

Adel NP Reg 18 Decision Statement Cover Report

Date: 01/05/2024

Report of: Head of Policy & 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

Brief summary

The draft Adel Neighbourhood Plan has been subject to independent examination. The independent examiner has found that the draft neighbourhood plan, subject the modifications set out in the examination report, meets the Basic Conditions and other relevant legal requirements and can therefore proceed to a referendum.

The Council has considered the contents of the independent examiner's report and accepts all of the modifications recommended by the examiner. Once these modifications have been made, the neighbourhood plan can proceed to a referendum within the Adel Neighbourhood Area.

Recommendations

- a) Agree the modifications to the draft Adel Neighbourhood Plan as set out in the Regulation 18 Decision Statement (Appendix 1).
- b) Agree that the draft Adel Neighbourhood Plan proceeds to referendum, subject to the modifications set out in the Regulation 18 Decision Statement.

What is this report about?

- 1 The draft Adel Neighbourhood Plan (ANP), prepared by Adel Neighbourhood Forum, has been prepared 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).
- 2 The draft ANP was submitted to the Council for independent examination on 1st December 2023. The Council appointed Tony Burton CBE BA MPhil (Town Planning) HonFRIBA FRSA to examine the neighbourhood plan with the agreement of Adel Neighbourhood Forum. The Council received the final examination report on 16th April 2024.

- 3 The examiner's report recommended that the ANP, subject to modifications, meets the Basic Conditions and other relevant legal requirements, and can therefore proceed to a referendum. The Council has considered the contents of the examiner's report and accepts the recommended modifications and reasons set out by the examiner. All of the proposed modifications are set out in the Regulation 18 Decision Statement, appended to this report. The Council agrees that subject to these modifications being made, the draft ANP meets the Basic Conditions and can therefore proceed to referendum.
- 4 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 local aspirations.

Why is this proposal being put forward?

- 5 This report is being put forward to highlight key elements of the report of independent examination for the ANP and sets out the Council's response to the contents, especially the recommended modifications. The report also looks forward to the referendum stage.
- 6 Adel Neighbourhood Forum applied to Leeds City Council to designate the neighbourhood area and neighbourhood forum in 2013. The Council designated the Adel Neighbourhood Forum in April 2014. The Neighbourhood Area was designated, as an adjustment to earlier designations, in November 2013. The forum subsequently applied to be re-designated as a Neighbourhood Forum in 2019 and were duly re-designated in July 2019.
- 7 The pre-submission draft ANP was consulted on between August to September 2022, in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The submission draft of the plan was submitted to Leeds City Council on 1st December 2023.
- 8 With the agreement of the neighbourhood forum, the Council appointed Tony Burton to examine the draft HNP. The examiner published the final report of examination on 16th April 2024, which was shared with the neighbourhood forum, Ward Members, and published on the Council's website.
- 9 The examiner's report assesses the draft ANP against the Basic Conditions and other relevant legal requirements. The report makes a series of recommended and optional modifications to the policies, text and maps within the draft plan to improve clarity and ensure that the plan provides a clear and practical framework for decision making.
- 10 The Council has considered the contents of the examiner's report and particularly notes the examiner's recommendation:

"I am satisfied the Adel Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum."
- 11 The Council agrees with the modifications recommended by the examiner. The Council and the Adel Neighbourhood Forum therefore decided to make the modifications as set out in the schedules contained in the Regulation 18 Decision Statement, published in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 12 The Council considers that if these modifications are made, the draft ANP meets the Basic Conditions, is 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 Neighbourhood Development Plan.

13 The Council agrees that the draft ANP should proceed to a referendum and expects to hold the referendum later in 2024.

What impact will this proposal have?

14 The impact of this report will be to confirm that the draft ANP, subject to modifications, meets the Basic Conditions and can therefore proceed to a referendum within the Adel Neighbourhood Area.

15 The Council will commence preparation for a referendum on the draft HNP on publication of the Regulation 18 Decision Statement.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

16 Neighbourhood planning relates well to all three of the Councils 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.

What consultation and engagement has taken place?

Wards affected: Adel & Wharfedale

Have ward members been consulted?

Yes

No

17 The draft ANP is based on extensive consultation and engagement within the Adel Neighbourhood Area, this includes statutory consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The full details of this are set out in the ANP Consultation Statement. As part of the independent examination process, the examiner considered the consultation conducted as part of the HNP preparation, and concluded:

“I am satisfied with the evidence of the public consultation undertaken in preparing the Plan since 2012. The Plan has been subject to wide public consultation at different stages in its development and particular efforts have been made to continue to invite input over the long period of Plan preparation. Participation rates have generally been adequate. The process has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. Local landowners, development interests, statutory bodies and the local planning authority have been engaged through the process.”

18 Ward Members have been actively engaged in the neighbourhood planning process and officers have kept Ward Members informed on the progression of the draft HNP through the independent examination process.

19 Ward Members have been consulted on the draft Regulation 18 Decision Statement.

20 The Executive Member for Sustainable Development & Infrastructure has been consulted on the draft Regulation 18 Decision Statement.

What are the resource implications?

21 The draft ANP has been prepared by Adel Neighbourhood Forum with the support of the Council. There has been a positive working relationship and collaboration during the preparation of the ANP.

22 The Council claimed £10,000 from the Ministry of Housing, Communities and Local Government (MHCLG) on designation of the Adel Neighbourhood Area and Forum. On publication of the Regulation 18 Decision Statement, the Council will be able to claim £20,000 from DHLUC to cover the costs of the independent examination and referendum.

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

23 The examination and referendum process introduces risks in the neighbourhood planning process where the outcome is dependent on the examiner's conclusions and a public vote. The Council seeks to manage these risks by working collaboratively with neighbourhood planning groups to ensure that neighbourhood plans complete the independent examination successfully and proceed to referendum.

24 There is a risk that the neighbourhood plan will not receive more than a 50% 'yes' vote at referendum. The public consultation programme that informed the preparation of the draft ANP should help to mitigate this risk.

25 There is a risk that the neighbourhood plan may be subject to legal challenge or judicial review. The Council will continue to work with the neighbourhood forum to mitigate and minimise this risk.

What are the legal implications?

26 Once made, the ANP will form part of the Development Plan for Leeds and will be used to help determine planning applications within the Adel Neighbourhood Area.

27 The independent examination process assessed the draft ANP against the Basic Conditions and other legal requirements. The examiner recommended that, subject to modifications as set out in the examination report, the draft ANP meets the Basic Conditions and other legal requirements. The publication of the Regulation 18 Decision Statement confirms that the Council agrees with this conclusion.

Options, timescales and measuring success

What other options were considered?

28 The Council has considered the examiner's report in detail and the recommended modifications set out in the report, as has Adel Neighbourhood Forum.

29 The Council agrees with the recommended modifications and optional modifications, and therefore considers that the draft ANP, subject to modification, meets the Basic Conditions and other legal requirements and can therefore proceed to referendum.

How will success be measured?

30 Success will be measured by the draft ANP proceeding through the referendum process.

What is the timetable and who will be responsible for implementation?

31 It is anticipated that the referendum for the draft ANP will take place later in 2024, with the Council, and in particular Electoral Services, supporting the Forum through the referendum process.

Appendices

- Appendix 1 provides the Regulation 18 Decision Statement for the draft Adel Neighbourhood Plan.

Background papers

-