



Report author: Ian Mackay

Tel: 247 8079

## Report of City Development

## Report to Executive Board

Date: 20 June 2012

## Subject: Neighbourhood Planning: management, support and protocol arrangements

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
<b>ALL</b>		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input 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 Act 2011 devolves planning powers to parish and town councils or neighbourhood forums to lead on the preparation of Neighbourhood Plans. These powers are outlined in more detail in the Neighbourhood Planning (General) Regulations which came into force on 6<sup>th</sup> April 2012. Further regulations on neighbourhood planning referendums will follow later this year.
2. Neighbourhood planning is one of the five key measures in the Localism Act and specifically relates to the production of neighbourhood plans, Neighbourhood Development Orders (NDO) and Community Right to Build Orders (CrTB).
3. Neighbourhood planning is an opportunity for local communities to be fully engaged in the future of their communities and the local ownership that comes from neighbourhood plans is an opportunity to assist the Council in improving equality, diversity, cohesion and integration in our communities.

4. Leeds City Council, as the Local Planning Authority, has responsibility for determining applications for Neighbourhood Plan areas and designating Neighbourhood Forums. This report sets out the governance structure for managing the neighbourhood planning process and for decision making within the Council.
5. The Council also has a general duty to support those preparing Neighbourhood Plans and this report sets out the resource issues and a protocol, setting out the roles and responsibilities of LCC officers across relevant directorates to assist and support.
6. A draft Leeds guidance note on neighbourhood planning has been prepared setting out key facts, useful tips, the process and the requirements for preparing a Neighbourhood Plan. This is in draft form and attached as Appendix 1.

## **Recommendations**

7. It is recommended that Executive Board:
  - (i) Note that the Neighbourhood Planning (General) Regulations 2012 came into force on 6<sup>th</sup> April and that a progress report will be made to Executive Board in 6 months on how neighbourhood planning is working in Leeds;
  - (ii) Approve the Neighbourhood Planning Guidance Note (attached as Appendix 1), with further amendments/formatting delegated to the Chief Planning Officer;
  - (iii) Approve the governance and protocol arrangements as set out in this report ;
  - (iv) Note that a presentation will be made to Area Committee Chairs outlining the important role that they will have in the neighbourhood planning process;
  - (v) Agree to the establishment of a corporate neighbourhood planning steering group that will ensure that the support and advice for neighbourhood planning is linked to regeneration, service delivery and the localism agenda generally (paragraph 3.10 of this report refers);
  - (vi) Note that a city-wide neighbourhood planning event/s will launch the neighbourhood planning guidance note, aimed at providing support and raising awareness for local members, local communities and other stakeholders.

## 1 Purpose of this report

This report will:

- Provide a general overview and update on the neighbourhood planning process;
- Set out the requirements and implications for the Council of the Neighbourhood Planning (General) Regulations, 2012;
- Propose governance and protocol arrangements for neighbourhood planning generally, with specific reference to the preparation of neighbourhood plans;
- Outline the roles and responsibilities for the Council and local communities at the different stages of the neighbourhood planning process;
- Outline progress on neighbourhood planning in Leeds, highlighting both the opportunities and the challenges of the new process;
- Outline the contents of the draft neighbourhood planning guidance (attached as Appendix 1) for Members approval;
- Outline how neighbourhood planning can assist the Council with regeneration and service delivery.

## 2. Background information

### The principles of neighbourhood planning

- 2.1 Neighbourhood planning is one of the five key measures in the Localism Act 2011 and specifically relates to the production of neighbourhood plans, Neighbourhood Development Orders (NDO) and Community Right to Build Orders (CrTB). It devolves some planning powers to parish councils, town councils and neighbourhood forums. These are referred to as a 'qualifying body'.
- 2.2 The Government has two goals for neighbourhood planning: one is that local people will have influence over where development can go and how it might look; the other is that neighbourhoods will be more welcoming of development because of a renewed sense of ownership and from financial incentives such as the Community Infrastructure Levy (CIL).
- 2.3 **Neighbourhood plans** are required to be 'pro-development'. They can not be used to stop development already allocated or permitted, or propose less development than that in the Local Development Plan (The Core Strategy and the Site Allocations Plan). They can, however, propose more development than the Local Development Plan.
- 2.4 This new process provides an opportunity for local communities to work with the Council in the preparation of the Site Allocations Plan (the scoping report for this was approved by Executive Board in May) as well as other corporate objectives,

such as improving equality, cohesion and integration and recognising diversity. More generally, neighbourhood planning allows local communities to:

- Have a say on where they want new homes, shops and offices to be built
- have their say on what those new buildings should look like
- include other matters in their plan that are important to them

2.5 A **Neighbourhood Development Order** (NDO) is a new tool intended to streamline the planning system and stimulate economic development. It will permit certain types of development without the need for planning permission (in a similar way to the Local Development Orders promoted by the Council in respect of the Enterprise Zone). This could relate to a particular type of development (for example, low carbon) or it could relate to a particular use (for example residential or retail). They can apply to all or part of a neighbourhood area and can be included as part of a neighbourhood plan, but can also be brought forward separately.

2.6 A **Community Right to Build Order** (CrTB) is a particular type of neighbourhood development order and these are intended to allow local communities to build, design and run a facility which they feel is needed in their neighbourhood. The community right to build organisation must be a constituted group of at least 10 unrelated members who live in the particular area (i.e. living in different dwellings to each other) and set out a clear statement that the organisation will carry out its activities for the benefit of the community. This power will enable communities to identify land for new small-scale development.

2.7 Local communities are also now able to apply to the Council to have a valued local green area designated a **Local Green Space** (LGS) as part of neighbourhood plans. To be designated a Local Green Space, sites must meet the following criteria:

- Will be in reasonably close proximity to a centre of population
- Is demonstrably special to a local community and holds particular local significance
- Is local in character and is not an extensive tract of land

2.8 Like neighbourhood plans, applications for CrTB, LGS and NDO's, will be made to the Council and an independent check must be carried out to ensure that proposals comply with equality and human rights requirements.

### **Neighbourhood planning regulations**

2.9 The Neighbourhood Planning (General) Regulations became effective on April 6 2012, setting out the statutory procedures for neighbourhood plans, Neighbourhood Development Orders and Community Right to Build Orders. Some communities are already requesting to be formally designated as a neighbourhood planning area and the first adverts were placed in the Wetherby News on 25<sup>th</sup> May. Other areas are seeking support from the Council on a range of issues. The first advertisements notifying it is clear at this early stage that the success of the neighbourhood planning system will rely heavily on clear and transparent governance and protocol

arrangements that will give local communities the confidence and support that they need.

2.10 The Regulations outline seven key roles and responsibilities for the Council:

- Designation of a neighbourhood plan area
- Designation of Neighbourhood Forums
- Consider compliance with statutory and EU requirements
- Organise and fund independent examination
- Organise and fund a referendum
- General 'duty to support'
- Duty to adopt

### **Designation of a neighbourhood plan area**

2.11 The Council is responsible for receiving and determining applications for the designation of a neighbourhood area (i.e. an area to which a neighbourhood plan or a neighbourhood development order relates). If the proposed neighbourhood area is that of a parish or town council then it is only that body that can make the application and can subsequently seek to prepare a plan or order. Applications must include the proposed boundary and supporting information on why the boundary is an appropriate one. The Council is then required to advertise the application (for a statutory period of 6 weeks) and then consider any representations received.

2.12 There is no further guidance on how local authorities should designate but for parish and town council areas it is likely that their existing boundaries will be put forward and will be considered appropriate. For non-parished or town council areas, it will be important to match the suggested boundary with the issues that the plan seeks to achieve.

### **Designation of a Neighbourhood Forum**

2.13 Where no parish or town council exists and a local community group (or others) wish to prepare a neighbourhood plan or a Neighbourhood Development Order, then they will need to apply to the Council for designation as a neighbourhood forum. The Regulations require that a neighbourhood forum must have at least 21 people as members, be open to residents, those who work in the area, local councillors and business representatives. The group must have a constitution and aim to improve the social, environmental and economic well-being of the area. There is a risk that more than one group will be interested in the same area (or a part of an area) and the Council will have a role to play in managing and mediating as appropriate.

