

Report of the Community Planning Officer

Report to the Inner North West Area Committee

Date: 27th October 2011

Subject: Changes to the Planning System – Localism Bill and Neighbourhood Planning

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s): Headingley Hyde Park and Woodhouse Kirkstall Weetwood		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number:		

Summary of main issues

1. The Localism Bill is expected to gain Royal Assent in November 2011 with the accompanying regulations expected to be finalised in the Spring of 2012. The Localism Bill will introduce a number of changes to the planning system. One of the main changes will be the creation of additional powers at the 'neighbourhood' level which traditionally has included Town and Parish Councils and community groups.
2. Neighbourhood planning will be facilitated by the introduction of a number of additional planning tools including Neighbourhood Plans, Neighbourhood Development Orders, Community Right to Build Orders, Assets of Community Value and Community Right to Bid.
3. Town and Parish Councils and Neighbourhood Forums will be able to produce Neighbourhood Plans; which subject to meeting certain criteria can form a statutory planning document that will allow these bodies to set out a vision for an area and create new planning policies for the use and development of land at the neighbourhood

level. However, these policies will have to be compliant with both national and local planning policies set by national government and Leeds City Council respectively and will focus on neighbourhood rather than wider strategic issues.

4. In inner north west Leeds there are no Town or Parish Councils and as such a Neighbourhood Forum would need to be set up to produce a Neighbourhood Plan. There are a number of obstacles which such a Forum would face including those associated with cost, time, resources, a lack of clarity regarding the proposals, inclusiveness, and wider scepticism about the extent of the new powers. Local community groups are therefore encouraged to also consider alternative options which may be better suited to their particular objectives if they are interested in being involved in planning at the neighbourhood level.
5. The report concludes that there is a strong interest in Neighbourhood Planning in inner north west Leeds and that the INWAC Planning Sub Group and Community Planning Officer have been responding to a number of requests for further information.

Recommendations

6. Members are asked to note the contents of the report and comment as they feel appropriate.
7. Members are asked to continue to support the use of the Community Planning Officer to advise community groups interested in the proposed changes to the planning system in relation to neighbourhood planning.

1 Purpose of this report

- 1.1 This report is intended to inform Ward Councillors of the proposed changes to the planning system to be introduced through the Localism Bill which relate to 'neighbourhood planning'. The report will introduce the proposed changes and detail some of the opportunities and potential obstacles for community involvement in inner north west Leeds.

2 Background information

- 2.1 One of the stated aims of the upcoming Localism Bill is to devolve greater powers to local authorities and communities by aiming to give them more control over housing and planning decisions. The Localism Bill is expected to gain royal assent in November 2011 with the accompanying regulations expected to be finalised in Spring 2012.
- 2.2 The Localism Bill will introduce a number of changes to how the planning system works. One of the main changes is the introduction of new planning powers at the 'neighbourhood' level. The 'neighbourhood' level has traditionally included town and parish councils and community groups.
- 2.3 The current plan making system in Leeds, broadly speaking, operates within a top down approach over four tiers. How these four tiers will operate in practice under the Localism Bill is outlined in the table below.

	Plan Maker	Plan Name
National	Central Government	National Planning Policy Framework <i>(which will replace Planning Policy Statements and Guidance Notes)</i>
Regional	Yorkshire Forward	Regional Spatial Strategies <i>(to be cancelled through the Localism Bill)</i>
Local	Leeds City Council	Local Development Framework <i>(which will gradually replace the Leeds Unitary Development Plan)</i>
Neighbourhood	Parish/ Town Council or Neighbourhood Forum or Business Organisations	Neighbourhood Plan

- 2.4 This report will discuss the additional powers, in terms of plan making, which will be created at the fourth tier, the neighbourhood level. The government proposes to give the necessary powers to produce a Neighbourhood Plan to Town and Parish Councils and Neighbourhood Forums. In areas predominantly occupied by business premises the government also proposes to give these powers to business organisations.

2.5 In inner north west Leeds there are currently no town or parish councils. Therefore in order for community and resident groups to produce a Neighbourhood Plan they would need to create a Neighbourhood Forum. Section 3 discusses the issues surrounding this.

3 Main issues

What is Neighbourhood Planning?

