

Designation of the Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum

Date: 08/10/2021

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

- This report considers the designation of the Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum. The report covers information relevant to the designation, the duties that the Council has in making a designation and the consultations that have been undertaken.
- The proposed Forum will be tasked with delivering the neighbourhood plan for the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area, which was designated on 16th January 2020.
- A copy of the neighbourhood forum application is attached as Appendix 1 which includes a supporting statement that provides further information on forum membership and the work of the interim forum to date.
- The application was publicised and comments invited for a period of 6 weeks from 12th August to 23rd September 2021. A total of 13 representations were received, 11 in support, 2 wishing to make no comment. A table summarising the written comments received is attached as Appendix 2.
- Neighbourhood Plans link well to all three of the Council's corporate priorities set out in the Best Council Plan:
 - Leeds will be fair, open and welcoming – Neighbourhood planning is open to all Leeds communities and the Council is pro-active and positive in the support that it provides. 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 – Neighbourhood planning offers many opportunities to contribute to the achievement of sustainable development;
 - All Leeds' communities will be successful – The neighbourhood planning process involves setting out a neighbourhood vision which the plan will positively seek to deliver, for 'shaping' development, delivering projects and working collaboratively.

- Neighbourhood Planning also meeting the Council’s value of ‘Working with communities’ and “empowering people to influence decisions where they live” as set out in the Best Council Plan 2020-2025.

Recommendations

It is recommended that:

- The Chief Planning Officer designates the Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum for the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area, subject to the formal adoption of a constitution by the neighbourhood forum pursuant to Section 61F of the Town & Country Planning Act 1990.

Why is the proposal being put forward?

- 1.1 The ‘Interim Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum’ has been led by a steering group who have guided the neighbourhood planning activity undertaken so far. Designation of the Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum is the next step in the process and will enable the group to proceed with the formal preparation of the neighbourhood plan.
- 1.2 The application proposes an initial membership of 28, made up of 15 residents, 2 Elected Members, 10 people who work/carry out business in the area and 1 organisation.

What impact will this proposal have?

Wards Affected: Burmantofts and Richmond Hill and Little London and Woodhouse

Have ward members been consulted? Yes No

- 2.1 The Mabgate, Lincoln Green and Burmantofts Neighbourhood Area falls within both the Burmantofts and Richmond Hill Ward and Little London and Woodhouse Ward. Ward Members are encouraged to participate in the neighbourhood planning process and will be kept informed of progress both by the Neighbourhood Forum and Officers.
- 2.2 If designated, the proposed Forum will be tasked with delivering the neighbourhood plan for the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area, which was designated on 16th January 2020.

What consultation and engagement has taken place?

- 3.1 The Interim Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum has been supported to date by East Street Arts, who are supporting creative engagement activities to raise awareness of neighbourhood planning and build capacity within the local community. East Street Arts, who initiated neighbourhood planning in this area, have led on convening the Forum for the area and have conducted a wide range of engagement activity focussed on the “neighbourhood” since early 2018.

- 3.2 Engagement activities that have been used to raise awareness about the neighbourhood planning process in Mabgate have included:
- Leafletting the local area;
 - Organising a business-specific event;
 - Attendance at community meetings;
 - The producing of a “neighbourhood zine”;
 - Setting up the East Leeds Gift Exchange;
 - Q&A Drop In sessions;
 - Running a Summer School for young people ages 10-13 focussing on the theme of “my neighbourhood”; and
 - Direct communication with local residents over the phone.
- 3.3 The Forum has kept in touch with members and the wider community via email, social media, by phone, by organising community events, as well as formal and informal social networks.
- 3.4 Once the Forum has been formally designated, recruitment of additional members will continue through local engagement activity to help ensure that the Forum is representative of the area and that all who live, work or carry out business in the area have an opportunity to meaningfully shape and contribute to the Forum’s activities. This will also include opportunities to build up skills and capacity within the local community so that residents in the area are supported to lead on neighbourhood planning activity for Mabgate, Lincoln Green and Burmantofts.
- 3.5 The Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum application was publicised and comments invited for a period of 6 weeks from 12th August to 23rd September. A total of 13 representations were received, 11 in support, 2 wishing to make no comment. A table summarising the written comments received is attached as Appendix 2. A resident has raised concern that wider engagement and awareness raising with the community should take place. This will be a necessary next step for neighbourhood planning in Mabgate, Lincoln Green and Burmantofts and steps are being taken to prepare an engagement strategy to this effect.
- 3.6 Ward Members have been consulted on the proposed designation.
- 3.7 The Executive Member for Infrastructure & Climate has been consulted on the proposed designation.

What are the resource implications?

- 4.1 The group will be eligible to apply to Locality for funding and, if the forum is designated, will also be able to apply to Locality for direct support to assist with the preparation of the neighbourhood plan and any other relevant need that the group has.
- 4.2 Inner East Community Committee Wellbeing Funding has supported the progress of Forum recruitment to date.
- 4.3 Support will be provided by the Council’s neighbourhood planning officers throughout the neighbourhood plan preparation process. The amount of support provided will depend on the capacity of the neighbourhood forum, their aspirations for the neighbourhood plan/development within the neighbourhood area and Policy and Plans Group work programme commitments.

What are the legal implications?