### **Independent examination**

2.14 A neighbourhood plan or Neighbourhood Development Order will be assessed by an Independent examiner (appointed and paid for by the Council). The guidance suggests that this examination should be 'light touch' and dealt with by written representations wherever possible.

- 2.15 The Council will be responsible for advertising the draft plan and will send the examiner a copy of the plan proposal, the documents the parish have to submit with it and a copy of any representations which have been made in accordance with regulation 16. The examiner will recommend either that the plan is submitted to a referendum (with or without modifications), or that the proposed plan is refused. In reaching this decision the examiner will have regard to the plans conformity with national planning policy and the Core Strategy, compliance with EU directives, how the plan promotes equality and human rights, consultation undertaken and how the plan responds to it and any other matters considered relevant by the examiner.
- 2.16 The Council must publish the examiner's report and consider the examiner's recommendation. The Council can endorse or reject and refer back to the examiner for further examination. Businesses, investors, developers and other commercial organisations could also object to the plans (this is more likely if they haven't been sufficiently involved as early as the designation of the neighbourhood area or forum).

### **Referendum**

- 2.17 If the plan passes examination, the next stage is for the Council to hold a referendum on the making of a neighbourhood plan (or NDO as the case may be). The examiner will recommend that the Council holds a local referendum on a neighbourhood plan or Neighbourhood Development Order. The Council will be responsible for organising and paying for this. Further detailed legislation on referendums is due to be released by the Department for Communities and Local Government later this year and a further report will be made to Executive Board at this time. However, we do know that the referendum must take place as a minimum in the neighbourhood area to which the proposed plan or NDO relates and those entitled to vote are those persons within the neighbourhood area who are entitled to vote in local elections. If the plan gains support from over 50% of those voting, the Council must adopt the plan as part of the Local Development Plan.

### **'Duty to support'**

- 2.18 The Act requires local authorities to support communities in all aspects of neighbourhood planning. How this is done in practice is left to each local authority to decide. This is a resource challenge for the Council but also an opportunity to better connect with some communities and to work with them to realise both neighbourhood and city-wide aspirations. The 'duty to support' gives a guarantee of consistency and support to those communities undertaking neighbourhood planning but it also means that other communities who perhaps don't have the resources or the capacity to get involved may be left out.

### **Duty to adopt**

- 2.19 If a neighbourhood plan gains more than 50% support at a local referendum the Council will adopt the plan and will be responsible for its implementation. This will mean that the plan will become part of the Council's statutory Development Plan.

### **3. Main issues**

#### **Governance**

- 3.1 The Executive Member for Neighbourhoods, Planning and Support Services is the lead Member for neighbourhood planning issues and will be supported on wider localism issues with the Executive Member for Development and the Economy.

#### **Closer engagement and effective management**

- 3.2 Closer engagement and effective management will be critical to the success of neighbourhood planning. The ability of the planning process to develop closer engagement with communities as part of the root and branch changes to the planning system will change the way that the Council integrates in a meaningful way at a local level. For the Council, this means providing the right support at the right time, speed of decision making and transparency. In turn, this will mean that local communities involved in neighbourhood planning will need to work with the Council in a spirit of trust, understanding, and cooperation (see table 1, 'key responsibilities and Working Together').
- 3.3 The locality design principles agreed at Executive Board in December 2010 provide for effective locality working by Council services and articulate the responsibility for all Council services to engage with neighbourhoods and communities on the decisions that affect them. Area Leaders will work closely with City Development and other Council services to support the equitable engagement of local communities with the localism agenda. This enabling role will focus on growing the capacity of communities to determine their own solutions to local issues and exploring opportunities for civic enterprise and for shaping their places. Whilst many issues will relate to physical development, others will relate to the role of community assets, the pattern of local service provision and the consequences of service changes in particular communities.
- 3.4 The Director of City Development will coordinate and manage the Council's neighbourhood planning responsibilities. This will require close working with Area Committee, local ward members and directorates across the Council. Through locality working the Council will work with Area Leaders to enable, facilitate and link neighbourhood planning to regeneration projects, wider issues, service delivery and where necessary provide additional support for urban areas.
- 3.5 Neighbourhood planning requires a number of key decision to be made by the Council throughout the neighbourhood planning process: the designation of neighbourhood areas, the designation of neighbourhood forums, the compliance with statutory requirements at various stages and the consideration of the examiner's recommendations. Unless there is unresolved conflict or issues of strategic significance to the Council, these decisions will be delegated to the Chief Planning Officer in close consultation with the Executive Member for Neighbourhoods, Planning and Support Services.
- 3.6 Apart from key decisions, the Council will manage, support and implement neighbourhood planning in a positive and 'light touch' way, including:

- **Advertisements** (the Chief Planning Officer will advertise requests for designation of neighbourhood planning areas/forums (6 weeks), decisions on the designation of neighbourhood planning areas/forums, submission of plans by the 'qualifying body' (6 weeks), notice of referendum, notice of adoption);
- **Appointment of Examiner** (the Chief Planning Officer will appoint an examiner in consultation with the qualifying body);
- **Examiner's advisory report** (The Chief Planning Officer will summarise representations received to the submission plan prepared by the qualifying body, as well as any other relevant matters in consultation with the Executive Member for Neighbourhoods, Planning and Support Services);
- **Referendum** (The Council will fund and organise; the plan will be adopted by the Council as part of the statutory Development Plan if over 50% of those taking part in the referendum support the plan; further guidance awaited from Department of Communities and Local Government);
- **Adoption of a neighbourhood plan/Neighbourhood Development Order** (the Council will advertise the adoption and include as a part of the statutory Development Plan for Leeds);
- **Implementation of a neighbourhood plan/Neighbourhood Development Order** (the Council will make decisions on planning applications based on the content of the adopted plans).

### **Role of Area Committees**

- 3.7 Area Committees have a key consultative role to play in all aspects of the neighbourhood planning process. They will be able to advise, signpost, empower and provide mediation if needed. Prior to a decision being made on the designation of neighbourhood areas or the designation of neighbourhood forums, the Chief Planning Officer will consult Area Committee on timescales, issues and the boundary to be adopted. Area Committee can also contribute to the examiners advisory report, consultation and engagement issues, referendum arrangements, the implementation of neighbourhood plans and linking to the wider localism agenda. As Area Committees meet quarterly, it may not always be possible to report direct. In this case, the relevant Area Committee chair and the Executive Member for Neighbourhoods, Planning and Support Services will be consulted. The Executive Member for Development and the Economy will also be consulted where appropriate.
- 3.8 Area Leaders have been closely involved in shaping the Council's response to the neighbourhood planning process and this ongoing dialogue will continue. In taking this forward, further briefings are due to take place with Area Committee Chairs (as set out in recommendation iv of this report).



**Table 1 – Key responsibilities and Working Together**

Leeds City Council	Parish/Town Council, Neighbourhood Forum
<b>Key responsibilities</b>	<b>Key responsibilities</b>
1. 'Duty to support' 2. Designate Neighbourhood Area 3. Designate Neighbourhood Forum 4. Consider compliance with statutory and EU requirements 5. Advise Independent examiner on representations received and other matters 6. Fund and organise examination 7. Consider examiner's recommendations 8. Fund and undertake Referenda 9. 'Duty to adopt'	1. Identify the need to prepare plan 2. Submit neighbourhood forum application (if relevant) 3. Submit neighbourhood area application 4. Identify key issues 5. Prepare evidence to support proposals 6. Consult and engage 7. Prepare documents/plans 8. Ensure compliance with EU directives and national policy/local plan (including carrying out sustainability appraisal/strategic environmental assessment as necessary) 9. Submit plan for Independent examination
<b>Working together</b>	
Cooperation Support Transparency Face-to-face contact Plain English Building trust Understanding Learning lessons Equality	

**Achieving complementary content**

- 3.9 The level of understanding among communities who are currently preparing neighbourhood plans is high and this includes an understanding that neighbourhood plans must conform with the Core Strategy. Communities in some outer areas are already considering sites for development, a helpful approach that will assist the Council in ensuring that work on neighbourhood planning runs parallel with the preparation of the Site Allocations Plan. Understanding of the neighbourhood planning process is low or potentially 'non-existent' in some non-parished or town council areas. However, part of the role of the pilot scheme is to facilitate positive outcomes throughout the city.
- 3.10 The Council is also keen to ensure that neighbourhood plans not only conform to the Core Strategy but complement other city-wide aspirations, for example those outlined in the 'Vision for Leeds' and with other parts of the Localism Act. An officer advisory group will be set up to assist this process and to support wider Council linkages to localism generally. The working group will be cross-service and include:
- Planning and Sustainable Development
  - Legal and Financial Services
  - Localities and Partnerships

