

Report of Head of Policy and Plans

Report to Chief Planning Officer

Date: 18 February 2020

Subject: Designation of the Micklefield Neighbourhood Area

Are specific electoral wards affected? If yes, name(s) of ward(s): Kippax and Methley	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<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
Will the decision be open 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

1. Main issues

- The Localism Act (2011) gives communities a 'right' to prepare a neighbourhood plan which could decide where new development takes place, what it looks like, and set out opportunities to improve local sustainability.
- The Council has received an application from Micklefield Parish Council to designate the Micklefield Neighbourhood Area.
- If an application is made for the neighbourhood area to cover the whole of a parish, the designation is automatic, there is no requirement for public consultation to take place.
- The application from Micklefield Parish Council is for the whole of the parish of Micklefield to be the neighbourhood area so the designation of the neighbourhood area is automatic.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- Neighbourhood planning helps to deliver on the ambitions of the Best Council Plan by enabling local communities to have a voice in shaping the future growth of their areas. It provides the opportunity to identify and plan for the future sustainability of an area by preparing locally-distinctive planning policies which will be used by the

Council to help determine planning applications in a given area and by setting out projects and aspirations.

3. Resource Implications

- The Council has claimed the full grant funding available to local authorities from DCLG to help cover the cost of designating neighbourhood areas. The Council will be able to claim £20,000 once the neighbourhood plan has been successful at examination and a date for the referendum has been set.

Recommendations

- The Chief Planning Officer is recommended to:
 - a) Designate the Micklefield Neighbourhood Area.

1. Purpose of this report

- 1.1 This report highlights key stages in the neighbourhood planning process and seeks approval for the designation of the Micklefield Neighbourhood Area.

2. Background information

- 2.1 The Localism Act (2011) gives local communities a 'right' to prepare a neighbourhood plan. A neighbourhood plan could decide where new development takes place, what it looks like, and 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. They must meet the 'Basic Conditions' as required by legislation:

- Be in general conformity with the strategic policies of the development plan (i.e. the Leeds Core Strategy);
- Have appropriate regard to national planning policy (the National Planning Policy Framework – NPPF);
- Contribute to the achievement of sustainable development; and
- Be compatible with human rights requirements and EU obligations.

- 2.2 The neighbourhood plan independent examination will test the plan against the Basic Conditions as well as other relevant factors such as consultation and engagement, and the clarity of the plan overall. The neighbourhood plan may include local projects which will not be tested by the examiner but they may make general comments about them.

- 2.3 The Council has a number of statutory responsibilities during the neighbourhood plan preparation process (see ¶4.4) and will seek to work positively with the Parish Council. It is clear from the experience in Leeds and elsewhere that the most successful neighbourhood plans are in areas where there is good collaboration between the Parish Council, the local authority, and other key stakeholders. Holbeck and Walton are considered exemplar in this regard and it is hoped that this success will be replicated in Micklefield.

3. Main issues

- 3.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) specify how a neighbourhood area should be designated. A neighbourhood area application must include the following, as required by Regulation 5:
- A map which identifies the area to which the application relates;
 - A statement explaining why this area is considered appropriate to designated as a neighbourhood area; and
 - A statement that the organisation or body making the application is a relevant body for the purposes of 61G of the Town and Country Planning Act (1990).
- 3.2 The application submitted by Micklefield Parish Council includes a map that clearly identifies the proposed neighbourhood area. The proposed neighbourhood area is co-terminus with the Micklefield parish boundary. A map of the proposed boundary is appended to this report.
- 3.3 The application form specifies that the parish boundary is the same as the neighbourhood area which is considered appropriate for the purposes of neighbourhood planning and is in accordance with planning practice guidance. The application has been made by Micklefield Parish Council which is a relevant body for the purposes of Section 61G of the Town and Country Planning Act 1990. The Council is therefore satisfied that the neighbourhood area application is valid.
- 3.4 The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 introduced a new regulation (5A) to the legislation. Regulation 5A applies where the local planning authority receives an area application from a parish council and the area specified in the application consists of the whole of the parish council's area. It requires local authorities to designate the specified area as a neighbourhood area automatically and removes the regulatory requirement for the Council to conduct public consultation on the proposed neighbourhood area boundary.
- 3.5 Given that the Micklefield area application is for the whole of the parish and meets the requirements of Regulations 5 and 5A, this report recommends that the Chief Planning Officer approves the automatic designation of the Micklefield Neighbourhood Area. The Council has no discretion in making the designation.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Regulation 5A removes the statutory requirement for the council to conduct public consultation on the proposed neighbourhood area.
- 4.1.2 The Parish Council is required to undertake consultation and engagement as part of the preparation of the neighbourhood plan and the Council will provide support.
- 4.1.3 Ward Members and Councillor Mulherin have been consulted on the designation and this report.

