

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Keighley Area Committee to be held on 29 October 2013.

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Subject:**Neighbourhood Planning – Neighbourhood Area Applications****Summary statement:**

The Council's Executive Committee has resolved the governance arrangements for discharging the Council's new duties in relation to neighbourhood planning in respect of the Localism Act 2011. The Area Committees have been identified as a consultation body to consider Neighbourhood Area Applications which have been submitted to the Council, prior to a final decision at Executive.

This report sets out details of the three Neighbourhood Area Applications submitted to the Council by the Parish Councils of Haworth, Cross Roads & Stanbury; Ilkley and Oxenhope. The Committee are invited to comment.

The Area Committee is recommended to take note of the decision and progress of these Neighbourhood Area Applications as any decision to approve a Neighbourhood Area would require a level of support from Neighbourhood Services.

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Overview & Scrutiny Area:

Regeneration & Economy



1. SUMMARY

- 1.1 The Council's Executive Committee has resolved the governance arrangements for discharging the Council's new duties in relation to neighbourhood planning in respect of the Localism Act 2011. The Area Committees have been identified as a consultation body to consider Neighbourhood Area Applications which have been submitted to the Council, prior to a final decision at an Executive meeting.
- 1.2 This report sets out details of the three Neighbourhood Area Applications submitted to the Council by the Parish Councils of Haworth, Cross Roads & Stanbury; Ilkley and Oxenhope. The Committees are invited to comment.
- 1.3 The Area Committee is recommended to take note of the decision and progress of these Neighbourhood Area Applications as any decision to approve a Neighbourhood Area would require a level of support from Neighbourhood Services.

2. BACKGROUND

- 2.1 The Localism Act 2011 (the Act) devolves planning powers to Town and Parish Councils or Neighbourhood Forums to lead on the preparation of Neighbourhood Plans for their area. These powers provide local communities with the opportunity to take responsibility and accountability to shape development and growth in their areas.
- 2.2 Neighbourhood planning is one of the five key measures in the Localism Act. There is now a package of non mandatory neighbourhood planning tools which are available for use by local communities through qualifying bodies should they choose to use them. These relate to the production of:
- Neighbourhood Plans
 - Neighbourhood Development Orders
 - Community Right to Build Order (CRTBO)
- 2.3 The Neighbourhood Planning (General) Regulations 2012 came into force on 6th April 2012. The Regulations outline seven key roles and responsibilities for the Council:
1. Designation of a neighbourhood plan area
 2. Designation of Neighbourhood Forums
 3. Consider compliance with statutory and EU requirements
 4. Organise and fund independent examination
 5. Organise and fund a referendum
 6. General 'duty to support'
 7. Duty to adopt
- 2.4 A report entitled '*Localism Act Neighbourhood Planning Provisions*' was considered by the Executive Committee on 9th October 2012 setting out the legal provisions, regulatory procedures, financial and resource implications for both the Council and communities and also the implications for the Council in terms of duties, (resource and financial) and legal compliance. The report sets out the Council's proposed

governance arrangements for neighbourhood planning which were approved by Executive.

Neighbourhood Planning

2.5 Neighbourhood planning provides an opportunity for local communities to be fully engaged in the future of their communities and the local ownership that comes from neighbourhood planning is an opportunity to assist the Council in improving equality, diversity, cohesion and integration in our communities. Through neighbourhood planning communities can:

- Have a say on where they want new homes, shops and offices etc 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.

2.6 The powers are non mandatory and it is up to each local community to consider the issues in their locality and whether the neighbourhood planning tools are the right mechanism for them. It will then be a community decision whether or not to prepare a neighbourhood plan given the issues, resources and timescales available.

Neighbourhood Plans

2.7 Neighbourhood plans are required to be 'pro-development'. They cannot be used as a means to stop development from taking place within an area, or propose less development than is set out in the Local Plan (the Core Strategy and the Allocations Development Plan Documents). They can, however, propose more development than set out in the Local Plan.

2.8 The National Planning Policy Framework (NPPF) sets out guidance on neighbourhood plans which makes clear that they should be positive planning documents which need to confirm with the strategic policies in the Local Plan which relate to:

1. The homes and jobs needed in the area;
2. The provision of retail, leisure and other commercial development;
3. The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change
4. Management, and the provision of minerals and energy (including heat);
5. The provision of health, security, community and cultural infrastructure and other local facilities; and
6. Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

2.9 The content of the plan will be decided by local communities, as will the decision to prepare the plan. The plan can be a means of setting out more detailed policies for their community over and above the Local Plan, to start to shape the choices over the use of land and the designation of land for housing, employment, community uses etc. Plans can also cover non planning related issues.

