

Report of: Director of City Development

Report to: Executive Board

Date: 4 January 2012

Subject: Neighbourhood Planning - consultation response to the Government's draft regulations for reform

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No All Wards
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input 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 Government is consulting on the draft regulations governing the process for establishing neighbourhood areas and forums, the requirements of Community Right to Build and the preparations of Neighbourhood Plans and Neighbourhood Development Orders. The Consultation opened on 13th October and closes on 5th January 2012. This report sets out the City Council's proposed response.
2. The key issues and questions relevant to Leeds are based around the following points:
 - The identification and designation of neighbourhood areas and Neighbourhood Forums (non-Parished areas)
 - The 'Duty to Support' communities.
 - Leeds to finance 'light touch' examinations and referendums in the production of Neighbourhood Plans and adopting Neighbourhood Plans as statutory Development Plan Documents.
 - Neighbourhood development orders/ community right to build.
3. Neighbourhood Planning in Leeds is in the very early stages. A broad background to the issues around Neighbourhood Planning and the identification of four pilot areas under the DCLG Neighbourhood Planning Frontrunner grant scheme was set out in a previous report "Developing a response to Neighbourhood Planning in Leeds"

presented to Executive Board on 2nd November 2011. This report duplicates some of the key issues but focuses on the issues in the DCLG consultation document on the draft Regulations.

4. Most of the reforms around Neighbourhood Planning are welcomed in giving greater flexibility and involvement in planning to the local community. However, there are concerns and uncertainties on a number of points that are raised in this report.

Recommendations

Executive Board is recommended to:

- 1 Note the contents of this report (in association with the previous background information in the executive Board report, 2nd November).
- 2 Approve the response to the Government's proposals for reform of Neighbourhood Planning; Community Right to Build and Neighbourhood Development Orders as set out in section 3 of this report and in the questionnaire attached at Appendix 1 and submit to DCLG before 5th January 2012.
- 3 Agree that this report be circulated to Town and Parish Councils for information.

Purpose of this Report

- 1.1 The Government recently published a consultation paper on the draft regulations for Neighbourhood Planning (13th October 2011) which includes the general principles of setting minimum requirements; ensure consistency across the country; engender trust; minimise the burden on communities and Local Planning Authorities; provide local flexibility and meeting EU environmental and human rights legislation.
- 1.2 The introduction of Neighbourhood Planning arises directly from the Localism Bill now enacted (15th November 2011) which was subject to considerable debate and amendment as it progressed through Parliament. The previous report to Executive Board (2nd November 2011) sets out the context and background of Neighbourhood Planning and suggested that the Council will need to develop a response to Neighbourhood Planning in Leeds and review its position in the light of emerging regulations.
- 1.3 The Government consultation runs until 5th January 2012. This report sets out our suggested response to the consultation on the draft Regulations. The main purpose of this report is for Executive Board members to consider and agree the City Council's response. Please note that due to the 5th January deadline this report is not eligible for call-in.

2.0 Background information

What is Neighbourhood Planning?

- 2.1 The Government sees Neighbourhood Planning as central to its decentralisation, Localism and Big Society agenda which aims to ensure that local people have the opportunity to shape and influence planning in the areas they live and work and have more reasons to say "yes" to sustainable development, supporting economic and housing growth. The fundamental principle of Neighbourhood Planning is that the plans are community-led with support from the Local Authority.
- 2.2 Neighbourhood Plans can set out policies for the development and use of land within a particular neighbourhood. For example, it could indicate where new shops, offices, or homes should go, which green space should be protected or created and where new pedestrian walkways should be created. Plans could include local design standards such as the type of materials, scale and character that must be used for any new property. A neighbourhood plan would be subject to an independent "light-touch" examination (paid for by the local authority). The examiner would approve or reject a plan by considering whether it is in accordance with national planning policy and the local plan.

If the plan passes this conformity stage, the examiner will recommend a local referendum. The local authority will then be responsible for organising and paying for this. The neighbourhood plan needs to gain 50% or more support from those voting in the referendum. If the plan is successful in gaining over half the votes the local authority, must adopt the plan and it will form part of the statutory local planning framework, and any future planning applications for that area should be compliant with its contents.

The government's approach to Neighbourhood Planning aims to provide an effective and transparent system which inspires communities to get involved and influence development. The regulations aim to ensure that the system works, is legally robust and that there is a level of consistency across the country.