- 3.1 The Localism Bill proposes new planning powers to be used at the neighbourhood level. There is still a great deal of uncertainty as to how many of these new powers will work due to a lack of detail from national government. Further guidance and detailed Regulations are anticipated Spring 2012. The following report attempts to give a brief overview of the current understanding of some of the key new powers, although it is recognised that there are variations in interpretations and a number of common misconceptions which will be addressed.
- 3.2 A **Neighbourhood Plan** will be a planning document produced by a Parish/ Town Council or a Neighbourhood Forum which sets out the vision for an area and creates new planning policies for the use and development of land. At the current time there is still a lack of detail as to what can be included in a Neighbourhood Plan, although it is generally understood that the focus of such a plan should be on local 'neighbourhood' issues rather than wider strategic issues with the emphasis that plans should be pro-development. This is discussed further in paragraphs 3.7 to 3.10 below.
- 3.3 **Neighbourhood Development Orders** can be used by a community to grant permitted development rights for a particular type of development within a neighbourhood area. For example a Neighbourhood Development Order could give permitted development rights (in effect a blanket planning permission) across a neighbourhood area for new dormer windows or detached garages to residential properties. The result of this would be that these forms of development could be constructed without the need to apply for planning permission.
- 3.4 Similarly a **Community Right to Build Order** can be used by a community to bring forward specific small scale development where the development would be retained by the community for the community through a light-touch planning process. It is anticipated that although Community Right to Build will apply to all urban and rural areas, it is most likely to be relevant to rural areas where communities may seek additional affordable housing or shops to support rural life. The key considerations for Community Right to Build are lighter consultation requirements, there will not be the same level of examination and there will be less of a role for the local planning authority to approve schemes. Communities can use this tool for small scale development with the backing of the community (more than 50% in a local referendum) even where a local authority is opposed.
- 3.5 The Localism Bill proposes that local authorities will be required to maintain a list of **Assets of Community Value**. These could include local buildings, facilities or green space. When assets on the list come up for sale or a change of ownership community groups will be given a **Community Right to Bid** for the asset for

community use and will be given time to raise money to buy the asset if it is to go to the open market.

What is a Neighbourhood Forum?

- 3.6 A Neighbourhood Forum has to be a group consisting of at least 21 individuals who live, work, or are Councillors in an area. The Forum would be required to be open to all and have a constitution. The Council would be required to agree that the Forum represents all sections of the community and would need to agree upon the boundary proposed by the Forum. At this moment in time there is a lack of clarity from central government as to what criteria the Council would base these agreements upon.

What will a Neighbourhood Plan Include?

- 3.7 There is a great deal of uncertainty as to exactly what could be included in a Neighbourhood Plan. The government has indicated that a Neighbourhood Plan could address where new shops, offices, or homes should go, which greenspace and wildlife areas should be protected, where new pedestrian walkways should be created, and that a plan could include local design standards. This is likely to be welcomed by local communities.
- 3.8 A Neighbourhood Plan will be required to be compatible with both national and local planning policies on strategic planning issues. This will inevitably have a strong influence on shaping the content of a Neighbourhood Plan. For example, a Neighbourhood Plan would not be able to restrict new development contrary to the planning policy set out by national government and the Council. This would mean that a Neighbourhood Plan would need to be compliant with the proposed National Planning Policy Framework (NPPF) which includes a new 'presumption in favour of sustainable development' and has a number of policies which give significant additional weight to the need to support economic and housing growth. A Neighbourhood Plan must also be compatible with Leeds City Council's Local Development Framework, including saved policies currently in the Leeds Unitary Development Plan and the emerging Core Strategy and Site Allocation Development Plan.
- 3.9 It is therefore clear that the content of a Neighbourhood Plan should focus on supporting development and this will not necessarily align with community aspirations for an area. This is likely to lead to considerable scepticism from local communities and outlines the importance of managing expectations about the potential outcomes from the process. Perhaps the most widely held misconception regarding Neighbourhood Plans is that they will allow a community to prevent new development in an area. However, this would clearly be contrary to the government's wider strategic objectives including the planning policy objectives set out in the draft NPPF, a document which states that the default answer to sustainable development should be 'yes'.
- 3.10 In order to ensure a Neighbourhood Plan's compliance with national and local planning policy, alongside other relevant legislation and guidance, the plan would be subject to an independent examination by a third party examiner. Assuming the plan passes this examination it will be put to a local referendum and would have to be formally adopted by the Council if supported by more than 50% of the vote.

What status will a Neighbourhood Plan have?