Neighbourhood Planning – The Process

- 2.10 The key stages in the preparation of a Neighbourhood Plan are set out in Appendix 1. This also identifies some of the key roles and duties.
- 2.11 The first step in producing the Neighbourhood Plan is the submission by a relevant body (parish council or body designated as a neighbourhood forum for the discharge of neighbourhood planning) of an application to the Council for a neighbourhood area (i.e. an area to which a neighbourhood plan relates). In parished areas the application can only be submitted by that body. This application is published by the council and comments invited prior to the council making a formal decision which it is required to publish.
- 2.12 If a Neighbourhood Area is approved by the Executive the qualifying body can then commence work on their Neighbourhood Plan. Once a Neighbourhood Plan has been prepared by the qualifying body, it is submitted to the Council who will publish it for formal representations and appoint an independent examiner to check that it meets the right basic standards including compliance with the Local Plan for the District. If the plan does not meet the right standards, the examiner will recommend changes. The planning authority will then need to consider the examiner's views and decide whether to make those changes.
- 2.12 If the examiner recommends significant changes, then the qualifying body may decide to consult the local community again before proceeding.
- 2.13 If the plan is deemed acceptable following the examination by an independent person a referendum is held and with a simple majority in favour, they can become part of the development plan for the district.

The level of interest (Neighbourhood Plans)

- 2.14 At present, neighbourhood planning in Bradford is still in the early stages with a total of four Neighbourhood Area Applications being submitted to the Council for consideration. Consultation on these four applications has recently ended and the applications together with the comments received are to be considered by the Council in line with the agreed governance arrangements.

Local Authority roles and responsibilities

- 2.15 The Local Planning Authority has the primary responsibility for determining applications for neighbourhood areas and designating neighbourhood forums. This includes carrying out public consultations on any Neighbourhood Area Applications and on the final Neighbourhood Plan prior to an examination.
- 2.16 Support from other Council services including Democratic Services, Strategic Policy and Research, Consultation and Engagement, Neighbourhood Services and Legal Services may be required as and when appropriate.
- 2.17 The Council has a general 'duty to support' local communities through the provision of advice and assistance to qualifying bodies in developing proposals for plans.
- 2.18 There is no requirement on the Local Planning Authority to provide financial

assistance but it is not prohibited. However, the Council has a duty to pay for and organise the examination and referendum on the plan.

The Role of the Area Committee

- 2.19 It was agreed at the Executive meeting on 9th October 2012 (see Appendix 8 to this report) that Area Committees will have a consultative role to play in all aspects of neighbourhood planning.
- 2.20 In addition to the role outlined above it is envisaged that Area Committees and local members, through their Area Co-ordinators, have the opportunity to play an important role in adding value through advising, signposting, empowering, resolving any conflict and partnership working with qualifying Town and Parish Councils and Neighbourhood Forums to aid delivery of a plan.
- 2.21 Neighbourhood plans can also include 'non-planning' related issues and opportunities. This is something that Area Committees could take a lead on and link to with their own Ward plans.

Neighbourhood Area Applications

- 2.22 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 relates). Part 2, Section 5 of the Neighbourhood Planning (General) Regulations 2012 states that application for designation of a neighbourhood area must include:
- a. a map which identifies the area to which the area application applies;
 - b. a statement explaining why the area is considered appropriate to be designated as a neighbourhood area; and
 - c. a statement that the organisation or body making the area application is the relevant body for the purpose of section 61G of the 1990 Act.
- 2.23 All the Neighbourhood Area Application have met the requirements of these regulations.
- 2.24 As soon as practicable after receiving an area application, the Council must formally publish it on its website for a statutory period of 6 weeks. This must include a copy of the area application, details of how to make representations and a date by which those representations must be received should be published on their website. The Council is then required to consider any representations received.
- 2.25 At this stage, it is only the principle of becoming a neighbourhood area and the extent of the proposed boundary which is being requested for consideration and approval. The application does not consider the content or approach of the proposed Neighbourhood Plan.

