



Report of Head of Policy and Plans

Report to Chief Planning Officer

Date: 15 July 2019

Subject: Examination of the draft Otley Neighbourhood Development Plan

Are specific electoral wards affected? If yes, name(s) of ward(s): Otley and Yeadon	<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 draft Otley Neighbourhood Plan was prepared by Otley Town 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 October 2018.
- The draft Otley Neighbourhood Plan covers the Otley Neighbourhood Area, which is for the most part within the Leeds City Council area, with two small areas outside of the Leeds boundary being in Harrogate Borough.
- The Council appointed Chris Collison BA (Hons) MBA MRTPI MIED MCMI IHBC to examine the plan with the agreement of Harrogate Borough Council, Otley Town Council, Mid-Wharfedale Parish Council and Lower Washburn Parish Council. The Council received Mr Collison's final examination report on 10 June 2019.
- 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 Otley Neighbourhood Plan meets the Basic Conditions and should proceed to referendum. Harrogate Borough Council has also considered the contents of the

report and agrees the modifications set out by the Examiner. Harrogate Borough Council's Decision Statement was published on 11 July.

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 Otley Neighbourhood Plan has been prepared by Otley Town Council with the support and assistance of the City Council and Harrogate Borough Council. There has been a good working relationship between all of the councils during the preparation of the Plan Proposal.
- 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 Otley Neighbourhood Area and £20,000 will be claimed at the next opportunity once the date for the referendum is fixed (expected to be October 2019).

Recommendations

- The Chief Planning Officer is recommended to:
 - a) Agree the recommended modifications to the Otley Neighbourhood Plan.
 - b) Agree that the draft Otley Neighbourhood Plan proceeds to referendum.
 - c) Note the same decisions made by Harrogate Borough Council.

1. Purpose of this report

- 1.1 This report highlights key elements in the report of independent examination for the draft Otley 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 Otley Town Council applied to Leeds City Council for designation as a Neighbourhood Area and was duly designated by the Council on 29 May 2013. Two small parts of the Otley Neighbourhood Area fall within Harrogate Borough, as such the Neighbourhood Area was designated concurrently by Harrogate Borough Council on 29 May 2013. Both Leeds City Council and Harrogate Borough Council have supported the preparation of the plan.

- 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 Otley Neighbourhood Plan Consultation Statement.
- 2.3 The pre-submission draft plan proposal was formally consulted on from 8 September and 30 October 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 on 25 October 2018. With the agreement of the Parish Council, the City Council appointed Chris Collison to examine the draft Plan. Mr Collison sent the final examination report to the Council on 10 June 2019 which was duly forwarded to Harrogate Borough Council, Otley Town Council, Mid Wharfedale Parish Council and Lower Washburn Parish Council and published on the Council's website.

3. Main issues

- 3.1 The examiner's report, received by the Council on 10 June, assesses and explains how the plan meets the Basic Conditions and other relevant legal requirements. It recommends a series of modifications to the policies, text and maps to improve clarity and ensure that the plan provides a clear and practical framework for use in decision making.
- 3.2 The City Council has considered the contents of the examiner's report and particularly notes the examiner's conclusions:

I am satisfied that the Neighbourhood Plan:

- *is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and*
 - *subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the Basic Conditions*
- 3.3 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.
- 3.4 The Council has worked closely with Harrogate Borough Council throughout the preparation of the neighbourhood plan, particularly in respect of the independent examination process. Harrogate Borough Council also agrees the modifications as set out by the Examiner and has published its decision under Regulation 18 of the Neighbourhood Planning Regulations 2012 (as amended).
- 3.5 The Council agrees that the plan should proceed to referendum and will look to holding the referendum in October 2019. Harrogate Borough Council also agrees

that the plan should proceed to referendum. Electoral Services teams at both Councils will work jointly to arrange the referendum.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 The Otley Neighbourhood Plan is based on extensive public engagement that took place between 2012 and 2018. A wide ranging approach was taken including questionnaires to households, walk in events, information leaflets. Dedicated sessions were held for landowners and those with an interest in specific sites mentioned in the emerging plan.

4.1.2 Ward Members were also actively engaged in the plan preparation process.

4.1.3 Ward Members and Councillor Mulherin 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 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 Otley Neighbourhood Plan has been prepared by Otley Town Council with the support and assistance of the City Council and Harrogate Borough Council. There has been a good working relationship between all of the 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 Otley Neighbourhood Area and £20,000 will be claimed at the next opportunity once the date for the referendum is fixed (expected to be October 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 the Leeds Site Allocations Plan was adopted by the Council on 10 July. The Core Strategy Selective Review is also due to be adopted imminently. Once made, the Otley Neighbourhood Plan will be part of the development plan for Leeds and for Harrogate and will be used to help determine planning applications within the Otley 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 continue to work closely with the Town 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 October 2019.

5.2 The Council acknowledges the decision made by Harrogate Borough Council on 11 July 2019 which also agrees with the examiner's report and that the neighbourhood plan can proceed to a referendum.

6. Recommendations

6.1 The Chief Planning Officer is recommended to:

- a) Agree the recommended modifications to the Otley Neighbourhood Plan.
- b) Agree that the draft Otley Neighbourhood Plan proceeds to referendum.
- c) Note the same decisions made by Harrogate Borough Council.

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.