- 3.11 A Neighbourhood Plan, if adopted, will become a statutory planning document forming part of the Council's Local Development Framework. This will mean that the Neighbourhood Plan will be a material planning consideration when determining planning applications. In this respect their status will be similar to Neighbourhood Design Statements, of which there are currently three in inner north west Leeds. However, the scope of a Neighbourhood Plan would clearly go beyond that of Neighbourhood Design Statements.
- 3.12 Any Neighbourhood Plan advanced before the Localism Bill (and detailed Regulations) is enacted will be at risk of not forming a statutory planning document and will therefore have limited weight when making decisions on planning applications. In addition, a Neighbourhood Plan advanced before the adoption of the Leeds LDF Core Strategy and Site Allocations Development Plan may not be considered to be in conformity with local plan and again may have little material weight when making decisions on planning applications

Take Up of Neighbourhood Plans

- 3.13 Neighbourhood Forums, through Neighbourhood Plans, will have the opportunity to gain new powers to shape development in their area. However, before a group can consider producing a Neighbourhood Plan they must navigate a number of potential obstacles. These are discussed in the following paragraphs.
- 3.14 Cost - the cost of producing of a Neighbourhood Plan must be met by the respective parish/ town council or Neighbourhood Forum. At present the Localism Bill does not require a Local Authority to offer financial assistance. In practice it is likely that a Neighbourhood Forum will have to employ a planning agent or expert to assist them through the process with many commentators estimating the cost of producing a Neighbourhood Plan to be anywhere between £17,000 and £200,000 depending on the detail and topics covered. The government has stated it will make grant funding available for this purpose, although at this point in time details of how this would work have yet to be released. The government has also suggested that local businesses or even developers could sponsor a local plan although this is likely to raise concerns from within a community.
- 3.15 Time – A number of commentators have estimated how long it may take to produce a Neighbourhood Plan although these estimations vary considerably. The process is shown in the flowchart in appendix 1. It is widely agreed that this will depend on the level of detail of individual plans. In Leeds the average time taken to produce a Neighbourhood Design Statement (NDS) is three years. A Neighbourhood Plan is likely to be a more complex document than an NDS and as such it is considered that a Neighbourhood Plan is likely to take a minimum of three years to produce. It is also important to consider that at the end of the process support would be needed from at least 50% of voters in a local referendum in order for the Plan to be adopted by the Council.
- 3.16 Resources – the production of a Neighbourhood Plan will be a resource intensive exercise which will be demanding in terms of volunteer time from members of the local community. The Council will have a duty to support parish/ town councils and

neighbourhood forums, however it is not yet clear what level of support this would include. As discussed above this duty of support would not include a requirement to provide financial support. There is also a lack of clarity as to how local authority support would be funded which is an obvious concern to the Council in the current financial climate. Four organisations have been allocated grant funding from national government in order to support groups interested in neighbourhood planning including Planning Aid England, the Prince's Foundation, Locality, and the National Association of Local Councils in partnership with the Campaign to Protect Rural England (Details provided in Appendix 2).

- 3.17 Lack of clarity – although the Localism Bill is expected to gain royal assent in November 2011 there is still a considerable amount of uncertainty as to how Neighbourhood Planning will work in practice. Many of the details of the proposals will not be known until the accompanying regulations are finalised in the Spring of 2012. This will make it difficult for many community groups to understand how they may be involved in neighbourhood planning until this time.
- 3.18 Inclusiveness – Neighbourhood Forums would be required to be open to all sections of the community. Although the details of how this would be controlled are unclear the Council would have a responsibility for ensuring this is the case. This may require for example that Neighbourhood Forums would need to include business representatives whose interests may be in conflict with those of a local community. In inner north west Leeds the transient nature of a large proportion of the population, particularly students but also including young professionals and others, may also mean it is difficult to engage with these groups over the medium to long term.
- 3.19 Scepticism – the new planning powers proposed at the neighbourhood level may not necessarily allow local communities to pursue objectives which are in line with community aspirations, particularly in relation to restricting certain types of development. This alongside, the considerable obstacles to entry outlined above, is likely to lead to a degree of scepticism from local communities.

Alternatives

- 3.20 There is a popular misconception that by not taking the option of producing a Neighbourhood Plan, communities will leave themselves completely vulnerable to all new development. This is not the case. If a community chooses not to produce a Neighbourhood Plan proposals for development will still have to conform to both national and local planning policies including the Council's current Unitary Development Plan and emerging Local Development Framework (LDF). Therefore one alternative for a local community is to ensure that they are active in making representatives during the production of the local planning policies to be included in the Council's LDF Core Strategy and Site Allocations DPD as well as other Local Development Framework documents.
- 3.21 A local community may also feel that they may wish to produce an alternative 'neighbourhood' level planning document which is well suited to their aspirations or more viable in terms of cost and resources. These could include a Neighbourhood or Village Design Statement. The production of which are well established and strongly supported in Leeds. On this point discussions have already taken place between ward members, planning officers and representatives of the steering group of the Far

Headingley, Weetwood and West Park NDS during which the merits of producing a Neighbourhood Plan versus renewing and updating their existing NDS have taken place. In this instance the steering group has opted to renew their NDS rather than explore the Neighbourhood Plan route.