2.26 The Area Committee is requested to consider the following three neighbourhood area applications:

1. Haworth, Cross Roads & Stanbury Parish Council Neighbourhood Area Application

2.27 The Council received a formal application from Haworth, Cross Roads and Stanbury Parish Council on 12th March 2013 requesting become designated a neighbourhood area for the purpose of producing a Neighbourhood Plan. The application was accepted by the Council and was published on the Council's website and formal representations invited over an 8 week period from 22 July to 16 September 2013.

2.28 The Neighbourhood Area Application is contained in Appendix 2. The Parish Council propose that their Neighbourhood Area boundary matches the extent of the existing Parish boundary. The Parish Council have set out five essential aims for their Neighbourhood Plan to address key local issues such as

- 1) To ensure housing is provided as set out in the LDF, but that it is respectful to the character of the local area;
- 2) To maintain the District's responsibilities within national planning policies, the LDF and European Legislation;
- 3) To maximise the areas employment potential as outline the in the LDF;
- 4) To respect the Parish's character, natural and heritage environment and existing townscape; and
- 5) Ensure the area maintains a commercial, retail sector and economic environment.
- 6) Maintain the areas profile as a tourist destination
- 7) Facilitate the needs of residents in terms of education, health, leisure, recreation, sport and transport
- 8) Maintain and protect the natural environment and availability of green spaces
- 9) Maintain on-going dialogue with local organisations, developers, individuals and the Local Planning Authority
- 10) Ensure the Parish remains a good, safe place to live with facilities that meet the aspirations of all inhabitants.

2.29 The Council received a total of 8 representations within the formal consultation period. There was support in principle for the designation of a neighbourhood area covering Haworth, Cross Roads and Stanbury. One respondent has sought clarity on the terminology used in application; this matter has been resolved. Many respondents provided further comments/suggestions on the content of the proposed Neighbourhood Plan. The representations and formal response are summarised in Appendix 3.

2.30 The Area Committee is invited to make comments on the principle of approving a neighbourhood area covering the extent of Haworth, Cross Roads and Stanbury Parish Council boundary (see Section 4.2.1: Options). Any comments will then be reported to the Executive Committee alongside the initial application and public comments who will then make a formal decision on the designation of a neighbourhood area.

2. Ilkley Parish Council Neighbourhood Area Application

- 2.31 The Council received an initial formal application from Ilkley Parish Council on 18th June 2012 requesting designation as a neighbourhood area for the purpose of producing a neighbourhood plan. The application was accepted and published on the Council's website and formal representations invited over a 6 week period from 16th July to 27th August 2012.
- 2.32 The Executive Committee approved the application for a Neighbourhood Area in Ilkley at its meeting on 9 October 2012.
- 2.33 In April 2013 a minor error with the approved neighbourhood area boundary came to light. The Council received a revised formal application from Ilkley Parish Council clarifying the extent of the boundary on 15th May 2013. The application was accepted by the Council and published on the Council's website and formal representations were invited over an 8 week period from 22 July to 16 September 2013.
- 2.34 The revised application is contained in Appendix 4. The Parish Council propose that their Neighbourhood Area boundary matches the extent of the existing Parish boundary. The Parish Council have set out ten essential aims for their Neighbourhood Plan to address key local issues such as to:
- 1) Preserve the character of Ilkley
 - 2) Protect the natural and physical heritage and townscape
 - 3) Meet the defined housing needs as set out in the LDF
 - 4) Meet the defined employment need as set out in the LDF and to provide local employment opportunities
 - 5) Ensure a flourishing commercial, retail business and economic environment
 - 6) Maintain a successful marketing and tourism profile
 - 7) Facilitate the needs of residents in terms of education, health, leisure, recreation, sport and transport
 - 8) Ensure Ilkley is a good place to live with facilities for young and old alike
 - 9) Maintain and protect the natural environment and availability of green spaces
 - 10) Maintain on-going dialogue with local organisations, developers, individuals and the Local Planning Authority
- 2.35 The Council received a total of 9 representations within the formal consultation period. There was support in principle for the designation of a neighbourhood area in Ilkley. Many respondents provided further comments/suggestions on the content of the proposed Neighbourhood Plan. The representations are summarised in Appendix 5.
- 2.36 The Area Committee is now invited to make comments on the principle of re-approving a neighbourhood area in Ilkley (see Section 4.2.2: Options). Any comments will then be reported to the Executive Committee alongside the initial application and public comments to enable a formal decision on the re-designation of a neighbourhood area to be made.