The Government has also produced a short guide "*An introduction to Neighbourhood Planning*", 13th October 2011 which provides an easy to read introduction to neighbourhood planning and the key elements, including what neighbourhood planning is; why it matters and how it will work and provides information about the sources of advice and support for communities interested in doing neighbourhood planning.

3.0 Main issues

- 3.1 The Draft Regulations on Neighbourhood Planning, Neighbourhood Development orders and Community Right to Build propose "Minimum information requirements" to allow Local Planning Authorities the flexibility to adapt and devise their own procedures. Whilst this flexibility is welcomed there are a number of concerns and key issues that are flagged up in this report and picked up in more detail in our Response to DCLG (see Appendix 1). The main issues are highlighted below:

Resources

- 3.2 There is concern that Local Planning Authorities are being asked to speedily produce up to date local plans, in our case the Leeds Core Strategy and Site Allocations DPD which will provide the context for the production of Neighbourhood Plans at a time when there is considerable pressure on staffing and finance. Without further resources this strategic priority will severely constrain LCC's ability to meet the "duty of support" in providing technical advice to those communities that are expressing an interest in progressing a Neighbourhood Plan. To date Leeds has had interest from twenty groups, but this is expected to grow. Additional staff resources will be needed to progress and deliver the Core Strategy and Site Allocations Development Plan Document work programme priorities and simultaneously provide time and resources to Neighbourhood Planning as well as other planning work. The production of Neighbourhood Plans will require technical input from across the Council's departments through the "duty to support". This will primarily include Planning Policy, Planning Services and Sustainable Design (SDU) but could also include Highways; Drainage; Parks & Countryside; Regeneration; Asset Management; Legal; Finance; Policy and Performance (Census and demographics) etc as well as a range of external stakeholders such as the police, NHS.
- 3.3 Additional funding will be required for the examination and referenda. Section 4 of this report highlights some of the anticipated costings associated with examination and referenda. Further, there will be the time and cost implications associated with advertising and adopting documents.
- 3.4 The Council will need to establish a clear protocol and methodology setting out how Leeds will assist communities and what we can provide by way of technical assistance. This needs to manage communities expectations in a manner that does not stifle community interest or enthusiasm, but does not impact negatively on the progress of the statutory planning functions and work programme priorities and

ensures compatibility with the Core Strategy, site allocations document and wider City Council programmes.

- 3.5 As an example of the level of staff resources Neighbourhood Planning could involve, one of the pilot areas that was put forward in the 2nd November 2011 Executive Board Report (still awaiting a response from DCLG) is well established and under way with collecting community views. This group has already approached the council requesting data on a number of issues, including population change (going back 50 years) and associated changes such as average house prices, social housing numbers and stock turnover; implemented planning permissions, including the total numbers of affordable housing and specialised housing (elderly) along with an update on the retail health check for the town centre.
- 3.6 For each Neighbourhood Plan area, similar data requests are likely to require bespoke data analysis which is time consuming. Particularly where the request will involve the input of other directorates and sections, such as the GIS team for mapping work. Whilst the authority provides a lot of data on the web we are getting more requests to provide data analysis.
- 3.7 Though the Government are providing some grant aid for organisations that have a key role in assisting and training community groups the skill set needed for communities to lead on complex planning documents could be quite demanding and should not be underestimated. Preparation could take longer than Government anticipates. Best practice in Leeds on the preparation of Village and Neighbourhood Design Statements (which are seen to be less complex documents that can take on average 2 years to adopt as supplementary planning guidance. This is without the examination and referendum requirements.
- 3.8 The regulations, as currently drafted, will require the Local Planning Authority (LPA) to publish notification of the application for the designation of Neighbourhood Areas and where Parish and Town councils do not exist the designation of Neighbourhood Forums. The guidance suggests that LPAs will only have to deal with one area designation at a time on a first come first serve basis.
- 3.9 Leeds has had considerable interest in the production of Neighbourhood Planning and out of our 31 Parish and Town Councils we have had 16 expressions of initial interest in pursuing a Neighbourhood Plan and an additional six areas representing inner urban areas. There are likely to be significant further interests from organisations wishing to pursue a community plan.
- 3.10 The Government's emphasis on the production of Neighbourhood Plans is that they must be community-led. However, the regulations will require that Leeds City Council publishes notification of the application for the Neighbourhood Forum on its website along with a statement of any other application(s) for the relevant neighbourhood area (within 28 days of publishing the first application). The Council will need to consider how it manages this process once the regulations are in force.
- 3.11 Once a Neighbourhood Plan is adopted it becomes part of the statutory planning process and it will be for the Council to implement, monitor and enforce the neighbourhood area's plans and proposals. This will have ongoing implications in

terms of time and resources for officers in Planning and Sustainable Development in particular.