- 5.1 A prospective forum should apply to the local planning authority for designation, setting out how it has met the requirements of [section 61F\(5\) of the Town and Country Planning Act 1990 as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004](#).
- 5.2 Neighbourhood Planning (General) Regulations 2012 specify the criteria that must be met and included in neighbourhood forum applications. An application must include the following, as required by the Regulations:
- The name of the proposed neighbourhood forum;
 - The name and contact details of one key member of the proposed forum;
 - The name of the neighbourhood area to which the application relates;
 - A copy of the draft constitution; and
 - A map of the area and a statement which explains how the proposed neighbourhood forum meets legislative requirements.
- 5.3 The Regulations state that a local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions:
- It is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such as area);
 - Its membership is open to individuals who live in the neighbourhood area concerned;
 - Individuals who work there (whether for businesses carried on there or otherwise and elected members).
- 5.4 The membership of a neighbourhood forum must include a minimum of 21 individuals each of whom:
- Lives in the neighbourhood area concerned;
 - Works there (whether for a business carried on there or otherwise);
 - Is an elected representative.
- 5.5 The Interim Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum has completed a neighbourhood forum application, which includes the name of the proposed neighbourhood forum, a map of the designated neighbourhood area, contact details of at least one forum member, membership details, and a supporting statement detailing how the application has met legislative requirements.
- 5.6 From the information provided, the Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum:
- Has been established to promote the economic, social and environmental wellbeing of the area.
 - An initial membership of 28, made up of a mix of residents, Elected Members, people who work in the area and local organisations.
 - Will seek to promote the strengths of the neighbourhood, which includes the area being home to lots of different communities, foods and languages, and that people within the area know and look out for each other.

- Will support a “bottom up” process of engagement, ensuring that residents are at the heart of the plan;
- Will work to develop forum membership which is representative of the area as a whole;
- Will adopted the values set out in the draft constitution:
 1. The Forum will always uplift and celebrate the diversity of our community, and our forum members from all races, religions and backgrounds
 2. We do not expect all Neighbourhood Forum members to speak English as a first language. Equally, we respect and appreciate those who are multilingual.
 3. We will accept all gender, race, sexual preference, disability, religion, class and residence status in this forum. We will treat each other equally and with respect.
 4. We will be understanding and considerate that some of our fellow Forum members have children and childcare related commitments. This forum will always consider the needs of families and children living in Mabgate, Burmantofts and Lincoln Green.

5.7 The Council have assessed the application and supporting statement and it is considered that the proposed Neighbourhood Forum meets the legislative requirements and should therefore be designated.

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

6.1 Neighbourhood planning generally presents several risks at all stages, but these can be minimised with close collaboration, as demonstrated by the Council’s support of many neighbourhood planning groups through successful neighbourhood plan preparation and referendum processes since 2012.

6.2 The examination and referendum processes in particular introduce risk in the neighbourhood planning process 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 that regular public consultation and engagement take place to ensure that the plan has the support of the public in their neighbourhood area.

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

Inclusive Growth

Health and Wellbeing

Climate Emergency

7.1 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.

7.2 A climate emergency was declared at Council meeting 27th March 2019. This has significantly raised the interest in planning and development issues in communities across the city. For neighbourhood plans, the Council is encouraging groups to include policies and projects which respond positively to climate change issues.

7.3 The Interim Mabgate, Lincoln Green and Burmantofts Forum have declared their intention to facilitate the creation of a neighbourhood plan which establishes a sustainable future for Mabgate, Lincoln Green and Burmantofts.

Options, timescales and measuring success

a) What other options were considered?

7.4 No other options were considered as the application for forum designation is considered to meet relevant legal requirements and the designation of the forum would be consistent with the Council's support for neighbourhood planning in Leeds.

b) How will success be measured?

7.5 Success will be measured through the successful preparation of a draft plan, the completion of the independent examination, the public vote of support and continued collaboration between the Council and the Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum.

c) What is the timetable for implementation?

7.6 It is anticipated that, if everything runs smoothly, a draft plan will be recommended for referendum in 2023-2024.

Conclusions

8.1 The application submitted by the Interim Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum meets legislative requirements and has a proposed membership which is broadly representative of those who live, work and carry out business in the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area. The application shows a clear desire to work in partnership with the Council on the Mabgate, Lincoln Green and Burmantofts Neighbourhood Plan and other matters.

8.2 The Chief Planning Officer is recommended to:

- Designate the Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum for the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area, subject to the formal adoption of a constitution by the neighbourhood forum pursuant to Section 61F of the Town & Country Planning Act 1990.

Appendices

Appendix 1 – Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum Application

Mabgate, Lincoln Green and Burmantofts Neighbourhood Plan

Application for Designation as a Neighbourhood Forum

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Letter of Application

We are writing to apply for the designation of a Neighbourhood Forum under Section 61F of the Town and Country Planning Act 1990 and in accordance with Part 3(8) of The Neighbourhood Planning (General) Regulations 2012.

The application is made by the Interim Magbate, Lincoln Green and Burmantofts Neighbourhood Forum and is supported by a set of documents which together meet the requirements of the above legislation as they include the following:

- The name of the proposed neighbourhood forum;
- A copy of the draft written constitution of the proposed neighbourhood forum;
- The name of the neighbourhood area to which the application relates and a map to identify the area;
- The contact details of at least one member of the proposed neighbourhood forum to be made public;
- A statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.