3. Oxenhope Parish Council Neighbourhood Area Application

- 2.37 The Council received an initial formal application from Oxenhope Parish Council on 14th February 2013 for designation as a neighbourhood area for the purpose of producing a neighbourhood plan. The application was accepted and published on the Council's website and formal representations invited over an 8 week period from 22 July to 16 September 2013.
- 2.38 The application is contained in Appendix 6. The Parish Council propose that their Neighbourhood Area boundary matches the extent of the existing Parish boundary. The Parish Council have set out ten essential aims for their Neighbourhood Plan to address key local issues such as to:
- 1) Preserve the character of Oxenhope
 - 2) Protect the natural and physical heritage and townscape
 - 3) Meet the defined housing needs as set out in the LDF
 - 4) Meet the defined employment need as set out in the LDF and to provide local employment opportunities
 - 5) Ensure a flourishing commercial, retail business and economic environment
 - 6) Maintain a successful marketing and tourism profile
 - 7) Facilitate the needs of residents in terms of education, health, leisure, recreation, sport and transport
 - 8) Ensure Oxenhope is a good place to live with facilities for young and old alike
 - 9) Maintain and protect the natural environment and availability of green spaces
 - 10) Maintain on-going dialogue with local organisations, developers, individuals and the Local Planning Authority
- 2.39 The Council received a total of 8 representations within the formal consultation period. There was support in principle for the designation of a neighbourhood area in Oxenhope. One objection was received; the key concern was the increased level of decision making powers of the Parish Council. Many respondents provided further comments/suggestions on the content of the proposed Neighbourhood Plan. The representations are summarised in Appendix 7.
- 2.40 The Area Committee is now invited to make comments on the principle of approving the designation of a neighbourhood area in Oxenhope (see Section 4.2.3: Options). Any comments will then be reported to the Executive Committee alongside the initial application and public comments who will then make a formal decision on the designation of a neighbourhood area.

Neighbourhood Area Application Considerations for the Area Committee

- 2.41 There are two considerations in relation to neighbourhood area applications, these are:
- 1) Whether the extent of the area proposed is considered appropriate for the purpose of producing a neighbourhood plan.
 - 2) Whether the body submitting the application is a relevant qualifying body for the purposes of the Localism Act to pursue neighbourhood planning functions.

2.41 In addition to the above considerations, the Area Committee is also requested to consider the two options as set out in section 4 of this report along with the recommendations set out in section 10.

3. OTHER CONSIDERATIONS

Funding and Support

3.1 The Government acknowledges the additional burden on Local Authorities to hold referendums will create and so have committed £50million until March 2015 to support local councils in making neighbourhood planning a success, ensuring that they fulfil their legal duty to support parish councils and community groups doing neighbourhood planning.

3.2 From April 2013 to March 2014 Local Planning Authorities (LPA) can claim up to £30,000 Neighbourhood Planning Grant per designation of a neighbourhood area. The payment is broken down into stages to reflect the work involved in getting a plan to the point of being published prior to an examination. The payments are broken down as follows:

- 1) First payment of £5,000 is payable upon designation of a neighbourhood area. Each LPA can claim up to 20 designations in 2013/2014.
- 2) Second payment of £5,000 is made the LPA publicises the neighbourhood plan prior to examination. This is expected to contribute towards the cost of the examination as well as other costs incurred at this stage.
- 3) Third payment of £20,000 is made upon successful completion of a neighbourhood planning examination. This fund will, in part, pay for the examination as well as further costs incurred in taking a plan through a referendum.

3.3 These payments are in addition to the £20,000 already paid to the Neighbourhood Planning Frontrunners throughout the country. There were none within the District.

3.4 The Government has pledged this funding along with support to communities directly through organisations such as Locality, mycommunityrights.org, RTPI and Planning Aid England. There is an array of support networks available to communities should they wish to request assistance.

Community Infrastructure Levy

3.5 The Government has announced that Local Planning Authorities operating a Community Infrastructure Levy (CIL) will pass on 25% of the money raised from development within a neighbourhood plan area to the community itself, so that they can decide how the money is to be spent. The Localism Act sets out what neighbourhood CIL can be spent on: the provision, improvement, replacement, operation or maintenance of infrastructure - or anything else that is concerned with addressing demands that development places on an area. Communities without a neighbourhood plan would only be entitled to 15% of any CIL. To qualify, a neighbourhood plan must have been through a referendum and brought into force and the local authority needs to have introduced CIL. The Council is currently

investigating the potential of a Community Infrastructure Levy.

