

**Report of Director of City Development**

**Report to Development Plans Panel**

**Date: 11 September 2018**

**Subject: Neighbourhood Planning Update**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All	<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 Localism Act 2011 devolved planning powers to parish and town councils or neighbourhood forums to lead on the preparation of neighbourhood plans. A neighbourhood plan can influence where development can go and how it might look but it must have regard to national planning policy and be in general conformity with local strategic planning policy.
2. It is the Government's intention that neighbourhood planning will make planning more accessible to local people and that local communities will be more welcoming of new development due to a renewed sense of ownership and from financial incentives such as the Community Infrastructure Levy (CIL).
3. There are 35 designated neighbourhood areas across Leeds, covering the diversity of the city's neighbourhoods with villages, market towns and inner city communities preparing neighbourhood plans. There are 9 Made plans and a further 7 that are close to examination or referendum, as well as two new areas (Chapel Allerton, Mabgate and Lincoln Green) that are expected to be designated later this year.
4. Plan content and progress varies across the city. Most plans do not allocate sites for housing, with the exception of Clifford (a Made plan) and Walton (Referendum 20 September). Other plans are seeking to shape development more generally and will include a range of locally distinctive policies to do this.

## **Recommendations**

5. Development Plan Panel is requested to:
  - i) Note the progress made by the Council in relation to Neighbourhood Plans

## **1 Purpose of this report**

This report updates Members on neighbourhood planning progress across Leeds and key legislative changes. At the request of Panel Members, consideration is also given to the opportunities to encourage a more even spread of neighbourhood planning activity across the city, with particular reference to the main urban area and the inner-city.

## **2 Background information**

### **2.1 Neighbourhood Planning**

The Localism Act 2011 introduced major reforms to the planning system that give local communities the 'right' to prepare a neighbourhood plan which can set out local planning policies for the development and use of land in a neighbourhood. Neighbourhood plans are subject to public consultation, independent examination and a referendum in the neighbourhood area.

There are over 2,300 communities across the country involved in neighbourhood planning and 35 designated neighbourhood areas in Leeds, the highest number for a city outside of London. Nationally, there are few inner-city communities preparing neighbourhood plans but there is a relatively high number in Leeds with Holbeck (Leeds' first inner-city Made plan), Beeston, Hyde Park, Little Woodhouse and Kirkstall all designated neighbourhood areas. A group in Mabgate and Lincoln Green are expected to apply for neighbourhood area and forum designation later this year.

Neighbourhood plans must meet the statutory 'basic conditions', the key conditions being general conformity with local strategic planning policies and having regard to national planning policies in the National Planning Policy Framework. These set the parameters for the plan and an independent examiner will assess whether a plan meets the 'basic conditions' or not.

Once a neighbourhood plan has received a positive vote from 50% or more people voting at Referendum it becomes part of the Development Plan for Leeds and will be used to help determine planning applications in the neighbourhood area.

## **3. Main Issues**

### **3.1 The Neighbourhood Planning Act (2017)**

The Neighbourhood Planning Act was brought into force in 2017. It strengthened the status of neighbourhood plans earlier in the plan making process and introduced requirements for local authorities to set out the support that they offer:

- Section 1 strengthens the status of advanced neighbourhood plans once they have successfully passed independent examination. Once the local authority has made the decision that the plan can proceed to referendum, the plan (as

modified) becomes a material consideration in the determination of planning applications.

- Section 2 introduces the requirement for local authorities to notify neighbourhood planning groups of planning applications within their neighbourhood areas (the Council was possibly the first in the country to do this, in 2013).
- Section 3 strengthens the status of neighbourhood plans that have received a 'yes' vote at referendum. At the point of a 'yes' vote, the plan is automatically considered part of the development plan in respect of planning applications, even if the local authority has not yet formally made the neighbourhood plan.
- Section 4 provides the opportunity for minor modifications to be made to a made neighbourhood plans with the consent of the relevant parish/town council or neighbourhood forum. It also sets out the procedure for making modifications that would be material to the determination of a planning application.
- Section 5 provides the opportunity for local authorities to make alterations to neighbourhood areas in certain instances, without the need for a new neighbourhood area application to be submitted.
- Section 6 requires local authorities to set out their policies for advising and supporting neighbourhood planning groups under the Duty to Support, this should be set out in the Statement of Community Involvement.
- Section 7 introduces clarity to the examination process, requiring examiners to publish a draft report for comment by the local authority and the parish/town council or neighbourhood forum.