- Asset Management
- Regeneration
- Highways and Transportation
- Children's Services
- Adult Services
- Health

3.11 The advisory group will be led by the Director of City Development and will coordinate and monitor progress on neighbourhood planning, with particular focus on the cross departmental and partnership activity/input as well as reporting back to the Executive Member for Neighbourhoods, Planning and Support Services, Chief Officers and Area Committee. The group will also ensure that links are made with other stakeholders including the Police, the National Health Service, health practitioners and the voluntary sector.

### **Providing advice and support**

3.12 The guidance note (Appendix 1) outlines in detail how the Council will fulfil the 'duty to support' and it also seeks to bring clarity to this new and untested process. The level of support needed for each neighbourhood will vary depending on the detail and scope of the neighbourhood plan but they will all require support that is coordinated, consistent and sensitive to local needs and circumstances.

3.13 The draft guidance note includes advice on the formal procedures for the designation of neighbourhood areas and neighbourhood forums and the preparation of Neighbourhood Development Plans, Neighbourhood Development Orders, Community Right to Build Orders and Local Green Spaces. There will be a neighbourhood planning event to raise awareness with local communities, local ward members and other stakeholders and there will be an opportunity to launch the guidance note at this event. The guidance note will:

- Outline the support Leeds City Council will provide to local communities throughout the neighbourhood planning process
- Provide a step by step guide on preparing a neighbourhood plan, focussing on statutory and EU requirements
- Provide advice on Neighbourhood Development Orders, Community Right to Build Orders and Local Green Spaces
- Provide advice on how local communities can work with the Council on the Site Allocations Plan (including a timetable for engagement)
- Advise communities whether a neighbourhood plan is right for them
- Outline the benefits of neighbourhood planning to those who are not yet engaged
- Set out the factors that an independent examiner will take into account when considering a neighbourhood plan
- Provide 10 'top tips' for a successful plan
- Provide a visual neighbourhood planning 'routemap' (to be added to the website)
- Outline the benefits (and application) of social media for neighbourhood planning

- 3.14 The guidance note sets out in detail what support the Council will provide to communities. This will include the following general level of support:
- Enhance existing working relationships with town and parish councils and build new relationships with neighbourhood forums;
  - Meet local communities interested in neighbourhood planning at an early stage , setting out the general and area specific level of support that can be provided ;
  - Assist local communities to prepare a plan that will be fit for Independent examination. This will include advising on planning issues and ensuring that other issues are 'joined up';
  - Attendance at briefings and meetings (subject to officer availability);
  - Advice and mediation as required;
  - Advice on consultation and engagement;
  - Advice on how neighbourhood planning can support regeneration, service delivery and other matters;
- 3.15 In addition to the general level of support, the Council will also assist all communities with specific requests for technical assistance. Subject to reasonable requests, the Council will provide copies of the following:
- Area and site plans (subject to printing charge);
  - Technical reports/extracts (subject to printing charge);
  - Technical information held on sites (subject to printing charge);
  - Any other technical information that is in the public domain (subject to printing charge).
- 3.16 The guidance note will be available on the Council's neighbourhood planning webpage, along with updates on progress across the city, best practice advice, a number of checklists (for example, a checklist of statutory consultees) and links to other aspects of localism. This may need to be updated periodically as new guidance emerges.
- 3.17 In addition to the 'duty to support', Area Support Teams and the Regeneration Service will be able to offer extra assistance to inner-city areas or other areas which currently have a relatively low capacity to prepare a neighbourhood plan independently. This support will include: general assistance to set up a neighbourhood forum (advice, signposting and empowerment); assistance in preparing a neighbourhood plan (technical assistance on content, delivery and viability) as well as advice on fundraising, sponsorship and links to regeneration, service delivery and health.
- 3.18 To promote awareness, best practice and share ideas, 'twitter' and other social media opportunities will be used.
- 3.19 For those communities preparing neighbourhood plans it is likely that it will lead some of them to consider other aspects of the localism agenda in the area more generally. This may mean that they will consider Assets of Community Value, Community Right to Challenge and community asset transfer. A report regarding the legislation and implications of assets of community value, community asset

transfer and community right to challenge were reported to Executive Board on 7<sup>th</sup> March 2012.