- 3.12 The organisation and the costs of the Neighbourhood Planning examination process and referenda will need to be covered by the Local Planning Authority and these cost are not insubstantial. These are covered below.

Examinations and Referendums

- 3.12 Neighbourhood Plans are aimed to be documents that carry real weight in the determination of development and land use proposals for an area and as such will be adopted as Development Plan Documents and carry legal status. The process of an independent examination is an important element in the process. The regulations anticipate that Neighbourhood Plan examinations will be “light- touch” and as such the draft regulations are minimal in setting out what is expected, leaving it to Local Planning Authorities to “best decide how to undertake this activity”.
- 3.13 The appointment of an inspector from PINS can charge over £1k/day. The normal rule is 4 days writing up time for every day of a hearing. The CLG impact assessment suggests examination costs of £5-8k. In practice, Inspectors costs start before the examination, as they are appointed on submission to do preparatory work. If the Inspector decides to undertake the examination in public then additional costs will rise (room hire costs etc).
- 3.14 The Government believes it will be for the examiner to decide when to hold public hearings and therefore the Regulations do not attempt to prescribe the criteria which will determine if a hearing should be held. A reserved power is to be available in case experience shows that public hearings are not happening when they should. Where an examiner decides that matters be dealt with in writing with no public hearing then in these circumstance the costs will be greatly reduced. However this raises questions in regard to what rights of appeal land owners; agents and developers and others have in regard to putting forward alternatives and evidence as part of a “lighter-touch” inquiry process.

Referendums

- 3.15 Throughout the process of Neighbourhood Planning the emphasis is on the community being in the driving seat of planning their area. A referendum at the end of the process would ensure that the community has the final say on whether a neighbourhood plan or development order or community right to build order comes into force in their area. The arrangements for referendums are not included in the draft regulations and therefore there are a number of uncertainties about this part of Neighbourhood Planning at this stage.
- 3.16 Clearly the local costs of referendums will vary depending on the size of the area concerned and whether it can be linked to local elections. The CLG impact assessment offers some indicative costs of £1.50/head or around £7k per ward.

Implementation & Monitoring

- 3.17 The Localism Act provides the power and right for communities to produce their own Neighbourhood Plan for their area allowing communities to have a say on where they think new houses, business and greenspace should go and what they should look like provided that this is in general conformity to national planning policy and the Local Plan and other legal requirements. Guidance needs to provide greater clarity that Neighbourhood Planning is only one part of a wider toolkit for local communities to get involved in planning and that areas not producing a plan are not seen to be vulnerable to development pressures or at a disadvantage.
- 3.18 The guidance must be clear on the requirements of the preparation, consultation and evidence needed to progress a Neighbourhood Plan in a manageable way that communities can work with. It will be essential that Local Planning Authorities work closely with communities at the beginning of the process in order to provide clarity on the statutory requirements and “general conformity issues”. The publication of best practice and our own pilot schemes within Leeds will help to enable capacity building and build upon the skills needed for community groups to take the lead in the preparation of what could be quite complex plans and Neighbourhood Development orders.
- 3.19 Clarification is needed on the constitutional and representative arrangements for setting up and running a Neighbourhood Forum and the Council’s response to DCLG seeks further information in regard to how planning powers are to be assigned, managed, enforced and if necessary removed from Neighbourhood Forums and Parish/Town Councils.
- 3.20 In deciding Neighbourhood Areas there is no discussion within the guidance or the Regulation on how to respond to cross boundary issues where one community might be affected by proposals in an adjoining area. For example traffic impacts or major retail proposals. Although the draft regulations allow for an inspector to recommend extending an area for the purposes of a referendum to ensure that all those that may be affected can have a right to vote, this may disproportionately sway the results and may be too late in the process for communities to feel that they have had any real involvement in the process of a plan that could have most impact on them.