The above information demonstrates that the proposed Magbate, Lincoln Green and Burmantofts Neighbourhood Forum is a relevant body for the purposes of obtaining designation as a Neighbourhood Forum. This application follows the designation of the Magbate, Lincoln Green and Burmantofts Neighbourhood Area in January 2020.

This application has been discussed and agreed by the interim forum before submission to Leeds City Council.

Achieving the corresponding designation of the proposed Forum will empower the local community to plan positively for the future development of Magbate, Lincoln Green and Burmantofts through preparation of a Neighbourhood Plan.

Compliance with Legislative Requirements

Fulfilment of criteria under Part 3 (8) of the Neighbourhood Planning [General] Regulations 2012

<i>(a) The name of the proposed Forum:</i>
The Mabgate, Lincoln Green and Burmantofts Forum
<i>(b) A copy of the written constitution of the proposed Forum:</i>
See Annex 1
<i>(c) Name of the Neighbourhood Area to which the application relates:</i>
The Mabgate, Lincoln Green and Burmantofts Neighbourhood Area (as designated by Leeds City Council on 16 January 2020). See Annex 2 for Neighbourhood Area Map
<i>(d) Contact details of Interim Chair and website address:</i>
East Street Arts, St Mary's Lane, Leeds, LS9 7EH hello@esamail.org.uk https://www.eaststreetarts.org.uk/project/neighbourhood-plan/
<i>(e) Statement explaining how the proposed Forum meets the conditions in Section 61F(5) of the 1990 Act:</i>
See Annex 3 (and supporting Annexes 4 and 5)

Annex 1

Written Draft Constitution of the Proposed Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum (to be ratified by Forum upon designation)

1.0 Name and Area

- 1.1 The name of the Forum shall be the Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum.
- 1.2 The area covered by the Forum shall be the area shown on the attached map, known as the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area.

2.0 Aims and Objectives

- 2.1 The aims and objectives of the Neighbourhood Forum are to:
 - a) Promote and improve the social, economic and environmental justice and well-being of the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area;
 - b) Undertake the preparation of a Neighbourhood Plan for Mabgate, Lincoln Green and Burmantofts from inception through to adoption of the Plan;
 - c) Identify ways, in consultation with relevant authorities and organisations, of involving the whole community and gathering, analysing and presenting their views and opinions to ensure the Plan is as comprehensive and inclusive as possible;
 - d) Take responsibility for planning, budgeting and monitoring expenditure on the production of the Neighbourhood Plan, including identifying possible sources of funding;
 - e) Ensure the Mabgate, Lincoln Green and Burmantofts Neighbourhood Plan meets the Basic Conditions;
 - f) Ensure the Forum shall not be affiliated to any political party or organisation;
 - g) Continue working towards improving the area and continue the Forum as deemed necessary beyond the adoption of the Neighbourhood Plan.
 - h) Ensure the protection of local shops and amenities for older people who cannot as easily get into town
 - i) Ensure the protection of housing and having an awareness and input into any property developments and improvement plans
 - j) Identify how the forum can support climate action and sustainable ways to protect the local environment

3.0 Powers

- 3.1 In pursuance of these aims and objectives, the Neighbourhood forum will:
 - a) Produce a Neighbourhood Plan on behalf of the community within the designated Neighbourhood Area boundary referred to in Section 1.2;
 - b) Maintain a Neighbourhood Forum website giving details of the Forum, including a map of the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area, the

contact details of the Chair and Secretary, this Constitution and policies agreed by the Forum, notices, agendas and minutes of meetings;

- c) Organise at least four Open Meetings or other equivalent events per year, including an Annual General Meeting (AGM), to which all Forum members will be invited;
- d) Raise money or apply for funding as necessary;
- e) Employ paid staff or recruit volunteers;
- f) Buy or rent premises/equipment/employ services as required;
- g) Conduct research;
- h) Work in partnership with different organisations that work in the interest of the neighbourhood area;
- i) Carry out anything else within the law necessary to reach the Forum's aims and objectives.

4.0 Values

4.1 The Forum and its Active Members members will uphold the following values:

- Inclusion
- Fairness
- Equity
- Respectful of all
- Welcoming of speakers of all languages
- Representative of the neighbourhood
- Family focused and accessible for parents/carers
- Accessible for people of all abilities and supportive of people with physical and mental health difficulties

MEMBER STATEMENT

1

This forum will always uplift and celebrate the diversity of our community, and our forum members from all races, religions and backgrounds.

2

We do not expect all Neighbourhood Forum members to speak English as a first language. Equally, we respect and appreciate those who are multilingual.

3

We will accept all gender, race, sexual preference, disability, religion, class and residence status in this forum. We will treat each other equally and with respect.

We will be understanding and considerate that some of our fellow forum members have children and childcare related commitments. This forum will always consider the needs of families and children living in Magbate, Burmantofts and Lincoln Green.

4.2 The Forum is committed to equality of opportunity and maintains and applies an Equal Opportunities Policy in all of its activities.