- 3.20 As Reported to the May Executive Board, The Leeds neighbourhood planning pilot areas (Boston Spa, Holbeck, Kippax and Otley) provide an opportunity to test and learn from the neighbourhood planning system as it affects communities in Leeds. They represent the diversity of our neighbourhood and represent an opportunity to make neighbourhood planning work for the specific needs of our communities. The lesson to be learned from this will be published on the Council's neighbourhood planning webpage.

### **Progress so far (on neighbourhood plans)**

- 3.21 There have been 35 expressions of interests across Leeds in preparing a neighbourhood plan. Early indications suggest that most of these areas will come forward with formal applications (and there may be many more).
- 3.22 The first advertisements have been placed by the Council notifying the intention to designate nine neighbourhood areas in Barwick and Scholes, Bardsey, Walton, Thorpe Arch, Aberford and district, Wetherby, Bramham, Linton and Boston Spa.
- 3.23 More recently, there has been an increased level of interest from non-parished areas in the process, many of whom seem to be waiting until the process is more established before they get involved.
- 3.24 Outlon & Woodlesford, Holbeck and Aireborough areas are all preparing to be designated neighbourhood forums. Others have expressed an interest.
- 3.25 Recent feedback from local communities working on neighbourhood planning gives Executive Board Members a helpful indication of the issues and concerns from the perspective of local communities:
- There is a need for a practical guidance note to assist communities in understanding the level of Council support and the procedures that communities need to follow;
  - Some communities are well prepared and organised but there is still a high degree of support required from the Council, in particular from local Ward Members;
  - There is concern about attracting and sustaining volunteers;
  - There are a number of unknown elements to neighbourhood planning that are creating confusion and nervousness among volunteers (ranging from how the Council will engage on the Site Allocations Plan to how local referenda's will work);
  - There are widespread concerns about the cost and time needed to prepare a neighbourhood plan;
  - There is a strong desire for a neighbourhood planning event in Leeds, including an event for the four pilot areas.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Community consultation and engagement is at the very heart of neighbourhood planning. It provides for a more 'bottom up' approach and gives local communities the opportunity, and responsibility, to fundamentally shape the future of their settlements. The Localism Act 2011 and subsequent Neighbourhood Planning (General) Regulations 2012, stipulate advertisement of information at various stages and that consultation and publicity must be undertaken before neighbourhood plans are formally submitted to the Local Planning Authority.
- 4.1.2 The Council must work with local communities to ensure that they embrace people who live, work or carry on business in their area. The Council will assist in this and advise on good practice
- 4.1.3 There is a clear opportunity to tie in other consultation work planned surrounding the Core Strategy and particularly the Site Allocations Plan DPD with neighbourhood planning. This will avoid misunderstandings about the role of neighbourhood plans and help local communities to influence the content and form of the Site Allocations plan. Taking a more pro-active and joined up approach to the production of the whole Development Plan for Leeds and clearly identifying the needs and aspirations of communities at an early stage is good practice and could potentially save time and money in the end. There is an issue of timing relating to the differing timescales for the various elements of the Leeds Development Plan. These need to be fully understood and conveyed to communities so they don't miss the opportunity to contribute.
- 4.1.4 The Executive Member for Neighbourhoods, Planning and Support Services, the Executive Member for Development and the Economy, Area Committee Chairs and Councillor Hyde have been consulted on this report and their feedback is reflected throughout.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 The Government has undertaken an Equalities Impact Assessment of the Localism Act in relation to Neighbourhood Planning (2011). This has been used to inform the Equalities Impact Assessment screening for this report.
- 4.2.2 Community consultation and engagement is at the centre of the neighbourhood planning process. It provides an opportunity for the Council and local communities to reflect social diversity, to foster strong and positive relations and to work closely together to promote equality, cohesion and integration. The legislation requires communities to ensure consultation, engagement and human rights are key considerations in neighbourhood planning. The Council will work with local communities to achieve this.
- 4.2.3 Each community has different, social, economic and environmental characteristics and the neighbourhood planning process is an opportunity for a greater level understanding for both the Council and local communities themselves. This will be

reflected in a tailor-made approach to the recognised needs of specific communities, taking into account ethnic mix and other factors.