Bradford's Local Plan

- 3.6 Progress in putting in place an up to date development plan, now known as the Local Plan, to replace the Replacement Unitary Development Plan (RUDP) is critical to support the take up of the new neighbourhood planning provisions. The Core Strategy Development Plan Document (DPD) will provide the key strategic planning policies against which neighbourhood plans will be tested to ensure conformity. At present it is anticipated that the Core Strategy will be adopted in 2015 following an independent examination. Work on identifying sites via the Allocations DPD as well as the two area Action Plans for the City Centre and Shipley Canal Road Corridor will follow on from the Core Strategy.

4. OPTIONS

- 4.1 The Area Committee is invited to respond to three consultation questions and make any additional comments regarding the principle of designating a Neighbourhood Area in the following three parish areas:

- Haworth, Cross Roads and Stanbury;
- Ilkley; and
- Oxenhope.

- 4.2 The three consultation questions consist of the following:

1) Do you support or object this proposal for a Neighbourhood Area?
2) Do you think the area identified is suitable for the basis of a Neighbourhood Plan?
3) Is the proposed boundary appropriate? (Please consider if the proposed boundary is drawn too tight or too wide)

- 4.3 For each neighbourhood area application there are two general options:-

- **Option 1** expresses general *support* for the proposal of designating a neighbourhood area for the purpose of producing a Neighbourhood Plan and the appropriateness of the proposed boundary.
- **Option 2** expresses *objections* towards the proposal to designate a neighbourhood area and the appropriateness of the proposed boundary.

- 4.4 The option to support the designation of a Neighbourhood Area (Option 1) will be reported to the Executive Committee to inform their final decision. Should the Executive approve the designation of Neighbourhood Area then the relevant Parish Council may then commence work to prepare and produce a Neighbourhood Plan for the extent of the area indicated in their application.

- 4.5 The production of a Neighbourhood Plan by a Parish Council may require a level of support and assistance by the Council. At this stage it is not possible to outline the extent of support which may be required as this is dependant upon the needs of the

Parish Council and the nature of the Neighbourhood Plan. Good practice from elsewhere suggests this should be dealt with by the qualifying body producing a project plan for discussion with the Council. A Service Level Agreement (SLA) could be put in place to manage the support the Council can offer in discharge of its duties if considered appropriate.

- 4.6 The option to object to the designation of a Neighbourhood Area (Option 2) will be reported to the Executive Committee to inform their final decision. Should the Executive take on board all comments received during the consultation process and decide not to approve the application the Parish Council may not commence work on a neighbourhood plan. Instead the future development of the area will be primarily guided by the policies and plans set out within the Council's Local Plan (Core Strategy and Allocations Development Plan Documents). There will be no further implications for the Area Committee.
- 4.7 The final recommendations of the Area Committee regarding the three Neighbourhood Area Applications will be reported to the Executive Committee at the meeting on 5th November 2013.

5. FINANCIAL & RESOURCE APPRAISAL

- 5.1 There are potentially significant financial and resource implications from the discharge of the new duties under the Localism Act. The full scope of the financial and resource implications from the discharge of the new duties is documented in the 9 October 2012 report to the Executive (Background document 12.4).
- 5.2 These burdens will depend in the main upon the overall take up by communities of these new non mandatory activities. The government has made available resources to cover these additional burdens. The impact on resources of the council will need to be carefully monitored and may need to be subject to prioritisation.
- 5.3 For the year 2013/2014, the Government has pledged further neighbourhood planning grants to support councils and communities with neighbourhood planning. The Council is able to claim for up to 20 area designations with a maximum claim of £50,000 for each area designation. The grant is payable in stages to spread the impact of any financial burden on the council. For further information please see paragraphs 3.1 to 3.4 of this report.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 6.1 The portfolio holder for Change Programme, Planning and Housing will take the lead for neighbourhood planning.
- 6.2 The Assistant Director for Planning Transportation and Highways will coordinate and manage the Council's neighbourhood planning responsibilities.
- 6.3 Appendix 8 sets out the governance arrangements for the key decisions within the respective processes for neighbourhood planning as approved by the Executive.