Neighbourhood Development Orders and Community Right to Build

- 3.21 Neighbourhood Development Orders (NDOs) are designed to allocate specific areas where certain types of development will be permitted without planning permission. Such development could include certain types of household extensions, shop fronts and ‘green energy’ proposals. NDOs can apply to all or part of an area and can form part of a neighbourhood plan. Community Right to Build (CRtB) provides local community groups (with a minimum of 5 unrelated members) who live in a particular area, the opportunity and power to deliver local development that provides benefits to the local community in perpetuity. The development will not need to meet traditional planning application requirements.
- 3.22 Both NDOs and CRtB must meet certain criteria, which are still to be determined in further regulations to be issued by the Secretary of State, but this will include a

number of statutory restrictions on their scope. An independent check must be carried out to ensure that the NDO does not breach any EU obligations, or rights under the European Convention of Human Rights. They both have to receive majority support via a local referendum and NDOs.

- 3.23 The regulations require that applications for NDOs and CRtB are submitted to the Local Planning Authority who will then publish in such a manner as it considers appropriate to bring the application to the attention of people who live, work or carry out business in the area to which the application relates and it will be for the Local Planning Authority to decide on whether the order is acceptable or not. There will need to be clear procedures and governance arrangements established in Leeds to undertake this work.
- 3.24 Concern is expressed that the community groups that are entitled to put forward CRtB orders may not necessarily be affiliated with a designated Neighbourhood Forum or Parish/Town council and conflicts may arise between a smaller group interest and the wider local proposals in a Neighbourhood Plan.
- 3.25 The implementation of Neighbourhood Development Orders may encourage growth away from areas that do not have NDOs in place. This is a potential disadvantage to those communities that can not afford to progress Neighbourhood Plans or NDOs yet may be areas that most need to new development to meet, for example, the need for new housing and schools.
- 3.26 The Council's response (see Appendix 1) is also seeking clarity from DCLG on the issue of how appeals from landowners or developers could be dealt with for both NDOs and CRtB orders.

Community Right to Buy and Right to Challenge

- 3.27 Leeds already has a strong track record of community ownership of assets and the council are responding to expressions of interest and is making the procurement and commissioning process more accessible for community organisations.
- 3.28 The Council's response to DCLG (See Appendix 1) seeks clarity on what facilities and services communities can express an interest needs to be provided as expressions of interest will automatically trigger the procurement processes and it needs to be made clear that expressing an interest does not guarantee that communities can find the funding within the timescales. Community Right to Buy and the Right to Challenge will raise local communities expectations in terms of bidding for community assets and involve the Council in additional time and expense in determining the best future use for an asset.
- 3.29 It is likely that the number of requests for asset transfer will increase and this will impact on the Councils capital receipt program and ability to raise revenue from the sale of buildings/land. There is the potential conflict with competing Leeds City Council priorities .I.e. should the asset be sold to raise a capital receipt rather than going to a Community use and the receipt being invested in other Council projects.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The consultation on the draft regulations for reform on Neighbourhood Planning has been subject to national public consultation since 13th October and the deadline for representations is 5th January 2012.
- 4.1.2 The Government's consultation is open to any one to respond. At the Parish and Town Council seminar held on 17th October 2011 Leeds city council officers opened up the opportunity for comments to be submitted to the Council for a joint response. This opportunity was also given to the Leeds Planning and Development Forum held on 18th October. The closing date for responding to officers was held until the 25th November. No comments were received and therefore the opinions put forward in the report are those made by officers.
- 4.1.2 As discussed at Section 1.2, a report on 'Developing a response to Neighbourhood Planning in Leeds' was considered by Executive Board on 2nd November 2011. This set out the context of Neighbourhood Planning in Leeds.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Bringing forward Neighbourhood Planning in Leeds is seen to be a beneficial mechanism to help promote equality and engagement in planning which would be improved if the government recognises the Council's concerns for those communities that have little or no funding or skills to bring this forward.
- 4.2.2 The Government's proposed changes to the Regulations may have some potential implications for equality and diversity, and cohesion and integration, particularly around the provision of Community Right to Build and Neighbourhood Development Orders that may bring forward affordable housing. There is also the concern that inner city areas with high ethnic populations and disadvantaged residents and which are not covered by an existing Parish or Town Council may not possess the resources and skills required to prepare their own proposals and advocate the case for investment in their communities.
- 4.2.3 The Council will ensure that whichever proposals in the Government's consultation document become the final Regulations, that decisions and priorities enacted by the Council will be in the interests of equality and diversity.
- 4.2.4 The preparation of Neighbourhood Plans will require input from a wide range of partners alongside the Local Planning Authority, including Area Committees; Asset Management; Finance; Legal; infrastructure providers and statutory consultees and partners, businesses and developers as appropriate.
- 4.2.5 A high level of community consultation and engagement will be required in order to prove that all sections of the local community have been involved in the neighbourhood planning process. It appears that local authorities would make this judgement through an Equality Impact Assessment.
- 4.2.6 In preparing this report due regard has been had to equality and diversity issues and a screening assessment has been carried out. This considered potential

consequences, but could not suggest any particular action(s) until such time as the Regulations are published. The Council will ensure that whichever proposals in the Government's consultation document become the final Regulations, that decisions and priorities enacted by the Council will be in the interests of equality and diversity.