### **4.3 Council Policies and City Priorities**

4.3.1 Neighbourhood Plans link well to all three of the Council's corporate priorities set out in the Vision for Leeds :

- Leeds will be fair, open and welcoming
- Leeds' economy will be prosperous and sustainable
- All Leeds' communities will be successful

It also meets the Council value of 'Working with Communities' and related priority of 'consultation' set out in the Council's Business Plan 2011 – 15.

4.3.2 An adopted neighbourhood plan will form part of the statutory planning policy framework for Leeds (The Local Development Framework) and as such will have material planning and legal status in the determination of planning applications.

4.3.3 Although the process of Neighbourhood Plans can be self-contained, the likelihood is that these issues will be considered alongside other new powers outlined in the Localism Act, for example, Assets of Community Value and Right to Challenge. The neighbourhood planning process is an opportunity for the Council work with local communities on all of these issues.

### **4.4 Resources and Value for Money**

4.4.1 The cost of preparing a neighbourhood plan will need to be met by the parish/town council or neighbourhood forum. In addition to the Council's 'duty to support' there is a need to allocate funding and commit officer time for advertising, examinations and referenda. Some of these costs are outlined in Appendix 2.

4.4.2 The regulations anticipate that Neighbourhood Plan examinations will be "light-touch", and dealt with through written representations where possible. However an examiner will always need to be appointed. This appointment is to be agreed between the Council and the parish/town council or Neighbourhood Forum, but will be paid for by the Council.

4.4.3 If an inspector from the planning Inspectorate (PINS) is appointed it can cost over £1k/day, although there is no requirement to use a PINS Inspector. The normal rule is 4 days writing up time for every day of a hearing. The DCLG impact assessment suggests examination costs of £5-8k. In practice, Inspectors costs start before the examination, as they are appointed on submission to do preparatory work. If the Inspector decides to undertake the examination in public then additional costs will rise (room hire costs etc).

4.4.4 The Government believes it will be for the examiner to decide when to hold public hearings and therefore the Regulations do not attempt to prescribe the process of where a hearing must be held, but the Government are reserving the power in case experience shows that public hearings are not happening when they should. Where an examiner decides that matters be dealt with in writing with no public hearing then

in these circumstance the costs will be greatly reduced. However, this raises questions in regard to what rights of appeal land owners, agents and developers and others have in regard to putting forward alternatives and evidence as part of a “lighter-touch” inquiry process.

- 4.4.5 Throughout the process of Neighbourhood Planning the emphasis is on the community being in the driving seat of planning their area. A referendum at the end of the process would ensure that the community has the final say on whether a neighbourhood plan or development order or community right to build order comes into force in their area. There is little guidance from Central Government on arrangements for referendums therefore the Council will need to put such arrangements in place and commit funding. Clearly the local costs of referendums will vary depending on the size of the area concerned and whether it can (or should) be linked to local elections. The DCLG impact assessment offers some indicative costs of £1.80/head or around £8k per ward.
- 4.4.6 The regulations require the Council to publish notification of various applications e.g. for the designation of Neighbourhood Areas and where Parish and Town councils do not exist the designation of Neighbourhood Forums. The guidance suggests that local planning authorities will only have to deal with one area designation at a time on a first come first serve basis, but must advertise as soon as possible after receiving an application. This could take up a substantial amount of officer time to ensure that the correct procedure is followed.
- 4.4.7 The Regulations specify that the Council will have certain statutory duties to advertise on their website for set periods of time on all applications submitted to the council for the formation of Neighbourhood Forums and submissions for Neighbourhood Development Plans. The support needed to set up a dedicated localism webpage as well as officer time to manage, maintain and update this is being investigated.
- 4.4.8 City Development Directorate have already consolidated existing resources to further support neighbourhood planning. The impact of neighbourhood planning on resources is difficult to predict but indications so far shows that the type of support needed is not only time-consuming but fairly specialised.
- 4.4.9 Resource implications will be kept under review and may have to be brought forward as a budget pressure for 2013/14, to be considered alongside other tasks undertaken by the planning service and other directorates.

#### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 The Council will be responsible for ensuring a neighbourhood plan has been produced in line with the relevant legislation and regulations and will organise an independent examination and referendum as appropriate.
- 4.5.2 The Council will assess the process undertaken and the content of each neighbourhood plan, Neighbourhood Development Order and Community Right to Build Order.

## **4.6 Risk Management**

- 4.6.1** There is a risk that the neighbourhood planning process is misunderstood, not considered relevant in some communities or seen as too time-consuming and costly. This report outlines how the Council will support local communities and along with the guidance note will give communities clarity, confidence and the support needed.
- 4.6.2** Ensuring consultation is undertaken well is always a challenge and it can be time-consuming, costly and difficult to engage all groups. It will be the responsibility of communities preparing plans to undertake this consultation, although the Council will advise and support dependant on available resources and local circumstances.
- 4.6.3** As with all consultations, there is a risk that some residents may dominate and exert undue influence over the process at the expense of other, perhaps less vocal people. This risk can be minimised by ensuring that consultations are designed with the needs of everyone in mind and the Council has a role to play in this. The examiner will assess not only the quality of the consultations undertaken by local communities but any changes made as a result of consultation. It is therefore critical that time and resources are devoted to this to minimise risk.
- 4.6.4** Producing a neighbourhood plan will require time, skill and resources and there is a risk that some communities will not have the capacity to prepare plans independently. For these communities, Area Teams will provide extra support to establish and sustain neighbourhood forums. This will be tested in the Holbeck pilot area and monitored over time.
- 4.6.5** Local communities will be required to prepare sustainability appraisals and strategic environmental assessments as necessary. Guidance on this is unclear and the Council is currently investigating the best way to do this. Communities will require significant support to undertake these effectively.
- 4.6.6** It is critical that local communities preparing neighbourhood plans not only consult but actively involve the business sector throughout the plan making process, from the designation of neighbourhood plan areas to the identification of development sites. The best way to do this will be to have business representatives, developers and landowners on neighbourhood planning steering groups. Working this way, will hopefully reduce any objections or legal changes which could result in delay and additional costs. Any judicial reviews will be against the Council and therefore the cost/resources of defending would be for the Council to cover.

## **5. Conclusions**

- 5.1** The interest in neighbourhood planning across the city is increasing and local residents, parish and town councils, elected members and others are becoming increasingly involved or asking if it is right for them. The positive approach being taken by the Council demonstrates the importance the Council attaches to community engagement and local empowerment and the opportunities for neighbourhood planning to help the Council deliver wider benefits. The agreement of the Council's support and management arrangements and the publication of the guidance note will give communities the confidence that they need to progress with



their neighbourhood planning ideas and will also help accelerate progress in the four Leeds pilot areas to deliver the best plans possible and give insights to other communities locally and nationally.

## **6. Recommendations**

It is recommended that Executive Board:

- (i) Note that the Neighbourhood Planning (General) Regulations 2012 came into force on 6<sup>th</sup> April and that a progress report will be made to Executive Board in 6 months on how neighbourhood planning is working in Leeds;
- (ii) Approve the Neighbourhood Planning Guidance Note (attached as Appendix 1), with further amendments/formatting delegated to the Chief Planning Officer;
- (iii) Approve the governance and protocol arrangements as set out in this report ;
- (iv) Note that a presentation will be made to Area Committee Chairs outlining the important role that they will have in the neighbourhood planning process;
- (v) Agree to the establishment of a corporate neighbourhood planning steering group that will ensure that the support and advice for neighbourhood planning is linked to regeneration, service delivery and the localism agenda generally (paragraph 3.8 of this report refers);
- (vi) Note that a city-wide neighbourhood planning event/s will launch the neighbourhood planning guidance note, aimed at providing support and raising awareness for local members, local communities and other stakeholders.

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

EIA Screening Form

---

<sup>1</sup> The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

This page is intentionally left blank