7. LEGAL APPRAISAL

7.1 The legal requirements related to neighbourhood planning are set out in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

8.1.1 Any neighbourhood plan which is produced by a qualifying body must be in line with the policies and plans contained within the Local Plan which has been subjected to its own Equality Impact Assessment.

8.1.2 Good practice would suggest that the qualifying body should seek to ensure compliance with equality legislation in preparation of a neighbourhood Plan, including the production of an Equality Impact Assessment where relevant and appropriate.

8.2 SUSTAINABILITY IMPLICATIONS

8.2.1 Depending on the nature of the neighbourhood plan it may need to be supported by a Sustainability Appraisal and a Strategic Environmental Assessment. Neighbourhood plans are required to conform to national and local policy which is supported by sustainability appraisals.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

8.3.1 Any neighbourhood plan would need to ensure compliance with national and local policy which promote sustainable development and seek to minimise impact on climate change.

8.4 COMMUNITY SAFETY IMPLICATIONS

8.4.1 There are no community safety issues.

8.5 HUMAN RIGHTS ACT

8.5.1 All neighbourhood planning tools are subject to consultation and engagement. There is a third party right to be heard at the independent examination.

8.6 TRADE UNION

8.6.1 There are no trade union implications.

8.7 WARD IMPLICATIONS

8.7.1 The neighbourhood planning tools can be picked up by communities and can relate to small areas within and across wards. At present within the Committee's area there are three Parish Councils who are actively taking forward a neighbourhood plan proposal, of which relate to the following wards:

- Worth Valley ward - Haworth, Cross Roads & Stanbury and Oxenhope Parish Councils
- Ilkley ward - Ilkley Parish Council

8.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

- 8.8.1 The Area Committee is requested to take note of these Neighbourhood Area Applications and the decision of the Executive Committee on 5th November 2013. The Executives potential decision to approve an application for designation will require the Area Committee to note this in their Action Plans.
- 8.8.2 There is a potential opportunity for the preparation of Neighbourhood Plans to link to Area Committee Action Plans and their implementation.

9. NOT FOR PUBLICATION DOCUMENTS

- 9.1 None.

10. RECOMMENDATIONS

The views of Members to the three questions contained at Paragraph 4.2 and the two options at paragraph 4.3 be requested and those views be referred to the Executive for consideration at its meeting on 5 November 2013.

11. APPENDICES

- 1 Neighbourhood Plans Process
- 2 Haworth, Cross Roads & Stanbury Neighbourhood Area Application
- 3 Summary of representations to Haworth, Cross Roads & Stanbury Neighbourhood Area Application
- 4 Ilkley Neighbourhood Area Application
- 5 Summary of representations to Ilkley Neighbourhood Area Application
- 6 Oxenhope Neighbourhood Area Application
- 7 Summary of representations to Oxenhope Neighbourhood Area Application
- 8 The governance arrangements for the key decisions within the respective processes for neighbourhood planning.