Officers prepared a briefing note on the changes introduced by the Neighbourhood Planning Act and sent to all groups in 2017.

### **3.2 Revised National Planning Policy Framework (NPPF)**

Overall, the revised NPPF strengthens neighbourhood planning and confirms government support for the neighbourhood planning process. It is clear from the revised NPPF that the government is seeking to make neighbourhood planning more 'mainstream' with references to neighbourhood planning now integrated throughout the Framework, sitting alongside references to local plans.

There are several new aspects of the revised NPPF that introduce new powers and strengthen neighbourhood planning, but it is worth noting that none of the opportunities provided to groups in the 2012 NPPF have been deleted or removed.

The key changes introduced by the revised NPPF are as follows:

- Where the presumption in favour of sustainable development involves the provision of housing paragraph 14 confirms that if those proposals conflict with a Neighbourhood Plan, that conflict is likely to significantly and demonstrably outweigh the benefits of the development.

- Paragraph 50 confirms that refusal of planning permission on the grounds of prematurity will be seldom justified where a draft neighbourhood plan has yet to progress beyond the expiry of the LPA publicity period.
- Paragraphs 65 and 66 introduce the opportunity for neighbourhood plans to access a designated neighbourhood area-level housing target. However, this depends on how advanced the local strategic policies are in the plan-making process. Where strategic housing requirement policies have already been adopted, neighbourhood planning groups can request an indicative target which takes account of evidence of local housing needs, the population of the neighbourhood area, existing housing allocations, and the most up-to-date planning strategy for the area. These targets will not need to be re-tested at the neighbourhood plan examination unless a significant change in circumstances affecting the requirement has occurred.
- Paragraph 69 encourages neighbourhood planning groups to consider allocating small and medium sized housing sites (up to 1ha in size) in their area.
- Paragraphs 125 and 126 strengthen the role that neighbourhood plans have in setting design standards in their area.
- Paragraph 136 introduces the opportunity for neighbourhood planning groups to make detailed amendments to the Green Belt boundary (where the need for a Green Belt review has already been identified through strategic policies).

Officers will be preparing a briefing note for all groups on the revised NPPF and the implications for neighbourhood planning in Leeds.

### **3.3 Site Allocations Plan (SAP)**

A number of neighbourhood planning groups were represented at the SAP Hearing Sessions (Aireborough Neighbourhood Forum, Oulton and Woodlesford Neighbourhood Forum and Garforth Neighbourhood Forum). Officers provided an update on neighbourhood planning activity at the start of each HMCA session and, at the request of the Inspectors, a note was prepared setting out how the Council supports neighbourhood planning.

### **3.4 Neighbourhood Planning Progress**

Table 1 shows the progress of plans in Leeds. There are 35 designated neighbourhood areas and 9 Made plans. The number of Made plans is expected to rise to 13 or 14 over the next 6 months. All of the plans that have reached examination in Leeds have passed successfully and have been recommended by the examiners to proceed to Referendum once minor modifications have been made. This examination success is testament to the hard work and commitment of neighbourhood planning groups and to the collaboration that exists with the Council.

Most neighbourhood plans to be Made in Leeds to date have parished areas (Linton, Alwoodley, Clifford, Collingham, Bardsey-cum-Rigton, Barwick-in-Elmet and Scholes, Boston Spa, and Thorp Arch). Holbeck is the first non-parished area to have a Made neighbourhood plan, as well as the first inner-city area. The Holbeck Neighbourhood Plan has been an inspiration to other neighbourhood planning

groups in Leeds and around the country and has been shortlisted for a Royal Town Planning Institute (Yorkshire) Planning for Excellence award later this year.

All neighbourhood plans vary in style and content and set out locally-distinctive policies to help determine planning applications in the neighbourhood area. Most neighbourhood plans in Leeds do not allocate land for housing, with the exception of Clifford (Made) and Walton (Referendum 20<sup>th</sup> September 2018). Most plans include policies on design, the designation of local green spaces, green infrastructure, connectivity, the identification of non-designated heritage assets, supporting local businesses and a range of other policies to make neighbourhoods more sustainable. All neighbourhood plans in Leeds also include an appendix setting out a wide range of projects to facilitate the implementation of the plan and to encourage further community ownership of local issues.

There are 139 separate planning policies in 9 Made neighbourhood plans covering a wide range of topics including design, the built environment, the natural environment, community facilities and assets, connectivity, green infrastructure, local business support and town centres. Neighbourhood plans in Leeds have designated 93 Local Green Spaces, 133 non-designated heritage assets and identified additional sites for 25 homes. This is over and above the Core Strategy and the Site Allocations Plan.