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 the Best Council Plan

4.3.1 Neighbourhood planning helps to deliver the ambitions of the Best Council Plan by giving local communities the opportunity to directly shape the future of their local areas. It meets the Best City Priorities in a number of ways, for example:

- **Health and Wellbeing:** neighbourhood plans can address health and wellbeing through exploring green space and green infrastructure issues and including urban design principles;
- **Sustainable Infrastructure:** neighbourhood plans can identify opportunities to improve physical and social infrastructure and include projects to implement those improvements. In addition they can shape green / blue infrastructure design and delivery;
- **Child-Friendly City:** neighbourhood plans can identify sites for new play provision, improve connectivity to existing play provision and can help to ensure new development facilitates children's play and activity;
- **Age-Friendly Leeds:** neighbourhood plans can help older people to remain in their communities by encouraging new provision of housing suitable for elderly people or by identifying sites for new development;
- **Culture:** neighbourhood plans can help to protect existing cultural and community assets and facilities. In addition, they can identify areas of special historic / cultural character for consideration in the planning process and nominate non-designated heritage assets to the Council for inclusion in a Local Heritage List;
- **Housing:** neighbourhood plans can identify and allocate sites for housing development to meet local needs and can shape the delivery of the Council's development allocations;
- **Safe, Strong Communities:** neighbourhood plans can help to build local capacity and community cohesion by bringing together residents, businesses and other stakeholders to prepare a vision for their area; and
- **Inclusive Growth:** neighbourhood plans can be used to bid for funding for local projects which are important to the local community, they can also influence the spending of the neighbourhood portion of the Community Infrastructure Levy.

Climate Emergency

4.3.2 Neighbourhood plans must contribute to the achievement of sustainable development and can help mitigate against the effects of climate change. In particular, they can shape how blue / green infrastructure is delivered and identify links and networks, identify sites that extend habitat networks, promote active travel, and support new development that is of a high quality and sustainable design.

4.4 Resources, procurement and value for money

- 4.4.1 The City Council has claimed the full grant funding available to local authorities from DCLG to help cover the cost of designating neighbourhood areas. The Council will be eligible to claim £20,000 when the neighbourhood plan has passed the independent examination and a date for the referendum has been set.
- 4.4.2 The Council has a statutory Duty to Support neighbourhood planning groups and must undertake a number of statutory responsibilities during the neighbourhood planning process, as follows:
- The designation of the neighbourhood area;
 - The designation of the neighbourhood forum (where relevant);
 - The publication of the neighbourhood plan once it has been submitted for independent examination;
 - To organise, manage, and pay for the independent examination;
 - To organisation, manage, and pay for the referendum; and
 - The formal assessment of the neighbourhood plan against EU regulations.

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 and the Leeds Site Allocations Plan was in 2019. The Core Strategy Selective Review was adopted in 2019. Once made, the Micklefield Neighbourhood Plan will be part of the development plan for Leeds and will be used to help determine planning applications within the Micklefield 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
- 4.6.2 The Council will work closely with the Parish Council to manage and minimise these risks.

5. Conclusions

- 5.1 The Council accepts that the Micklefield Neighbourhood Area application meets the relevant legal requirements and agrees the designation of the Micklefield Neighbourhood Area.

6. Recommendations

- 6.1 The Chief Planning Officer is recommended to:
- a) Designate the Micklefield Neighbourhood Area.

7. Background documents¹

7.1

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.