

Report of Head of Policy and Plans

Report to Chief Planning Officer

Date: 9th October 2017

Subject: Examination of the 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

Summary of main issues

1. The draft Thorp Arch Neighbourhood Plan was prepared by Thorp Arch 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) Regulations 2012, as amended in 2015 and 2016. It was submitted to the City Council for examination on 5th April 2017.
2. The Council appointed Rosemary Kidd to examine the plan with the agreement of the Parish Council. The Council received Ms Kidd's final examination report on 19th September 2017.
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 Thorp Arch Neighbourhood Plan meets the Basic Conditions and should proceed to referendum.

Recommendations

4. The Chief Planning Officer is recommended to:
 - Agree that the draft Thorp Arch 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 Thorp Arch 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 Thorp Arch Parish Council applied to Leeds City Council for designation as a Neighbourhood Area in January of 2012 and was duly designated on 17th September 2012.
- 2.2 The Neighbourhood Plan Steering Group undertook detailed research as well as extensive engagement and consultation with the local community. This included local organisations, community groups and residents. Views expressed were brought together in and included in the Plan preparation process.
- 2.3 The pre-submission draft plan proposal was formally consulted on from 20th August – 1st October 2016 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 5th April 2017. With the agreement of the Parish Council, the City Council appointed Rosemary Kidd to examine the Draft Plan. Ms Kidd sent her final examination report to the City Council on 19th September 2017 which was duly forwarded to the Parish Council and published on the Council's website.

3 Main issues

- 3.1 The City Council has considered the contents of the examiner's report and particularly notes the examiner's conclusions:

"The Thorp Arch Neighbourhood Plan reflects the views held by the community as demonstrated through consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.

I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies contained in the Development Plan for the area;

- plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements

I am pleased to recommend to Leeds City Council that the Thorp Arch Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.”

- 3.2 Leeds City Council agrees with the recommended modifications put forward by the Examiner. The Council 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 will look to holding the referendum in November or December of this year.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Thorp Arch Neighbourhood Plan is based on extensive public engagement that took place between 2012 and 2016. A wide ranging approach was taken including questionnaires to households, walk in events, information leaflets. 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.

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.

4.4 Resources and value for money

4.4.1 The Thorp Arch Neighbourhood Plan has been prepared by Thorp Arch 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 Thorp Neighbourhood Area and £20,000 will be claimed at the next opportunity once the date for the referendum is fixed (expected to be November / December 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 submitted the draft Site Allocations Plan on 5th May 2017. Once made, the Thorp Arch Neighbourhood Plan will be part of the development plan for Leeds and will be used to help determine planning applications within the Thorp Arch 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 and subsequent referendum.

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. The Council will seek to organise a referendum to take place in November / December 2017.

6 Recommendations

6.1 The Chief Planning Officer is recommended to:

- Agree the modifications that have been recommended by the Examiner
- Agree that the draft Thorp Arch Neighbourhood Plan proceeds to referendum in the Thorp Arch Neighbourhood Area

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.