5.0 Annual General Meetings (AGM)

5.1 The first AGM will be held once the Forum has been officially designated. Future AGMs will be held within a period of 12 months of the last AGM.

5.2 Information on elections to the Active Members (including how to stand) will be sent out to Forum members prior to the AGM, along with an agenda, at least 7 days prior to the AGM.

5.3 The Active Members may call Special General Meetings if there is an urgent matter to consider outside of the AGM cycle. At least 7 days advance notice shall be provided for Special General Meetings.

5.4 The agenda for each AGM will include:

- a) Consideration of any business announced in the AGM agenda;
- b) Consideration of the Annual Report of work done by the Forum;
- c) Election of Active Members of no fewer than 7 and no more than 12 members who will work as described in this Constitution to run the business of the Forum and to make decisions on its behalf between AGMs and General Meetings (see Section 6.0);
- d) Submission and adoption of independently examined accounts for the Forum, consisting of a statement of income and expenditure and a balance sheet for the previous financial year;
- e) A review of the rules and policies of the Forum, including of this Constitution and the Equal Opportunities Policy.

6.0 Open Meetings

6.1 The Active Members may call Open Meetings of the Forum as appropriate but as a minimum they should be held 4 times per year

6.2 The agenda for each Open meeting will be published at least 7 days in advance

6.3 Attendance at General Meetings (or any Forum meeting) is open to anyone who lives, works or carries out business within the neighbourhood area

7.0 The Active Members

7.1 Active Members will be appointed at the Forum's AGM, which will be responsible for the day to day business of the Forum and will meet at least 6 times a year.

7.2 The Active Members will comprise no fewer than 7 and no more than 12 members, the majority of whom will be residents in the Neighbourhood Area.

7.3 The Active Members will appoint a Forum Chair, Secretary and Treasurer (which may be shared roles) at its first meeting and thereafter at its first meeting after every AGM.

- 7.4 The Active Members may co-opt up to 3 additional members who will retire at each AGM.
- 7.5 The Active Members may appoint sub-groups or task groups to focus on particular areas of work as appropriate. These will be governed by, and report to, the Active Members.
- 7.6 The quorum for any Active Members meeting shall be at least 50% of the Active Members.
- 7.7 Notification of Active Members meetings and the agenda will be sent out at least 7 days before the date of the meeting to all Active Members.
- 7.8 The Active Members may dismiss any Active Members member (as a result of any inappropriate behaviour) at an Active Members meeting at which this is an agenda item if two thirds of Active Members present vote to do so.

8.0 Rules at Meetings

- 8.1 The following rules apply to all meetings, including Open Meetings, Active Members Meetings and the AGM:
 - a) Chairing – each meeting has a chair. The chair of the meeting ensures that the business of the meeting is transacted in an orderly and respectful way.
 - b) Decision Making – the Forum endeavours to make decisions by consensus, but in the case of a vote, decisions are made by simple majority of those present and entitled to vote. When the vote is tied, the chair of the meeting has a second, casting, vote.
 - c) Speaking – all members are entitled to speak at meetings and, at Open Meetings, all members of the public are entitled to speak. The chair of the meeting has the power to impose time limits on speeches.
 - d) Quora – the number of people who need to be present at Active Members meetings in order to carry out a vote is laid out in paragraph 7.6. There is no quorum for Open Meetings or the AGM.

9.0 Membership

- 9.1 Membership of the Forum shall be open to all residents living in the area, all those who work or have businesses in the area, and elected members for the area.
- 9.2 Applications for membership shall be made in writing, email or phone to the Neighbourhood Forum.
- 9.3 Applications can be made by individuals, organisations or voluntary groups. Organisations or voluntary groups which are accepted into membership must designate an individual or a deputy to represent them.
- 9.4 Members must be over 18 years of age, can attend Forum meetings and are eligible to vote on proposals put forward by the Forum.
- 9.5 There must be a minimum of 21 members made up of the following:
 - a) Individuals who live in the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area Boundary;
 - b) Individuals who work in the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area Boundary (whether for businesses carried on there or otherwise);
 - c) Individuals who are elected members of the City Council whose area falls within the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area Boundary.
- 9.6 There is no maximum number of members.
- 9.7 Initial forum members will be considered at the first formal Meeting of the Forum and deemed accepted if a majority of those voting at the meeting approve them.
- 9.8 Subsequent applications will be considered at Forum meetings and deemed accepted if approved by a simple majority of members present.
- 9.9 All members of the Forum have a duty to declare at application stage any financial, party political, employment, land ownership and other organisation that could have an impact on their, or the Forums work.

- 9.10 Membership of any individual, organisation or voluntary group can be terminated at an Open Meeting where this has been specified as an agenda item and two thirds of members present vote in favour of termination.
- 9.11 Any member who wishes to resign must provide the Secretary with written notice.
- 9.12 The Chair will have the casting vote on matters relating to elections and resolutions, and all voting will be determined by a show of hands.
- 9.13 Supporting membership is open to individuals who do not meet the requirements in 9.1, but have an interest in assisting the Forum to achieve its aims and objectives.