To date, 6133 people have voted in neighbourhood plan referendums in Leeds, with a 'yes' vote ranging from 80% in Holbeck to 96% in Linton. There are approximately 2,000+ people who are members of neighbourhood plan forums or steering groups.

**Table 1: Neighbourhood Planning Progress in Leeds**

Active Expressions of Interest	Neighbourhood Area Designated and Early Engagement	Draft Plan in Preparation	Pre-Submission Consultation Complete	Submission and Examination	Post-Examination	Made
Chapel Allerton	Beeston	Aireborough	Adel	Aberford	Walton	Alwoodley
Mabgate and Lincoln Green	Carlton	East Keswick	Otley	Bramham-cum-Oglethorpe		Bardsey-cum-Rigton
	Kirkstall	Garforth	Oulton and Woodlesford	Kippax		Barwick-in-Elmet and Scholes
	Rothwell	Headingley	Wetherby	Scarcroft		Boston Spa
	Seacroft (progress stalled)	Horsforth				Clifford
	Harewood (Parish Council decided not to continue)	Hyde Park				Collingham
		Little Woodhouse				Holbeck
		Pool-in-Wharfedale				Linton
		Rawdon				Thorp Arch
		Shadwell				
		Thorner				

NB: Colours in the table above correspond to Map 1 attached to this report.

### **3.5 The Council's duty to support, funding and other support**

All neighbourhood planning groups in Leeds are eligible to apply for Government funding of up to £9,000, rising to £16,000 in some circumstances. In addition, consultancy and technical support can be provided where there is a particular need. All groups in Leeds have been in receipt of funding and this is usually spent on administration, consultation and engagement and consultancy fees.

The Council has a 'duty to support' local communities in the preparation of a neighbourhood plans and has a national reputation for the quality of the support that it provides, locally evidenced by the compliments received from a large number of groups. The support provided varies dependant on a group's capacity to prepare a plan and on the level of funding and support they are receiving from other sources. All groups receive advice and support at the formal stages of the plan-making process (neighbourhood area designation, neighbourhood forum designation, pre-submission consultation, examination, referendum) as well as assistance with a wide variety of other areas where needed. This could include advice on consultation and engagement, policy writing, evidence, process issues and mapping. The support provided is continually improved, taking lessons learnt from the examinations to ensure that advice is up-to-date and focussed.

Where there are complex needs or particular challenges, officers have worked closely with groups to provide additional support to that normally provided by the Council. This has included assistance from Planning Aid England, Leeds Beckett University and work experience students from Leeds and elsewhere in the country.

### **3.6 Implementing Neighbourhood Plans**

A successful neighbourhood plan will include policies that are useful in the determination of planning applications and will also include a list of projects to help make the neighbourhood more sustainable (ideally setting out how these projects are to be delivered). All neighbourhood plans in Leeds include both policies and projects. Generally speaking, an examiner will not comment on the projects within a neighbourhood plan (but may recommend that proposed policies instead become projects).

Officers and local groups have been monitoring made neighbourhood plan policies for effectiveness. Early indications are that both policies and the evidence that exists to support them are helpful in determining planning applications. It is, however, difficult to assess how neighbourhood plans have influenced applicants before a planning application has been submitted.

The monitoring that is taking place will help inform groups that are currently preparing their plans to better understand the importance of robust and unambiguous policies. It will also help groups identify any issues when reviewing made plans at a later date.

At the request of a number of groups, the Council is preparing a design toolkit to help neighbourhood plans to improve the quality of design in new development. This will help groups to make the most of the opportunities provided in the revised



NPPF. This has been prepared with the assistance of a number of neighbourhood planning groups and it is hoped that the guide will be used to help identify sites for allocation in neighbourhood plans for local housing needs or to help 'shape' housing sites (large or small) that may be allocated in the Site Allocations Plan. It is anticipated that this toolkit will be complete and shared with groups in October.

All neighbourhood plans in Leeds include a wide variety of projects to help improve local sustainability. These generally include environmental improvements and footpath and cycle routes. Some projects have been delivered by groups as they are preparing the neighbourhood plan as opportunities arise. These have included, a cycle and footpath link in Walton, environmental improvements and a number of community events in Holbeck and an arts festival in Aireborough.