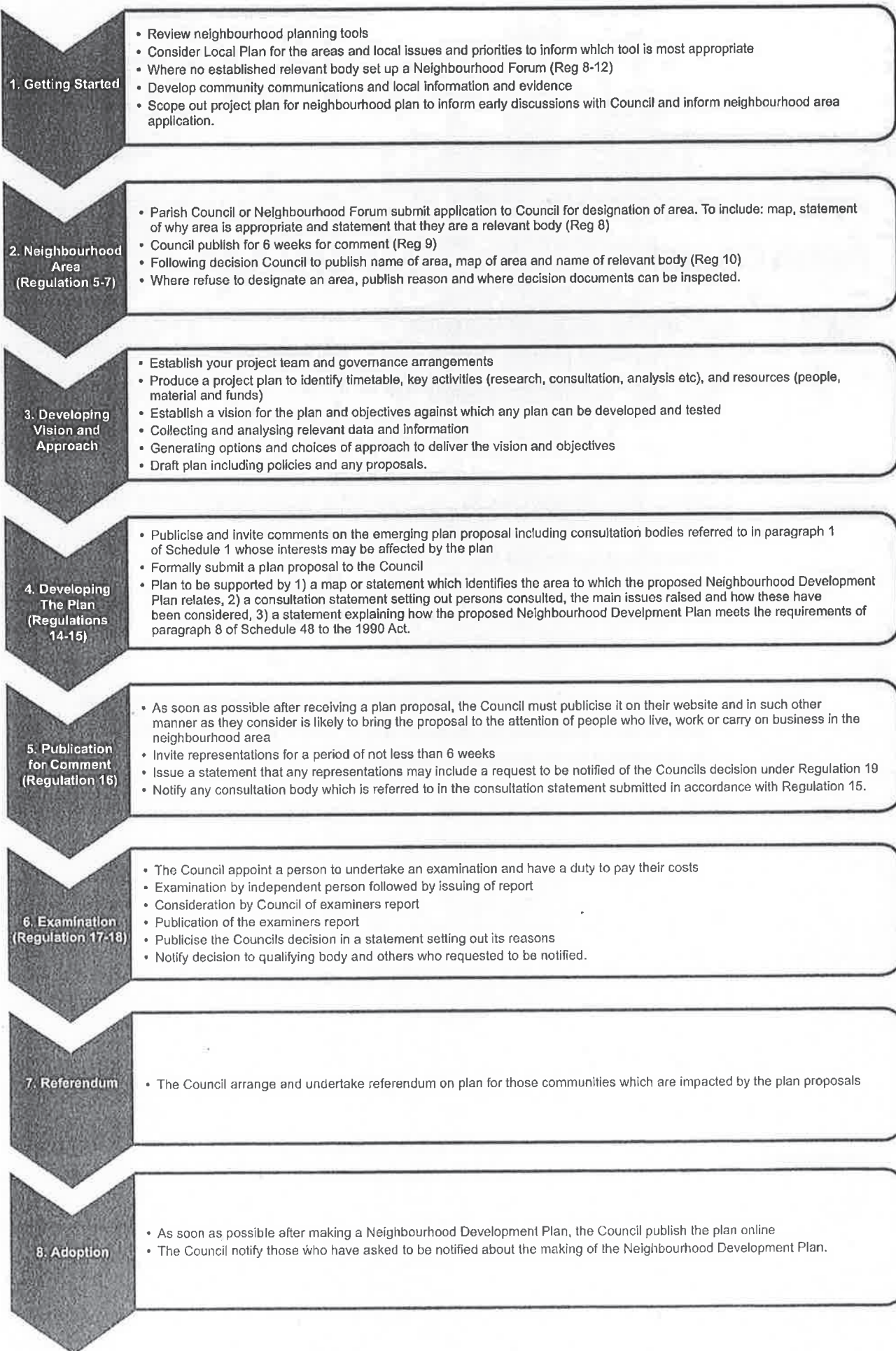
12. BACKGROUND DOCUMENTS

- 12.1 The Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- 12.2 The Neighbourhood Planning (General) Regulations 2012
<http://www.legislation.gov.uk/uksi/2012/637/made>
- 12.3 National Planning Policy Framework (March 2012)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2115939.pdf>

12.4 Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Executive to be held on 9 October 2012. (Document AE)