10.0 Finance

- 10.1 Any monies acquired by the Forum shall only be used to help achieve the aims and objectives of the Forum as set out in Section 2.0 of this Constitution.
- 10.2 The treasurer shall keep a proper account of the finances of the Forum, where necessary supported by receipts or invoices, and shall ensure that the Forum has a bank account in its own name.
- 10.3 All transactions in any format must be authorised by at least two of the following three Active Members members – the Treasurer, Chair or Secretary. This is without exception.

11.0 Complaints

- 11.1 Any complaints about the behaviour of a member of the Forum or sub Task-Groups, in relation to the work undertaken shall be made in confidence, in writing to the Secretary unless the complaint is about the Secretary in which case it shall be made to the Chair.
- 11.2 The elected officers of the Forum will investigate the complaint and decide on action as appropriate. If the complaint concerns the officers themselves – they will recuse themselves from this investigation and other members of the forum will be appointed in their place.
- 11.3 Appeals will be held by three members of the Active Members who have not been involved in

12.0 Alteration of Constitution

- 12.1 This Constitution can only be changed at an AGM or Special General Meeting of the Forum. Any change to the Constitution requires a simple majority of votes of the members present and who are entitled to vote.

13.0 Disbanding of Forum

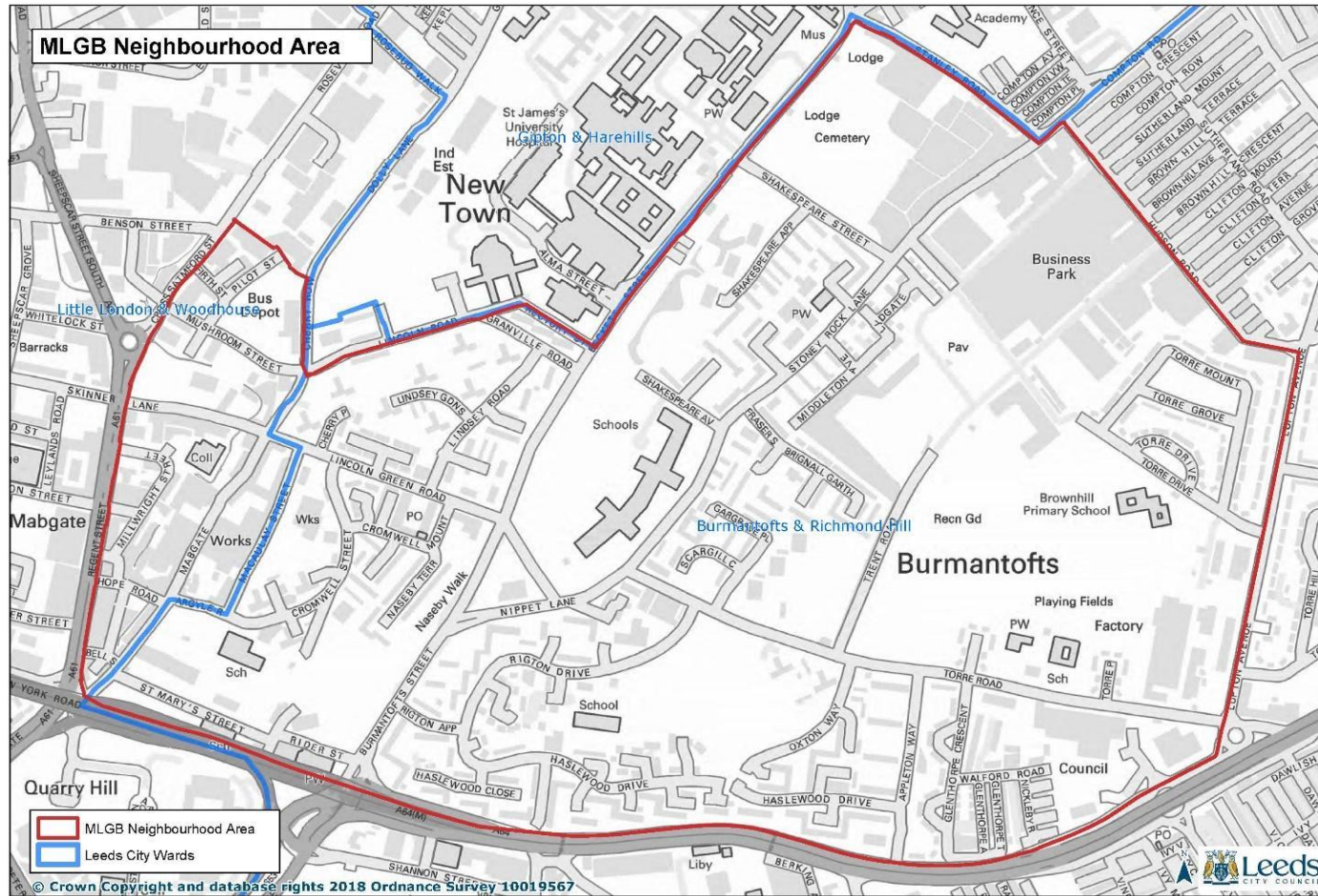
- 13.1 The Forum can only be disbanded at a duly advertised Special General Meeting called for the purpose of deciding whether to disband, to which all Forum members shall be invited. The decision to disband the Forum shall be taken if supported by two thirds of members at the Special General Meeting.
- 13.2 If the Forum is disbanded, any assets held in the name of the Forum (after payment of all debts and liabilities) will be disposed of to other organisations having similar objectives to those of the Forum as agreed by a majority of remaining members.