Parished areas are expected to prioritise neighbourhood plan projects when deciding how to spend CIL funds. However, in non-parished areas it is less clear as Community Committees have the final say on how CIL is spent. However, neighbourhood plans will be used by a number of groups to attract other types of funding to help deliver the projects that they have identified.

### **3.7 Spatial distribution**

Leeds has a higher number of neighbourhood planning areas than most local authorities, as well as the most inner-city groups outside of London. Map 1 shows designated neighbourhood areas and areas where there is active current interest. It also shows one area where progress has stalled (Seacroft) and highlights the areas where there has been expressions in neighbourhood planning since 2012 but where a decision was then made either not to progress or local circumstances at the time made progress difficult.

At the Development Plan Panel meeting on 13<sup>th</sup> March 2018, Members requested that officers focus attention on promoting neighbourhood planning in the main urban area and inner-city areas to ensure a more even spread of neighbourhood planning activity. Since then, officers have been actively supporting a new group in the inner-city (Mabgate and Lincoln Green) and another in the main urban area (Chapel Allerton).

In October Leeds will host the country's first neighbourhood planning event for non-parished areas, open to groups from across the country. The focus of the event will be to assist inner-city groups that are already preparing plans and to encourage others to get involved. The Council is hosting the event in partnership with Leeds Beckett University and Planning Aid England. Speakers confirmed include the chair of Holbeck Neighbourhood Forum, the chair of London Neighbourhood Forums, the Centre for Sustainable Energy and the Ministry of Housing, Communities and Local Government. There will also be a workshop hosted by East Street Arts on the experience of getting started in the plan making process in Mabgate and Lincoln Green.

### **3.8 Corporate Support**

The Planning and Sustainable Development Service has been supported by a number of other services across the Council to help meet statutory obligations and to ensure that neighbourhood planning is joined-up and complementary, including

support from Regeneration, Asset Management, Social Services, Education Leeds, Public Health, Electoral Services, Communities Teams and Legal Services.

Community Committees have had an important role to play in neighbourhood planning since 2012. During 2012-16, the Area/Community Committees had a significant role to play in signposting groups, building relationships and in assisting with governance and engagement. This is still relevant for a number of areas but as groups have progressed needs have shifted to delivery, funding and advice and support to help ensure neighbourhood forums can continue once their neighbourhood plan has been made.

Officers provide regular updates to Outer North East Community Committee and a successful workshop was arranged with Outer North West Community Committee in 2015. In 2017 officers wrote to all Community Committees and offered to provide a neighbourhood planning update. In a small number of cases community committee funding has also been provided to a number of groups, most recently £7,000 was awarded to Aireborough Neighbourhood Forum to assist in the preparation of their pre-submission neighbourhood plan.

### **3.9 Community Infrastructure Levy (CIL)**

Where there is a Made neighbourhood plan 25% of the CIL charge on each development in their area will be received (neighbourhood fund) rather than 15% in areas with no neighbourhood plan. In parished areas, the parish or town council will decide how the neighbourhood fund spent. In non-parished areas, it has been agreed by Executive Board that the local Community Committee will decide.

The total CIL invoiced for in 2016/17 was £4,587,493.82 and in 2017/18 was £9,273,269.00 which includes the Strategic Fund (70-80%), Neighbourhood Fund (15-25%) and administration fee (5%). Contributions are paid in instalments over the course of the development being built out, depending on the amount of CIL to be paid. A CIL officer has been appointed and is working closely with neighbourhood planning officers to provide clarity and guidance to groups. Officers are currently working on a CIL guidance note to help neighbourhood planning groups and Community Committees.

Table 2 shows the amounts of CIL that have been received by the Council and paid to Community Committees/Parish & Town Councils as the Neighbourhood Fund.

