

Report of Head of Policy and Plans

Report to Chief Planning Officer

Date: 5th December 2017

Subject: Examination of the draft Holbeck Neighbourhood Plan

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Beeston and Holbeck, City and Hunslet	<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 Holbeck Neighbourhood Plan was produced by the Holbeck Neighbourhood Forum 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 in August 2017.
2. The Council appointed Tony Burton CBE BA MPhil (Town Planning) HonFRIBA FRSA to examine the plan with the agreement of the Neighbourhood Forum. The Council received Mr Burton's final examination report on 9th November 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 Holbeck Neighbourhood Plan meets the Basic Conditions and should proceed to referendum.

Recommendations

4. The Chief Planning Officer is recommended to:
 - Agree the modifications set out in the Decision Statement
 - Agree that the draft Holbeck 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 Holbeck 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 The Interim Holbeck Neighbourhood Forum applied to the City Council for designation of the Holbeck Neighbourhood Area and was duly designated on 11th October 2013. The Holbeck Neighbourhood Forum was designated on 27th March 2014.
- 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 23rd May 2016 to 14th July 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 in August of 2017. With the agreement of the Holbeck Board, acting on behalf of the Holbeck Neighbourhood Forum, the City Council appointed Tony Burton to examine the Draft Plan. Mr Burton sent his final examination report to the Council on 9th November 2017 and the report was forwarded to the Neighbourhood Forum 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 summary:

"I consider the Plan to be an effective expression of the community's views and ambitions for Holbeck. It is based on a wide ranging programme of public consultation which has informed a clear Vision and Objectives for the Neighbourhood Area. These are translated into planning policies dealing with issues distinct to the locality. They are supported by relevant projects and a delivery plan. The Plan relates well to the planning policy context provided by Leeds City Council. It is well structured and clearly written and presented, making appropriate use of tinted boxes, maps and photographs. It is supported by a helpful interactive map providing detail for the large number of site based policies. An essential minimum of supporting evidence is provided on most aspects of the Plan and there is good evidence of community support...

Subject to the recommended modifications set out in this report I conclude that the Holbeck neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions..."

- 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 early in 2018.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The Holbeck Neighbourhood Plan is based on extensive public engagement that took place between 2013 and 2016. A wide ranging approach was taken including questionnaires to households, walk in events, information leaflets, business breakfasts and other targeted events. Ward Members were also engaged in the plan preparation process.

4.1.2 Ward Members, Chair of Inner South 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 Holbeck Neighbourhood Plan has been prepared by Holbeck Neighbourhood Forum with the support and assistance of the City Council as well as other bodies. There has been a close working relationship between the Forum and the Council throughout the preparation of the draft Plan.
- 4.4.2 The City Council included the Holbeck NP as a Front Runner, a nationwide programme which provided additional support to groups preparing Plans when Neighbourhood Planning was first introduced. This included £20,000 of additional financial support that the Council held on behalf of the Holbeck Neighbourhood Forum and was used to support the preparation of the Plan. 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 Holbeck Neighbourhood Area and £20,000 will be claimed at the next opportunity once the date for the referendum is fixed (expected to be early 2018).

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 Holbeck Neighbourhood Plan will be part of the development plan for Leeds and will be used to help determine planning applications within the Holbeck 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 Forum 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 early 2018.

6 Recommendations

- 6.1 The Chief Planning Officer is recommended to:

- Agree the modifications set out in the Decision Statement
- Agree that the draft Holbeck Neighbourhood Plan proceeds to referendum in the Holbeck 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.