4.3 Council Policies and City Priorities

- 4.3.1 Some Neighbourhood Plans are already in progress in some areas and interest in starting the process is incredibly high. In particular the Council has submitted bids to the DCLG Front runner pilot grant scheme to seek funding support for four pilot areas across the City.
- 4.3.2 Until the final regulations emerge and further best practice guidance is available, there is much uncertainty about the details of the process of Neighbourhood Planning which is confusing for the community, members and officers. What is certain is that the process of Neighbourhood Planning should not be seen to hold up the process of delivering the Core Strategy or Site Allocations DPDs which will set the context for Neighbourhood Plans and will be key in determining the "general conformity" of Neighbourhood Plans.
- 4.3.3 A neighbourhood plan would form part of the statutory planning policy framework and as such would be a material planning consideration when determining planning applications. Designating neighbourhood planning powers to parish and town councils may require a strengthening of existing governance arrangements. Designated neighbourhood forums would have to have a constitution but it is unclear what status they would have. This issue has implications for a number of our city and cross council priorities across areas such as regeneration, housing growth, consultation and engagement and locality working.
- 4.3.4 The proposed changes set out in the draft regulations broadly reflect Council policies and city priorities in that they have an increased emphasis on community engagement and localism and an intent to increase the amount of community infrastructure, including affordable housing.

4.4 Resources and Value for Money

- 4.4.1 There are clear resourcing costs and constraints in terms of the work needed to set up Neighbourhood Planning in Leeds, including the technical work involved in the duty to support communities, the costs of examination and potential organisation and costs associated with referendums. However, the government appears to recognise that costs will be incurred and the Localism Act established that the Secretary of State may make regulations for the "imposition of charges for the purposes of meeting expenses incurred (or expected to be incurred) by Local Planning Authorities in, or in connection with, the exercise of their Neighbourhood Planning functions". It is not clear what the governments intentions are in this regard and this position will need to be made clear, particularly at this time of extreme financial pressure and shortage of planning officers and the loss of the Housing and Planning Delivery Grant.
- 4.4.2 It is difficult to be precise about the scale of costs likely to arise from Neighbourhood Planning. The CLG has set out a range of possible costs for

examinations £30-40k; and referendums printing £1.5k. This does not include any assessment of in-house staff resource costs nor does it include any arrangements that may be needed to set in place for governance procedures or addressing the longer term monitoring.

- 4.4.3 For an authority the size and complexity of Leeds it can reasonably be assumed that costs will be at the upper end, if not beyond, indicative national averages depending on the number of Neighbourhood Plans and Neighbourhood Development and Community Right to Build Orders coming forward.
- 4.4.4 If early progress is to be made on the four pilot areas and the Council is successful in its bid for the CLG Front Runner pilot grant funding of £20k/pilot then some of the costs covering examination and referendums will be provided for. Although this would leave the communities themselves to fund plan preparation. However, no decision has been made on exactly how this money will be spent if the council is successful in its bid.
- 4.4.5 It is envisaged that the majority of costs (apart from staff resources) for the Local Planning Authority (examinations and referendums), associated with the four pilot areas and any other areas wishing to progress a Neighbourhood Plan are most likely to fall in the 2013/14 period and onwards. For areas wishing to propose a Neighbourhood Development Order or a Community Right to Build Order these could come forward sooner (after the final Regulations are published) and costs could be incurred in 2012/2013 onwards.
- 4.4.6 The implementation of Neighbourhood Planning will need to have clear references to CIL and the Infrastructure Delivery Plan in Leeds as community aspirations arising from community priorities should influence the “meaningful proportion” of CIL (see separate Report to executive Board on “The Community Infrastructure Levy”, 10th December). The Council’s recommended responses to the Government’s consultation document on CIL recognises that neighbourhood funds have a very important role to play in mitigating the local impacts of development and allowing communities to set their own priorities but that this must be replaced against strategic needs.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Once the Government adopts the Regulations the situation will become clearer as regards the detail and will enable a better understanding in Leeds of how neighbourhood Planning and Neighbourhood Development Orders and Community Right to Build Orders can progress.
- 4.5.2 The Council will be responsible for ensuring a Neighbourhood Plan has been produced in line with the relevant National and Local policy and legislation and will be required to arrange for an external examination of any proposed plans and organise the local referendums. There will be a need to fully assess the legal implications of Neighbourhood Planning at an appropriate time.
- 4.5.3 With regard to the pilots proposed, given that the necessary legislation relating to Neighbourhood Planning is not yet in place, the advice from CLG is that councils will need to operate within the restraints of the current system for producing