**Table 2: CIL Neighbourhood Fund Payments**

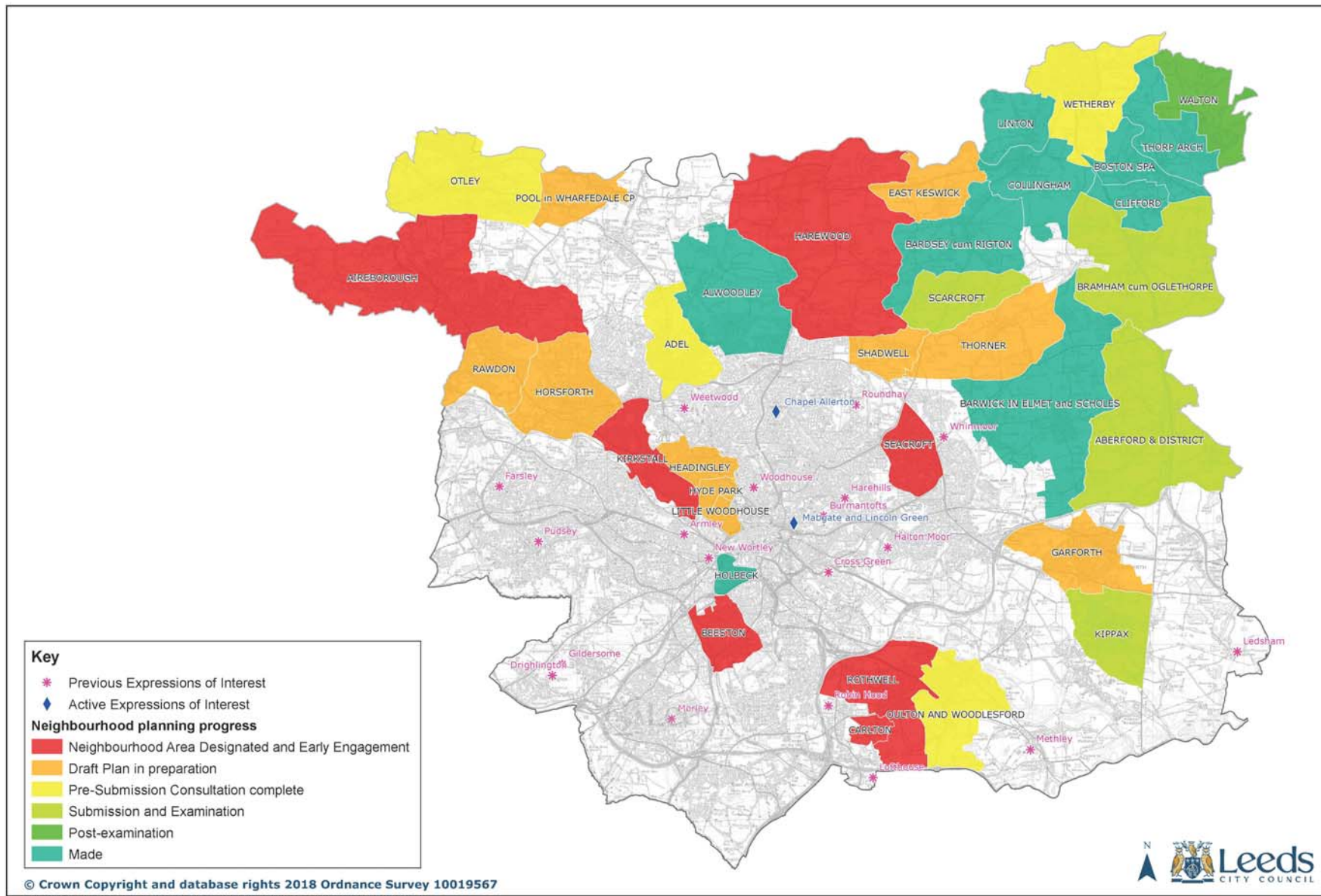
<b>CIL Neighbourhood Fund Payments</b>		
<b>Community Committee Area</b>	<b>2016/17</b>	<b>2017/18</b>
Inner North East	£58,811.38	£43,620.00
Outer North East	£0.00	£0.00*
Inner East	£154,122.59	£22,876.58
Outer East	£14,224.19	£12,575.27
Inner North West	£1,519.01	£10,282.24
Outer North West	£51,802.26	£46,899.07
Inner West	£3,236.89	£43,066.84
Outer West	£122,333.42	£20,397.43
Inner South	£28,118.24	£51,756.58
Outer South	£20,691.07	£10,349.89
Parishes - Made NP (25%)	£0.00	£53,400.97**
Parishes - No Made NP (15%)***	£152,086.80	£194,937.91
<b>Total £1,117,108.72</b>	<b>£606,945.84</b>	<b>£510,162.88</b>

\*Most of the Outer North East Community Committee Area is parished, as such, CIL receipts are paid directly to Parish / Town Councils rather than to Community Committee.

\*\* The 25% Neighbourhood Fund generated in 2017/2018 as a result of the Clifford Neighbourhood Plan being made.

\*\*\*None of the 16/17 Payments Generated 25% of the Neighbourhood Fund due to there being no made Plans in areas where CIL was generated.

