.

## **4.3 Council policies and 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. Collingham Parish Council has had a high capacity to prepare the Plan. The cost to the Council of the Collingham neighbourhood plan examination was £5933.70 and the referendum was £3,933.57.
- 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 and the fixing of a date for the referendum. A claim for £20,000 will be submitted for the CNP during the next claims window. In 2013, £5,000 was successfully claimed for designating the Collingham 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. 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.

## **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 clear, robust and deliverable policies for applicants and 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 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 referendum result it must be made by the Council.

## **6. Recommendations**

- 6.1 It is recommended that:
- i) The Chief Planning Officer makes the Collingham Neighbourhood Plan for the Collingham Neighbourhood Area

## **7. Background documents<sup>1</sup>**

- 7.1 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.