

Report of Policy and Plans

Report to Chief Planning Officer

Date: 31st October 2018

Subject: Formal Response to Pre-Submission Draft Shadwell Neighbourhood Plan

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Harewood	<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

1.0 Summary of main issues

- 1.1 This report highlights the Council's response to the pre-submission draft Shadwell Neighbourhood Plan which is currently being consulted on by Shadwell Parish Council.
- 1.2 The Council has prepared a formal response to the contents of the draft plan under the following headings:
- Timing/risks – the Site Allocations Plan (SAP) was submitted in May 2017 and the Council is waiting for the Inspector's Report. In July 2018 Government published the revised National Planning Policy Framework (NPPF) which will need to be taken into consideration when preparing the submission draft Neighbourhood Plan.
 - Basic Conditions – the neighbourhood plan will be assessed against the Basic Conditions at examination.
 - General comments on the Plan – Conservation Area, biodiversity and Public Rights of Way issues.
 - Specific Policy Comments – comments on each policy in the Plan.
- 1.3 The response will be sent to the Parish Council and the Neighbourhood Plan Steering Group may wish to discuss the contents in due course. The Parish Council is under no obligation to take the Council's comments and suggestions on board.

2.0 Recommendations

2.1 It is recommended that:

- The Chief Planning Officer approves the City Council's formal response to the Pre-Submission Draft Shadwell Neighbourhood Plan.

3.0 Purpose of this report

3.1 This report recommends the Chief Planning Officer to authorise the Council's comments on the Pre-Submission Draft Shadwell Neighbourhood Plan.

4.0 Background information

4.1 The Localism Act 2011 gives local communities a new 'right' to prepare a neighbourhood plan which could decide where new development takes place, what it looks like and also 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. However, they must follow the following 'basic conditions':

- Be in general conformity with local planning policy (the Core Strategy, Site Allocations Plan)
- have appropriate regard to national policy (the National Planning Policy Framework)
- contribute to the achievement of sustainable development
- Be compatible with human rights requirements
- Be compatible with EU obligations

4.2 The plan will be subject to an independent examination and tested against the 'basic conditions'. Non-planning matters will not be examined although their contribution to achieving sustainable development may be referred to.

4.3 Shadwell Parish Council applied for the designation of the Parish of Shadwell as the Neighbourhood Area in May 2012 and was duly designated by the Council on 17th September 2012.

5.0 Main issues

5.1 The City Council's response is divided under 4 main considerations:

- Timing/risks – the Site Allocations Plan (SAP) Examination has taken place and the Council are awaiting the Inspectors final report. It is not anticipated that there will be any direct consequences for the Shadwell Neighbourhood Plan but it would be wise to be aware that the SAP has yet to be adopted and elements may be subject to change. Additionally, in July 2018, Government published an update to the National Planning Policy Framework (NPPF). Annex 1 to the 2018 NPPF sets out transitional arrangements for plan-making, although for decision taking the 2012 NPPF has now been superseded. Annex 1 establishes that plans submitted on or before 24th January 2019 will be examined against the 2012 NPPF, plans submitted after the 24th January 2019 will be examined

against the 2018 NPPF. Consideration should be given to the anticipated submission date for the neighbourhood plan, and the subsequent impact it will have on the references to the NPPF in the neighbourhood plan and on the Basic Conditions Statement, if it has already been drafted.

- Basic Conditions – neighbourhood plans are assessed against the Basic Conditions at examination. The Council makes comments in relation to the need for a Strategic Environmental Assessment. The Council conducted an SEA Screening exercise which concluded that an SEA for the Shadwell Neighbourhood Plan is **not** required.
- The overall plan and general comments – the Council makes a few general comments on the plan on Conservation Area, biodiversity and Public Rights of Way issues.
- Planning Policies – the Council makes a number of detailed comments on individual policies and suggests further work and changes to wording.

5.2 Overall it is considered that the draft plan is in general conformity with national guidance and the strategic policies of the Core Strategy however there a small number of areas where Policies could be more locally-specific than existing strategic policies and where further detail could be added.

6.0 Corporate Considerations

6.1 Once the Plan is made, the Shadwell Neighbourhood Plan will be part of the statutory development plan for Leeds. It will also promote a number of projects, some of which may involve the Council in their delivery.

7.0 Consultation and Engagement

7.1 The Shadwell Neighbourhood Plan group has undertaken extensive and wide engagement with the residents and businesses of as well as with statutory bodies and other external organisations.

7.2 Ward members have been consulted as part of the preparation of the Neighbourhood Plan. They have also been provided with the Council's formal response to the Pre-Submission draft Plan.

8.0 Equality and Diversity / Cohesion and Integration

8.1 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.

9.0 Council policies and City Priorities

9.1 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).

10.0 Resources and value for money

10.1 The Department of Communities and Local Government will provide £5,000 to the Local Planning Authority for the first five neighbourhood area designations made and a further £5,000 for the first five neighbourhood forum designations, to assist with costs. It will also provide a further £20,000 once a date has been set for a referendum following a successful examination. The City Council has now claimed the maximum amount available for area and forum designations and will continue to claim on arrangement of referenda.

11.0 Legal Implications, Access to Information and Call In

11.1 Neighbourhood planning is taking place within a new and fast-changing national planning background which is focussed on economic growth, localism and sustainability meaning testing times for local decision-making.

11.2 A number of neighbourhood plans being prepared by local communities will be proceeding to examination and subsequent referendum over the next 12 months.

12.0 Risk Management

12.1 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. There is also the possibility of judicial review. 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. The Council will continue to encourage Neighbourhood Planning groups to consult and engage as widely as possible in the plan making process which should, in turn, reduce the risk of a legal challenge.

13.0 Conclusions

13.1 The formal pre-submission response sets out the positive aspects of the Plan as well as the Council's observations and suggestions on areas that it considers would benefit from further work. It will be for the Parish Council to consider all comments made by the Council and others and make appropriate changes to the document prior to submission for examination.

14.0 Recommendations

14.1 It is recommended that:

- The Chief Planning Officer approves the City Council's formal response to the Pre-Submission Draft Shadwell Neighbourhood Plan.

15.0 Background Documents¹

15.1 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.