# Map 1: Neighbourhood Planning Spatial Distribution



## **4. Corporate Considerations**

Once a neighbourhood plan receives a “yes” vote it will be part of the Development Plan for Leeds. Most plans also promote a number of projects, some of which will involve the Council if they are to be successfully delivered.

A range of services within the Council have had an important role to play in supporting neighbourhood planning and will continue to do so, the level and type of support is largely determined by local issues and by what stage the neighbourhood plan is at in the process.

There are opportunities for the Council to continue to work with neighbourhood planning groups after a neighbourhood plan has been made. Holbeck Neighbourhood Forum have led the way in this and it is anticipated that a number of other neighbourhood forums will follow.

### **4.1 Consultation and Engagement**

Given the ‘bottom-up’ nature of neighbourhood plans, the engagement and consultation undertaken in their preparation tends to be of a high quality. When a neighbourhood plan is submitted for independent examination it is required to be supported by a ‘Consultation Statement’ which sets out the ‘story of the plan’. Examiners have commended a number of groups in Leeds for the rigour and quality of consultation undertaken.

Ward Members are consulted at all stages of the process and have an important role to play in the designation of new neighbourhood areas and forums. Many Ward Members are also active members of neighbourhood forums or steering groups in parished areas.

### **4.2 Equality and Diversity / Cohesion and Integration**

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. Neighbourhood Plans by their very nature should be inclusive and be shaped by a range of people who live, work and carry out business in an area.

Officers encourage groups to fully consider equality issues during the preparation of neighbourhood plans and to prepare an ‘engagement strategy’ early in the process. The ‘Consultation Statement’ should set out how equalities issues have been considered.

### **4.3 Council policies and the Best Council Plan**

Neighbourhood planning links 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).

Neighbourhood planning also meets 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 2018-19-2020-21.

#### **4.4 Resources and value for money**

The cost to the Council of providing support to neighbourhood planning varies in relation to each neighbourhood plan depending upon local issues and the local capacity to prepare a plan as well as the size of the referendum area. The average cost of examination is £6,400 and for Referendum it is £6,000. The Council receives £20,000 from the Ministry of Housing, Communities and Local Government after each Referendum, irrespective of the examination or referendum costs.

There is a wide variation in the amount of officer time given to supporting groups. Some groups can have fairly complex needs and others can be more self-sufficient. However, this rarely stays the same during the time taken to prepare a neighbourhood plan and it will depend on funding, consultant support and local circumstances.

In addition to the £20,000 received after each successful examination, the Council has received £5,000 for each of the 35 neighbourhood area designations and an additional £5,000 for each of the 13 forum designations.

#### **4.5 Legal Implications, Access to Information and Call In**

As soon as possible after a neighbourhood plan is made, the Local Planning Authority must publish the Plan together with the 'decision statement'. This will set out the details of where and when the Plan can be viewed.

There are no legal implications arising from this report.

#### **4.6 Risk Management**

Neighbourhood plans are required to be in general conformity with local strategic planning policy, the Core Strategy and the Unitary Development Plan. They should also be joined-up and complementary with the emerging Site Allocations Plan.

The Neighbourhood Planning Act 2017 set out provisions for the publication of a draft examiners report for comment by the qualifying body and the Council. This has minimised the risk of challenge.

Once a neighbourhood plan is made, its policies take precedence over existing non-strategic policies in the Local Plan for that neighbourhood area if there is conflict. However, with the collaboration between the Council and neighbourhood planning groups throughout the preparation of plans, no areas of conflict have been identified to date.

## **5. Conclusions**

With over 2,300 designated neighbourhood areas in England and 35 in Leeds, neighbourhood planning is firmly established in the planning system. Neighbourhood plans can help to 'shape' new development and improve local sustainability but it is also clear that the process of preparing a neighbourhood plan can have significant social benefits, as seen in Holbeck and other areas. With 9 Made neighbourhood plans, at least 20 others still to be Made and a number of new groups soon to be designated, Leeds continues to be an important area for neighbourhood planning nationally. Looking ahead, the implementation of neighbourhood plans will continue to be a priority as will the collaboration that has led to 9 successful examinations to date. The designation of Mabgate and Lincoln Green and Chapel Allerton will introduce neighbourhood planning to new areas of the city and it is expected that others will follow with the help of collaborative work with Leeds Beckett University and Planning Aid England.

## **6. Recommendations**

Development Plan Panel is requested to:

- i) Note the progress made by the Council in relation to Neighbourhood Plans.

## **7. Background documents<sup>1</sup>**

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.