

The Making of Shadwell Neighbourhood Plan

Date: 24 June 2021

Report of: Head of Policy and Plans

Report to: Chief Planning Officer

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- On Thursday 6th May 2021 a local referendum was held on the Shadwell Neighbourhood Plan (Shadwell NP). The plan and supporting information can be viewed on www.leeds.gov.uk/np. 92% of those who voted were in favour of the plan being made.
- In accordance with Part 3 of the Neighbourhood Planning Act 2017, the Shadwell NP forms part of the Council's development plan and will be used by the Council alongside other development plan documents to determine planning applications within the Shadwell Neighbourhood Area. The Council is now formally making the Shadwell NP part of the development plan. It sets out a locally-distinctive vision for the area and is the result of local consultation and positive collaboration between Shadwell Parish Council and the Council.
- 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.

Recommendations

- a) It is recommended that Chief Planning Officer makes the Shadwell Neighbourhood Plan for the Shadwell Neighbourhood Area.

Why is the proposal being put forward?

- 1 The Shadwell NP, prepared by Shadwell Parish Council, has been subject to a local referendum within the Shadwell Neighbourhood Area (co-terminus with the Shadwell Parish Boundary) which asked the question “*Do you want Leeds City Council to use the Neighbourhood Plan for Shadwell to help it decide planning applications in the neighbourhood area?*”
- 2 The referendum took place on Thursday 6th May 2021. A majority of people who voted, voted in favour of the plan. The results of the referendum were:

Response	Votes
Yes	718 (92%)
No	60 (8%)
Turnout	51%

- 3 Section 3 of the Neighbourhood Planning Act 2017 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 in the neighbourhood area.
- 4 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) (retained EU legislation).
- 5 Officers are satisfied that the making of the Shadwell 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).
- 6 A neighbourhood plan must meet the statutory ‘Basic Conditions’, the key conditions being general conformity with the strategic policies of the development plan for the area, having appropriate regard for national planning policies in the National Planning Policy Framework, and contributing to the achievement of sustainable development. The Basic Conditions set the parameters for the plan and an independent examiner then assesses whether a plan meets the Basic Conditions or not.
- 7 The independent examiner for the neighbourhood plan, Tony Burton MPhil (Town Planning) HonFRIBA FRSA, found that the neighbourhood plan, subject to proposed modifications set out in the independent examiner’s report, meets the Basic Conditions and therefore should proceed to referendum. The independent examiner’s proposed modifications were made to the draft neighbourhood plan in advance of the referendum.
- 8 Given that more than half of those voting voted in favour of the plan, statutory requirements (as set out in Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) and The Neighbourhood Planning (General) Regulations 2012 (as amended)) state that the Council must make the Shadwell NP within 8 weeks following the day of the referendum. It is therefore considered appropriate for the Council to make the Shadwell NP part of the development plan for Leeds.
- 9 This report therefore recommends that the Chief Planning Officer makes the Shadwell NP following the result of the referendum on 6th May as a majority of those voting (92%) voted in favour of the plan.

What impact will this proposal have?

Wards Affected: Harewood Ward

Have ward members been consulted?

Yes

No

- 10 The making of the Shadwell NP means that the plan forms part of the development plan for Leeds and will be used, alongside other development plan documents, to help determine planning applications within the Shadwell Neighbourhood Area.

What consultation and engagement has taken place?

- 11 The neighbourhood plan was prepared through a programme of consultation and engagement within the area and with key stakeholders. This programme was led by Shadwell Parish Council and included statutory pre-submission consultation in accordance with Regulation 14 of The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 12 As well as local consultation, the neighbourhood plan has been prepared collaboratively with the Council. There has been an excellent working relationship throughout the preparation of the plan.
- 13 Ward Members have been involved in the neighbourhood planning process in Shadwell and have been kept informed of progress by both officers and the Parish Council. They have also been consulted on the decision to make the plan.
- 14 The Executive Member for Infrastructure and Climate has been consulted on the decision to make the plan.

What are the resource implications?

- 15 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 Parish Council has had a high capacity to prepare the neighbourhood plan. The cost to the Council of the Shadwell Neighbourhood Plan independent examination was £6206.10 and the cost of the referendum was £3,731.19
- 16 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 of £20,000 for the Shadwell NP has been submitted.

What are the legal implications?

- 17 In accordance with legislative requirements, as set out with The Neighbourhood Planning (General) Regulations 2012 (as amended) and The Planning and Compulsory Purchase Act 2004 (as amended), the neighbourhood plan should be made within 8 weeks of the day following the referendum.
- 18 As soon as possible after a neighbourhood plan is made, the local planning authority must publish the made neighbourhood plan together with the 'decision statement' (see appendix 1). The decision statement sets out where the neighbourhood plan can be viewed.
- 19 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. 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 set out above.

What are the key risks and how are they being managed?

- 20 The examination process tested the Shadwell NP against the Basic Conditions. The modifications that were recommended by independent examiner have amended the plan so that it fully meets the Basic Conditions. This has managed risk of challenge and removed any potential conflict between the Shadwell NP 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.
- 21 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, both the collaboration between the Council and the Parish Council and the independent examination process have helped to ensure that no areas of conflict have been identified.
- 22 The Council has sought to minimise risks throughout the process, by following the process for neighbourhood plan preparation as set out in The Neighbourhood Planning (General) Regulations 2012 (as amended).

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

- 23 Neighbourhood planning relates well to all three of the Council's Key Pillars. It promotes opportunities for communities to get involved in and shape the development of their areas over the long term. Through the process, communities can influence and encourage the development of healthy places, in accordance with locally-set priorities. Neighbourhood plans are also required, through the Basic Conditions, to contribute to the achievement of sustainable development, as understood in social, environmental and economic terms.

Options, timescales and measuring success

a) What other options were considered?

- 24 As the neighbourhood plan has received a 'yes' vote at referendum, and the Council has no discretion on whether to make the plan unless it considers that making the plan would breach or be otherwise incompatible with EU obligations or any of the Convention rights. Officers are satisfied that the making of the plan would not breach or be otherwise incompatible with EU obligations or any of the Convention rights.

b) How will success be measured?

- 25 Successful implementation of the neighbourhood plan will be measured through monitoring the decision-making on planning applications within the Shadwell Neighbourhood Area.

c) What is the timetable for implementation?

- 26 Following publication of the Decision Statement, the neighbourhood plan will be formally made and be part of the development plan for Leeds.
- 27 The plan period for the Shadwell NP is from 2020 to 2033.

Appendices

28 Appendix 1 provides the Decision Statement which confirms that the Council is making the plan, in accordance with Regulation 19 of The Neighbourhood Planning (General) Regulations 2012 (as amended).

Background papers

29 None.