development plan documents (DPDs) and local development orders. This is different in some significant respects to that anticipated for neighbourhood planning. For example, there is no requirement for a referendum as part of the process, and the examination requirements are also different. The legal requirements for taking DPDs through to adoption are also proposed to change (a consultation on draft regulations has recently closed), in addition to the introduction of new regulations for neighbourhood planning. Given this 'transitional legal framework', legal advice will be required both in the early stages of any pilots as part of any project plan and at key points through the life of the pilot to ensure that the appropriate legal framework is being complied with in order to deliver their anticipated aims.

4.5.4 Due to the 5th January 2012 deadline for responding to the DCLG consultation on the draft neighbourhood planning regulations this report is not eligible for call-in.

4.6 Risk Management

4.6.1 There is a high risk that Neighbourhood Planning is led in areas where there is a strong desire to block development and will attract those people who are already engaged in the planning system and also more likely to engage with the new process and powers available to them to further pursue their interests and wider community voices may be lost. There is concern expressed in the Councils response that there needs to be clarity on the representation of Neighbourhood Planning forums and the controls the Local Planning Authority may have on governance arrangements, as there may be inappropriate power given to people who are not appointed or removable through any democratic process.

4.6.2 If the Council does not develop an overall approach to Neighbourhood Planning council resources may become less focused and interrupt the council priorities of preparing the Core Strategy and Site Allocations DPD. There is also the concern that the more affluent areas will be able to progress sooner, leaving other areas behind. In order to manage this risk it is recommended that officers continue to work on establishing a clear protocol for the delivery and implementation of Neighbourhood Planning.

5.0 Conclusion

5.1 The concept of Neighbourhood Planning as envisaged in the Localism Bill is to give local communities the opportunity to influence the future development of places where they live. However, generally neighbourhood plans are envisaged to be pro-development and will also need to reflect the strategic vision and especially housing targets for the city. Neighbourhood planning builds upon a strong track record in Leeds of working with communities on local planning documents, it aligns with our locality working agenda and has the potential to help us to deliver a number of our strategic priorities. However, alongside these opportunities there are a number of important risks including the potential resources required to respond to this from across the authority including planning, referenda and legal as well as the fact that the legislation is still being amended and will be supplemented by further regulations and guidance.

5.2 Neighbourhood planning is extremely high on the agenda with national and local debate and there is significant interest and concern within communities, parish and

town councils and elected members surrounding all aspects of the planning reform agenda. There is therefore an urgent need to develop the council's response to neighbourhood planning and the proposed pilots will help to do this.

- 5.3 Most of the proposed reforms around Neighbourhood Planning, Neighbourhood Development Orders and Community Right to Build as set out in the draft regulations can be supported for the reasons set out in this report but there are still a number of uncertainties around outstanding details to be subject to further consultation and draft regulations.

6 Recommendations

6.1 Executive Board is recommended to:

1. Note the contents of this report (in association with the previous background information in the executive Board report, 2nd November).
2. Approve the response to the Government's proposals for reform of Neighbourhood Planning; Community Right to Build and Neighbourhood Development Orders as set out in section 3 of this report and in the questionnaire attached at Appendix 1 and submit to DCLG before 5th January 2012.
3. Agree that this report be circulated to Town and Parish Councils for information.

7.0 Background Documents

- 7.1 'Neighbourhood Planning Regulations' Consultation, October 2011
- 7.2 Executive Board Report "Developing a Response to Neighbourhood Planning in Leeds, 2nd November 2011.
- 7.3 EDCI Screening Form

8.0 Appendices

- 8.1 Appendix 1 - Questionnaire response to 'Neighbourhood Planning draft regulations'