Interest in Neighbourhood Planning

3.22 There is a strong interest in neighbourhood planning from community groups in inner north west Leeds including in relation to the production of a Neighbourhood Plan. The INWAC Planning Sub Group, chaired by Cllr Walshaw, held a workshop on 16th September 2011 for representatives of the steering groups of the four community led planning and planning related documents in inner north west Leeds to discuss Neighbourhood Plans. These four documents include the Far Headingley, Weetwood and West Park NDS, the Headingley and Hyde Park NDS, the Vision for Kirkstall Ward, and the Little Woodhouse NDS. At this workshop, which was also attended by a representative of Planning Aid England, interest was expressed from the steering groups to learn more in relation to the neighbourhood planning proposals. The Community Planner Officer has also been responding to queries from individual community groups to discuss and learn more about the proposals.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This report is intended to inform ward members in inner north west Leeds on the changes to the planning system in relation to Neighbourhood Planning. As such this report has not been subject to public consultation.
- 4.1.2 The INWAC Planning Sub Group has been engaging with community representatives to monitor the proposed changes to the planning system and a workshop was held on 16th September 2011 with representatives of the steering groups of the Far, Headingley, Weetwood and West Park NDS, the Headingley and Hyde Park NDS, the Vision for Kirkstall Ward, and the Little Woodhouse NDS to advise these groups. The Community Planning Officer has also been attending meetings with individual groups to discuss the proposals.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no specific equality considerations arising from this report. As such it has not been necessary to prepare an Equality Impact Assessment.

4.3 Council Policies and City Priorities

- 4.3.1 This report does not have any direct implications for Council policy. Neighbourhood Plans, if adopted, will become a statutory plan alongside the Council's Local Development Framework. The adoption of the Council's Core Strategy is identified as a priority within the Council's policy framework.

4.4 Resources and Value for Money

- 4.4.1 This report is intended to advise ward members in inner north west Leeds and does not have any specific implications for wider Council resources. The Community

Planning Officer, as agreed at the Area Committee meeting on 14th April 2011, has been providing advice to community groups in relation to the proposed changes to the planning system relating to neighbourhood planning. Given the strong interest in Neighbourhood Planning this is likely to continue to form a key part of the Community Planner workload in the coming months.

- 4.4.2 The proposed changes to the planning system will have wider implications for the Council's City Development department in terms of resources. At the present time the extent of these implications are unknown due to the lack of clarity in relation to the proposals.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no specific legal implications as this report does not relate to a key or major decision.

4.6 Risk Management

- 4.6.1 There are no significant risks identified in this report.

5 Conclusions

- 5.1 This report has outlined the key powers in relation to neighbourhood planning that it is envisaged the Localism Bill will introduce, alongside some of the proposed obstacles to community involvement. In particular the introduction of Neighbourhood Plans, which will have a statutory status alongside the Council's Local Development Framework, will give communities the tools to have more involvement in plan making at the neighbourhood level.
- 5.2 There is a high level of interest in neighbourhood planning in inner north west Leeds, a part of the city which includes a number of community groups and organisations who have an extensive history of involvement in planning matters at the neighbourhood level. It is important that all groups interested in the new planning powers are well informed and this report is intended as a starting point for this discussion in inner north west Leeds. The Community Planner website (www.leeds.gov.uk/inwcommunityplanner), part of the Inner North West Area Committee (INWAC) website pages, will also be updated to include more information for community groups. As further details emerge over the next six months the INWAC Planning Sub Group and Community Planning Officer will continue to advise ward members and community groups.

