

**Report of Head of Policy and Plans**

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**Report to Chief Planning Officer**

**Date: 5 December 2018**

**Subject: Examination of the draft Scarcroft 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

**Summary of main issues**

1. The draft Scarcroft Neighbourhood Plan was prepared by Scarcroft Parish Council 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 independent examination in May 2018.
2. The Council appointed Terry Heselton BA (Hons), DIP TP, MRTPI to examine the plan with the agreement of the Parish Council. The Council received Mr Heselton's final examination report on 13 November 2018.
3. The Council has considered the contents of the report and accepts the recommended modifications and reasons set out by the examiner. All of the proposed modifications are set out in the Decision Statement appended to this report. The Council considers that subject to these modifications being made, the draft Scarcroft Neighbourhood Plan meets the Basic Conditions and should proceed to referendum.

**Recommendations**

The Chief Planning Officer is recommended to:

- Agree the recommended modifications to the Scarcroft Neighbourhood Plan.
- Agree that the draft Scarcroft 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 Scarcroft Neighbourhood Plan and sets out the Council's response to the contents, especially the recommended modifications. It also looks forward to the referendum stage.

## 2 Background information

- 2.1 Scarcroft Parish Council applied to Leeds City Council for designation as a Neighbourhood Area and was duly designated by the Council on 31<sup>st</sup> January 2013. Following amendments made to the Parish Boundary in 2014, the Parish Council subsequently applied for the re-designation of the Neighbourhood Area to match the new Parish Boundary, and was duly designated by the Council on 15<sup>th</sup> November 2016.
- 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. This is articulated in the Scarcroft Neighbourhood Plan Consultation Statement.
- 2.3 The pre-submission draft plan proposal was formally consulted on from 17<sup>th</sup> July and 28 August 2017 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 May 2018. With the agreement of the Parish Council, the City Council appointed Terry Heselton to examine the draft Plan. Mr Heselton sent the final examination report to the Council on 13<sup>th</sup> November 2018 which was duly forwarded to the Parish Council 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 conclusions:

*"I consider the Neighbourhood Plan meets the relevant legal requirements and subject to the modifications recommended in my report it is capable of satisfying the four 'Basic Conditions'.*

*Although there are a number of modifications the essence of the policies would remain, providing a framework, for managing future development proposals and conserving and enhancing the local environment.*

***I therefore recommend that the Neighbourhood Plan should, subject to the recommended modifications, proceed to Referendum."***

- 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. 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 Council agrees that the plan should proceed to referendum and will look to holding the referendum in February 2019.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The Scarcroft Neighbourhood Plan is based on extensive public engagement that took place between 2012 and 2017. A wide ranging approach was taken including questionnaires to households, walk in events, information leaflets. Ward Members were also engaged in the plan preparation process.

4.1.2 Ward Members, Chair of Outer North East 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 Scarcroft Neighbourhood Plan has been prepared by Scarcroft Parish Council with the support and assistance of the City Council. There has been a

good working relationship between the two councils during the preparation of the Plan Proposal.

- 4.4.2 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 Scarcroft Neighbourhood Area and £20,000 will be claimed at the next opportunity once the date for the referendum is fixed (expected to be February 2019).

#### **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 submitted the Revised Submission Draft Site Allocations Plan to the Secretary of State on 23<sup>rd</sup> March 2018. Once made, the Scarcroft Neighbourhood Plan will be part of the development plan for Leeds and will be used to help determine planning applications within the Scarcroft 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 Parish Council 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 February 2019.

### **6 Recommendations**

- 6.1 The Chief Planning Officer is recommended to:

- Agree the recommended modifications to the Scarcroft Neighbourhood Plan.
- Agree that the draft Scarcroft Neighbourhood Plan proceeds to referendum.

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

7.1 None<sup>2</sup>

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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.