

**Report of Policy and Plans**

**Report to Chief Planning Officer**

**Date: 11<sup>th</sup> September 2017**

**Subject: Response to Pre-Submission Draft Scarcroft 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

**1.0 Summary of main issues**

- 1.1 This report highlights the Council's response to the pre-submission draft Scarcroft Neighbourhood Plan which is currently being consulted on by Scarcroft Parish Council and is available for viewing and comments by those who live, work or carry out business in the Scarcroft Neighbourhood Area.
- 1.2 The Council has prepared a formal response to the contents of the draft plan under the following headings:
- Timing/risks – due to the nature of the draft Neighbourhood Plan and the fact that it includes policies to shape the proposed housing allocation HG2-26 (Wetherby Road – Scarcroft Lodge) in the Site Allocations Plan, there are risks that the Plan may be superseded if made before the SAP is adopted.
  - 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 Scarcroft Parish Council and the 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 Scarcroft 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 Scarcroft 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)
- have appropriate regard to national policy (the National Planning Policy Framework)
- 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 Scarcroft Parish Council applied for the designation of the Parish of Scarcroft as the Scarcroft Neighbourhood Area on 2<sup>nd</sup> July 2012. The Neighbourhood Area was duly designated by the Council on 31<sup>st</sup> January 2012. If an area is a parish, it is considered appropriate for the all of the parish to become a Neighbourhood Area. Following a review of several parish boundaries in 2014, Scarcroft Parish Council, along with 4 other parish councils, applied to Leeds City Council for the re-designation of Scarcroft Neighbourhood Area to follow the new parish boundary. The Scarcroft Neighbourhood Area was therefore re-designated on 15<sup>th</sup> November 2016.

## **5.0 Main issues**

5.1 The City Council's response is divided under 4 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 Site Allocations Plan was submitted to the Secretary of State on 5<sup>th</sup> May 2017. The

draft Scarcroft NP includes policies to shape the proposed SAP Housing Allocation HG2-26 at Scarcroft Lodge. There are risks, therefore, that if the Neighbourhood Plan is made in advance of the adoption of the SAP. The Council will continue to work with the Parish Council in order to mitigate these risks.

- 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. The Council conducted an SEA Screening exercise which concluded that an SEA for the Scarcroft Neighbourhood Plan is **not** required.
- The overall plan and general comments – the Council makes a few general comments.
- Planning Policies – the Council makes a number of detailed comments on individual policies and suggests further work and changes to wording.

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 small number of instances where Policies would introduce more onerous requirements than those in the Core Strategy. The Council has highlighted this in the formal response.

5.3 The Council has also made several recommendations to the Parish Council concerning the accuracy and spatial extent of the draft NP Policies. These are set out in the Council's formal response.

## **6.0 Corporate Considerations**

6.1 Once the Plan is made, the Scarcroft 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 Scarcroft Neighbourhood Plan group has undertaken wide engagement with the residents and businesses of Scarcroft as well as statutory bodies and other external organisations.

7.2 A number of Council Officers mainly within the City Development Department but officers from other Directorates have also 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 Parish Council.

7.3 Ward members have been consulted as part of the preparation of the Neighbourhood Plan. They have also been provided with the Council's formal response to the Pre-Submission draft 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 designations 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.

11.2 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. The Council will continue to encourage Neighbourhood Planning groups to consult and engage as widely as possible in the plan making process which should, in turn, reduce the risk of a legal challenge.

### **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 Scarcroft 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.