6 Recommendations

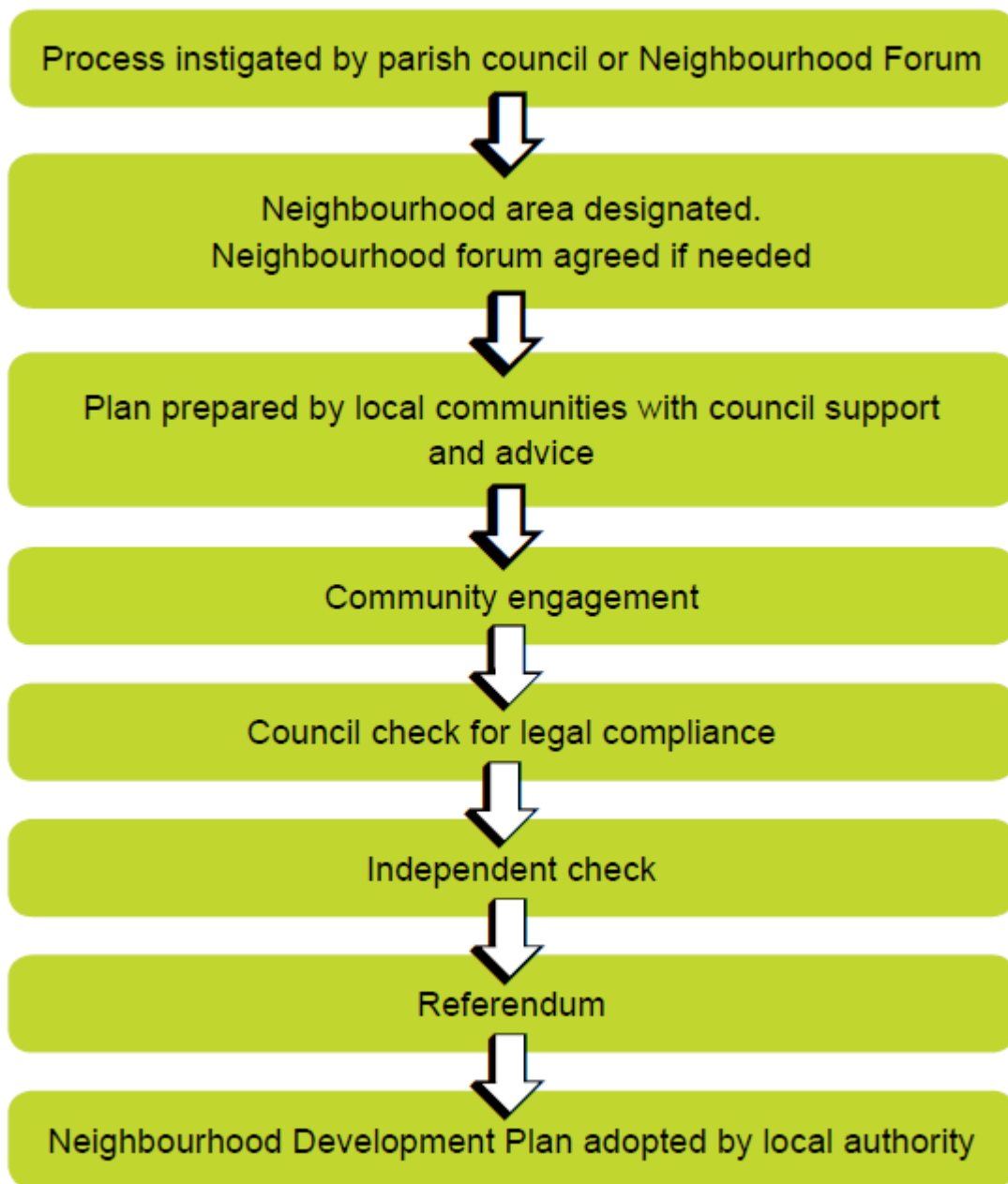
- 6.1 Members are asked to note the contents of the report and comment as they feel appropriate.
- 6.2 Members are asked to continue to support the use of the Community Planning Officer to advise community groups interested in the proposed changes to the planning system in relation to neighbourhood planning.

7 Background documents

7.1 Appendix 1 – Neighbourhood Plan Process Map

7.2 Appendix 2 – Organisations offering assistance in Neighbourhood Planning

Appendix 1 Neighbourhood Plan Process Map



From Neighbourhood Planning – A Guide for Ward Councillors, Planning Advisory Service 2011

Appendix 2 – Organisations offering assistance in Neighbourhood Planning

Planning Aid England (The Royal Town Planning Institute)

Website Link - http://www.rtpi.org.uk/planningaid/planning_aid_in_your_area/yorkshire

Address: The Studio
32 The Calls
Leeds
LS2 7EW

General Enquiries – 0113 204 2460
Email – ykco@planningaid.rtpi.org.uk

The Prince's Foundation

Website link - <http://www.princes-foundation.org/our-work/supporting-communities-and-neighbourhoods-planning>

Address: 19-22 Charlotte Road
London
EC2A 3SG

General Enquiries – 020 7613 8500
Email – enquiry@princes-foundation.org

Locality

Website Link – <http://locality.org.uk/projects/building-community>

General Enquiries – 0845 458 8336
Email – info@locality.org.uk

National Association of Local Councils in partnership with Campaign to Protect Rural England

Website Link – <http://www.planninghelp.org.uk>

Address: CPRE
128 Southwark Street
London
SE1 0SW

General Enquiries – 020 7981 2800
Email – info@cpre.org.uk