14.0 Extending Life of Forum

14.1 The Forum is designated for a period of five years. However, the Forum can apply to have the designation renewed.

Annex 2

Map of Mabgate, Lincoln Green and Burmantofts Neighbourhood Area



Annex 3

Statement in Fulfilment of Section 61(F) of the 1990 Act

Background

Mabgate, Lincoln Green and Burmantofts is an inner-city Neighbourhood Planning Area that was designated in January 2020. Work began in 2017 to establish the boundary for the Area and although the Neighbourhood Area is not a distinct 'neighbourhood' in its own right, a powerful case was set out for the proposed boundary. The most compelling reason being that the Neighbourhood Area has been defined as a result of a 'bottom up' process of engagement with residents, key stakeholders and Local Ward Members.

Work also began in 2017 to bring together an Interim Neighbourhood Forum, with more recent engagement taking place in 2020 in the midst of the COVID-19 pandemic. Despite the challenges that have been faced during COVID-19, including the inability to meet in person and the need to undertake meetings online, an interim Forum of 28 members has been established. This was done through a series of engagement strategies to ensure that all parts of the community has been reached, including: interviews with existing neighbouring forums, the creation of a neighbourhood Zine which provides a platform for all residents to communicate, an East Leeds Gift Exchange to introduce residents to one another, Q&A drop in sessions, presentations to organisations and groups in the area, as well as phone calls to ensure that residents without internet access would be involved in establishing the Forum. With the work that has already been done, and as meetings are able to take place in person, it is anticipated that there will be additional involvement from residents and stakeholders within the community to help establish the Plan.

The current Forum profile is made up of residents and businesses who represent the neighbourhood area. The Forum would like to promote the strengths of the neighbourhood, which includes the area being home to lots of different communities, foods and languages, and that people within the area know and look out for each other. Based upon these strengths within the neighbourhood and community, the Neighbourhood Plan will seek to continue to promote a 'bottom up' process of engagement, ensuring that residents are at the heart of the plan. It will also seek to recognise the role of Mabgate as a gateway to the city centre for many local residents that live in the traditionally residential parts of the neighbourhood in Lincoln Green and Burmantofts. One of the key aims will be to ensure that Mabgate acts as a bridge between inner-city residential communities and Leeds City Centre, through improvement of connectivity and permeability. As well as ensuring that local residents and businesses reap the benefits that any new development in the area may bring.

The proposed Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum will take the lead on this work, with its core purpose being to promote and improve the social, economic and environmental well-being of the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area¹. The extent of the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area is shown on the Map in Annex 2, which has been formally designated by Leeds City Council.

Membership Profile²

Membership is open to all of those who live, work and do business in the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area, and also to Elected Members for the Area.

¹ Section 61(F)(a) of the Town and Country Planning Act 1990

² Section 61(F)(b)&(c) of the Town and Country Planning Act 1990

The total membership of the proposed Forum currently stands at 28 members, as listed in Annex 4. In order to ensure that the Forum members would be truly representative of the Neighbourhood Area, a study was undertaken by Marie-Avril Berthet, a PhD researcher from the University of Leeds. The study looks at how the forum should be structured, as well as identifying areas of the community where additional engagement may be necessary to ensure that the Forum is representative.

The current membership satisfies the representation requirements as set out in the study, is diverse and is drawn from different parts of the Neighbourhood Area and from different sections of the community, including:

- Local residents from different parts of the area (see membership map);
- Local business owners;
- Volunteers;
- People who work in the area;
- Councillors;
- Land/property owners;
- Representatives of local organisations/interest groups.

Annex 4 includes a breakdown of the membership under our headings to help illustrate the nature and mix of members and demonstrate compliance with legislative requirements.

This confirms that, of the 28 members, 15 are residents of Mabgate, Lincoln Green and Burmantofts, 13 work, or do business in the neighbourhood or are elected members. Of those working and doing business in the neighbourhood, the following range of businesses and organisations are represented:

- East Street Arts
- Canopy Housing
- Burmantofts Senior Action
- Leeds Asylum Seeker Support Network
- Leeds City College
- Coop Academy
- Emmaus
- St. Hilda's Church
- Leeds Bike Mill
- The Highrise Project
- Leeds University

Within Annex 5, the map demonstrates the geographical spread of membership across the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area. As well as showing membership distribution, the map helps to illustrate the nature and scale of the membership to complement the information in Annex 4.

The profile, spread and composition of the proposed Forum meets the necessary legislative requirements for the purposes of seeking designation. The proposed forum will continue to actively encourage new members, in particular from residents from different parts of the community as well as any new businesses and stakeholders that have interest in the area. This is likely to develop and build over time, particularly with the ability to meet with residents in person over the coming months.

Conclusion

The members of the proposed Neighbourhood Forum are committed to formulating and producing a Neighbourhood Plan for the Mabgate, Lincoln Green and Burmantofts Neighbourhood Area that will reflect as far as is practicable the aspirations of the Mabgate, Lincoln Green and Burmantofts community, whilst also conforming with national and local planning policy requirements.

