

**Report to Chief Planning Officer****Date: 21 May 2020****Subject: The Making of Otley Neighbourhood Plan**

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|--|---|
| Are specific electoral wards affected?<br>If yes, name(s) of ward(s): Otley & 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?<br>If relevant, access to information procedure rule number:<br>Appendix number: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

**Summary****1. Main issues**

- On 20 February 2020 a local referendum was held on the Otley Neighbourhood Plan (hereafter Otley NP). The plan can be viewed: <https://www.leeds.gov.uk/planning/planning-policy/neighbourhood-planning/otley-neighbourhood-plan>. 89.9% of those who voted were in favour of the Plan being made.
- Section 3 of the Neighbourhood Planning Act 2017 (enacted) states that neighbourhood plans are considered part of the Development Plan once they have received a 'yes' vote at referendum and that they should be given full weight in the determination of planning applications within the neighbourhood area. The Council has no discretion whether it formally makes the plan, unless it is considered that the making of the plan would breach European Union obligations (including Human Rights).
- The Otley NP forms part of the Council's Development Plan and will be used by the Council alongside other local planning documents to determine planning applications in the Otley Neighbourhood Area. The Council is now formally making the Plan part of the Development Plan. The Plan sets out a locally distinctive vision for the area and is the result of local consultation and positive collaboration between Otley Town Council and the Council.
- The 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. Harrogate Borough Council formally made the Otley Neighbourhood Plan at its meeting on Wednesday 4 March 2020.

## **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 during the preparation of the plan proposal.
- The Council has claimed the full grant funding available to local authorities from MHCLG to help cover the cost of supporting neighbourhood planning groups. £5,000 was claimed on designation of the Otley Neighbourhood Area and £20,000 has been claimed to cover the costs of the examination and referendum.

## **Recommendations**

- The Chief Planning Officer is recommended to:
  - a) Make the Otley Neighbourhood Plan.
  - b) Note the same decision made by Harrogate Borough Council.

### **1. Purpose of this report**

- 1.1 This report recommends that the Chief Planning Officer makes the Otley NP following the result of the local referendum on Thursday 20 February 2020 where a majority of those voting (89.9%) voted in favour the Plan.

### **2. Background information**

- 2.1 The Localism Act 2011 amended the Planning and Compulsory Purchase Act 2004 to introduce major reforms to the planning system, giving local communities the 'right' to prepare a neighbourhood plan. A neighbourhood plan is a statutory planning document which can set out local planning policies for the development and use of land in a neighbourhood and is subject to public consultation, independent examination and a referendum.
- 2.2 A neighbourhood plan must meet the statutory 'basic conditions', the key 'conditions' being 'general conformity' with local strategic planning policies and 'regard' to the national planning policies in the National Planning Policy Framework. These set the parameters for the plan and an independent examiner then assesses whether a plan meets the 'basic conditions' or not.

2.3 There are 39 groups in Leeds preparing neighbourhood plans. Of the 39, 15 have been formally made by the Council. Over the next 12 months it is expected that many more of the Plans will reach examination and referendum stage. Clifford was the first neighbourhood plan in Leeds to be formally made by the Council's Executive Board in March 2017. Executive Board also resolved that further plans in Leeds that come forward can be made by the Chief Planning Officer through delegated powers

### 3. Main issues

#### ***Referendum***

3.1 A referendum was held in the Otley Neighbourhood Area on Thursday 20 February 2020 and posed the question "Do you want Leeds City Council to use the Neighbourhood Plan for Otley to help it decide planning applications in the neighbourhood area?"

3.2 A majority of those who voted were in favour of the Otley NP being used to help decide planning applications in the neighbourhood area. The results of the referendum were:

| <b>Response</b> | <b>Votes</b>        |
|-----------------|---------------------|
| <b>Yes</b>      | <b>2427 (89.9%)</b> |
| <b>No</b>       | <b>274 (10.1%)</b>  |
| <b>Turnout</b>  | <b>23.64%</b>       |

#### ***Making the Plan***

3.3 Section 3 of the Neighbourhood Planning Act 2017 (enacted) states that:

*"a neighbourhood plan which relates to that area also forms part of the development plan for that area if-*

*(a) Section 38A(4)(a) (approval by referendum) applies in relation to the neighbourhood development plan, but*

*(b) The local planning authority to whom the proposal for making the plan has been made have not made the plan."*

3.4 This means that once a neighbourhood plan has received yes vote at referendum, a plan is considered part of the development plan for the area in the determination of planning applications.

3.5 Given that more than half of those voting voted in favour of the Plan, statutory requirements state that the Council must make the Otley NP within 8 weeks following the day of the referendum. It is therefore considered appropriate for the Council to formally make the Otley NP part of the Development Plan for Leeds. Harrogate Borough Council made the Otley NP on Wednesday 4 March 2020.

3.6 The Council has no discretion in making the Plan unless it considers that making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

3.7 Officers are satisfied that the making of the Otley NP would not breach, nor be otherwise incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

## 4. Corporate considerations

### 4.1 Consultation and engagement

- 4.1.1 The Plan was prepared through ongoing community consultation and engagement as well as positive collaboration with the Council.
- 4.1.2 Ward Members and the Executive Member have been kept informed of the Plan's progress by both officers and the Town Council. They have also been consulted on the decision to make the plan.

### 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 expenditure cost of neighbourhood plans to the Council varies, related to local issues and the local capacity to prepare a plan as well as the size of the referendum area. The Town Council has had a high capacity to prepare the Plan. The cost to the Council of the Otley NP independent examination was £11,797.20 and the referendum was £18,168.96

4.4.2 Local Planning authorities are able to claim £20,000 from the Ministry of Housing, Communities and Local Government following the successful examination of a neighbourhood plan and the fixing of a date for the referendum. A claim for £20,000 for the Otley NP has been submitted.

### **4.5 Legal implications, access to information, and call-in**

4.5.1 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. The decision is exempt from call-in pursuant to Rule 5.1.3 of the Executive Decision making Procedure rules as it is considered urgent as any delay in making the decision will seriously prejudice the Council's interest, namely that it would not be possible to make the Plan in accordance with the statutory timeframe which requires that the Plan be made within 8 weeks from the day after the referendum is held.

### **4.6 Risk management**

4.6.1 The Examination process tested the Otley NP against the 'Basic Conditions'. The modifications that were recommended by the Examiner have amended the Plan so that it fully meets the Basic Conditions. This has minimised risk of challenge and removed any potential conflict between the Neighbourhood Plan and the adopted policies of the development plan. The process has resulted in clear, robust and deliverable policies for applicants and the Council as the Local Planning Authority.

4.6.2 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 the Town Council throughout the preparation of the Plan, no areas of conflict have been identified.

## **5. Conclusions**

5.1 The Otley Neighbourhood Plan meets the statutory 'basic conditions' and given the referendum result it must be made by the Council.

## **6. Recommendations**

6.1 The Chief Planning Officer is recommended to:

- a) Make the Otley Neighbourhood Plan.
- b) Note the same decision made by Harrogate Borough Council.

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