Annex 4

Mabgate, Lincoln Green and Burmantofts - Membership List

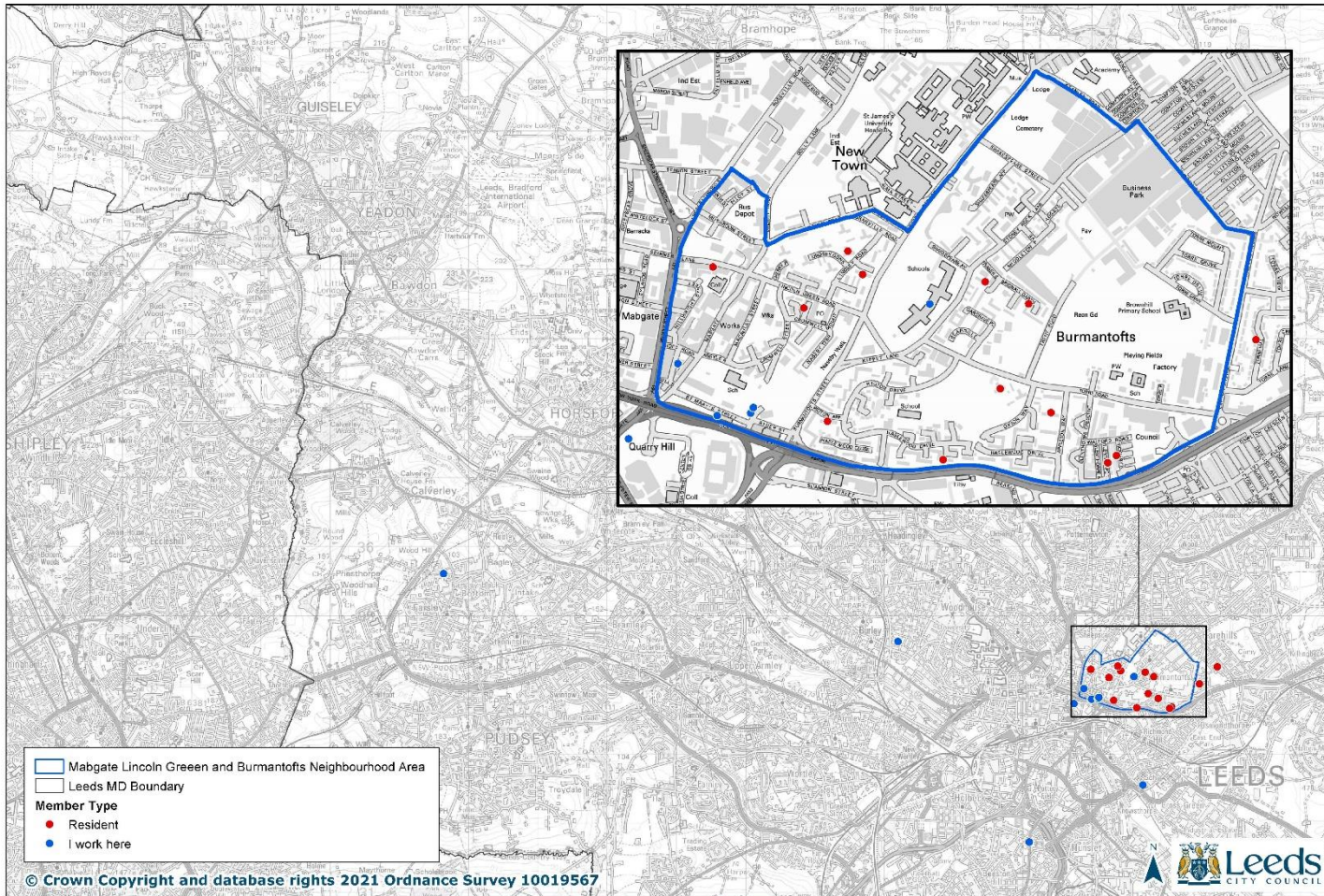
	Post Code	Name	Initials	Member Type
1	LS9 7GS		PA	Resident
2	LS7 1BE		KK	Resident
3	LS9 7RT		MC	Resident
4	LS9 7TB		SD	I work here
5	LS9 7HD		PB	I work here
6	LS9 7EH		MA	I work here
7	LS2 7BS		KOH	I work here
8	LS9 7HU		NA	Resident
9	LS9 6JN		SM	Resident
10	LS9 7LR		DS	Resident
11	LS9 7HB		SB	Resident
12	LS9 7QX		MS	Resident
13	LS9 7QX		DS	Resident
14	LS9 7PX		FR	Resident
15	LS9 7PN		MB	Resident
16	LS9 7RL		JM	Resident
17	LS9 7DP		GM	I work here
18	LS28 5JX		LA	I work here
19	LS6 1QF		JM	I work here
20	LS9 7DS		AS	I work here
21	LS11 6XD		DS	I work here
22	LS9 0DG		FDP	I work here
23	LS9 7PF		F	Resident
24	LS9 7ST		H	Resident
25	LS9 6HW		DE	Resident
26	LS9 7EH		ESA	Organisation
27			CDR	Elected Member
28			CAK	Elected Member

Summary:

- **28 Total members**
- 15 are residents living across the neighbourhood area
- 2 are elected members
- 11 are employed / self-employed in the area
- Organisations are:
 - East Street Arts
 - Canopy Housing
 - Burmantofts Senior Action
 - Leeds Asylum Seeker Support Network
 - Leeds City College
 - Coop Academy
 - Emmaus

- St. Hilda's Church
 - Leeds Bike Mill
 - The Highrise Project
 - Leeds University
- 2 are academics
- 2 are retired

Annex 5 Membership Map



Appendix 2 – Neighbourhood Forum Application Publicity: Representations Received

Name	Organisation	Comments
Melanie Lindsley	The Coal Authority	<p>The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>It is noted that this consultation relates to the proposed designation of the Neighbourhood Plan area.</p> <p>Our records indicate that the Neighbourhood Plan area identified contains past coal mining legacy features at surface and shallow depth including; mine entries and recorded and likely unrecorded coal mine workings. The area identified is also an area where our records indicate that surface coal resource is present.</p> <p>Should the future Neighbourhood Plan propose any site allocations in these areas then we would expect consideration to be given to the risks posed by past coal mining activity.</p>
Craig Broadwith	Historic England	<p>We welcome the proposed designation of the Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum, but do not wish to make comments at this stage. We look forward to being consulted on the Pre-submission draft of the Neighbourhoods Plan in due course.</p>
	Natural England	<p>Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.</p> <p>The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.</p> <p>Generic advice is provided in the Annex attached.</p> <p>Annex - Generic advice on natural environment impacts and opportunities</p> <p>Sites of Special Scientific Interest (SSSIs) Local authorities have responsibilities for the conservation of SSSIs under <u>s28G of the Wildlife & Countryside Act 1981 (as amended)</u>. <u>The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted.</u> Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the <u>Natural England Open Data Geoportal</u>. Our initial screening indicates that one or more Impact Risk Zones have been triggered by</p>

the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

Air quality impacts on SSSIs

The interest features of affected designated sites may be sensitive to impacts from aerial pollutants, To determine any likely air quality impacts arising from this proposal, an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet, such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Protected Species

Natural England has produced standing advice^[1] to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found [here](#)^[2]. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help

^[1] <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

^[2] <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Protected landscapes

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

Landscape

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of

'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

		<ul style="list-style-type: none"> • Links to existing greenspace and/or opportunities to enhance and improve access. • Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips) • Planting additional street trees. • Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links. • Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).
Robin Hawkes	Leeds Playhouse	<p>Response to online survey, which asked “Do you agree with the proposal to designate the Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum?”</p> <p>Answer: Yes</p>
Gina Morrison	Lives / Works in Neighbourhood Area	<p>Google Form re. Neighbourhood Forum</p> <p>Q: Do you support the draft Neighbourhood Forum Application and written constitution?</p> <p>A: Yes</p> <p>Comment:</p>
Maureen Lillywhite	Lives / Works in Neighbourhood Area	<p>Google Form re. Neighbourhood Forum</p> <p>Q: Do you support the draft Neighbourhood Forum Application and written constitution?</p> <p>A: Yes</p> <p>Comment: I support in principal but needs to be much more consultation.</p> <p>Each area of Burmantofts is very different and you should consult with residents and businesses in each area not make decisions on their behalf.</p> <p>I have spoke to lots of people where I live who no nothing about this.</p>
Katie Bell	Lives / Works in Neighbourhood Area	<p>Google Form re. Neighbourhood Forum</p> <p>Q: Do you support the draft Neighbourhood Forum Application and written constitution?</p> <p>A: Yes</p> <p>Comment:</p>
Andrew Birkbeck	Lives / Works in Neighbourhood Area	<p>Google Form re. Neighbourhood Forum</p> <p>Q: Do you support the draft Neighbourhood Forum Application and written constitution?</p>

		<p>A: Yes</p> <p>Comment:</p>
Fr. Darren Percival	Lives / Works in Neighbourhood Area	<p>Google Form re. Neighbourhood Forum</p> <p>Q: Do you support the draft Neighbourhood Forum Application and written constitution?</p> <p>A: Yes</p> <p>Comment: I support the meighbourhood forum application and consitution</p>
Marylin Spellman	Lives / Works in Neighbourhood Area	<p>Google Form re. Neighbourhood Forum</p> <p>Q: Do you support the draft Neighbourhood Forum Application and written constitution?</p> <p>A: Yes</p> <p>Comment: I support the application</p>
Tamsin Cook	Lives / Works in Neighbourhood Area	<p>Google Form re. Neighbourhood Forum</p> <p>Q: Do you support the draft Neighbourhood Forum Application and written constitution?</p> <p>A: Yes</p> <p>Comment: I support the neighbourhood forum application and constitution</p>
Charlie Stobart	Lives / Works in Neighbourhood Area	<p>Google Form re. Neighbourhood Forum</p> <p>Q: Do you support the draft Neighbourhood Forum Application and written constitution?</p> <p>A: Yes</p> <p>Comment: I support the neighbourhood forum application and constitution</p>
Cllr Denise Ragan	Elected Member	<p>Google Form re. Neighbourhood Forum</p> <p>Q: Do you support the draft Neighbourhood Forum Application and written constitution?</p> <p>A: Yes</p> <p>Comment: I support the neighbourhood forum application</p>