Appendix 1

Neighbourhood Plan Process





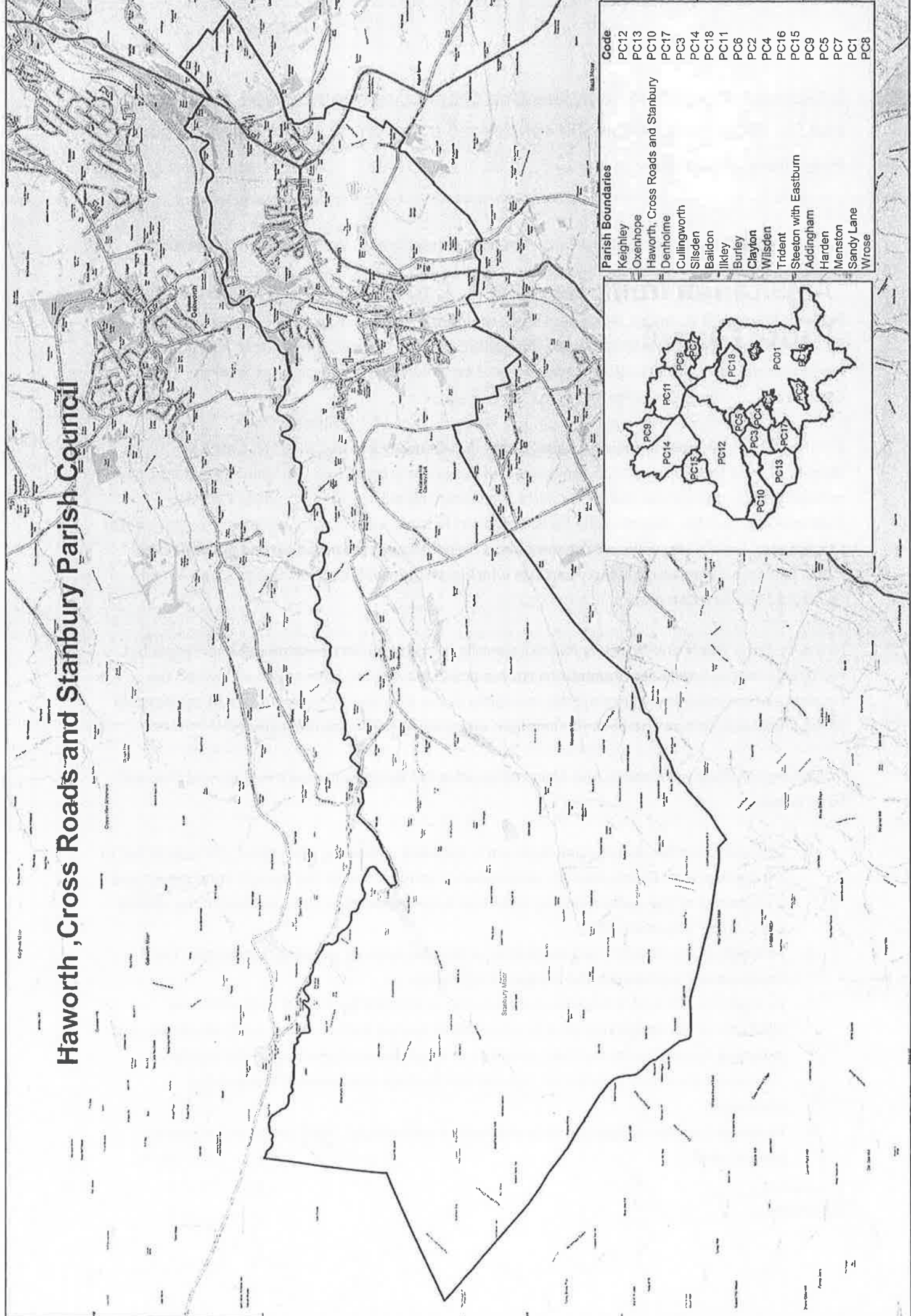
Application from: Haworth, Cross Roads and Stanbury Parish Council

Subject: Application for Designated Area Status
For the purpose of creating a Neighbourhood Development Plan
For the Parish of Haworth, Cross Roads and Stanbury.

- Contents:**
1. Extract from Ordnance Survey Map identifying the boundaries of the Parish of Haworth, Cross Roads and Stanbury – the area to which this area application relates.
 2. A statement explaining why this area is considered appropriate to be designated as a Neighbourhood area.
 3. A statement that the organisation making the area application is a relevant and/ or qualifying body for the purposes of 61G of the 1990 Act and as delineated by the Localism Act of 2012.

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Haworth, Cross Roads and Stanbury Parish Council



Parish Boundaries	Code
Keighley	PC12
Oxenhope	PC13
Haworth, Cross Roads and Stanbury	PC10
Dentholme	PC17
Cullingworth	PC3
Silsden	PC14
Baildon	PC18
Ilkley	PC11
Burley	PC6
Claydon	PC2
Wilsden	PC4
Trident	PC16
Steeles with Eastburn	PC15
Addingham	PC9
Harden	PC5
Menston	PC7
Sandy Lane	PC1
Wrose	PC8



2. Statement explaining why the area confined within Haworth, Cross Roads and Stanbury Parish Council is considered appropriate to be designated as a Neighbourhood Area.

Haworth, Cross Roads and Stanbury Parish Council operates within the confines of the Haworth Cross Roads and Stanbury Parish Council as outlined on the accompanying map.

The area illustrated on the attached map being that of the Parish of Haworth, Cross Roads and Stanbury is considered appropriate to be designated as 'The Haworth, Cross Roads and Stanbury Neighbourhood Area' as it is already administered by Haworth, Cross Roads and Stanbury Parish Council.

It is the stated intention of Haworth, Cross Roads and Stanbury Parish Council to create a Neighbourhood Development Plan, based on a consultative process that will include residents, key interest groups, the commercial sector and agriculture. This will ensure that taking Planning Guidance into consideration that the Parish meets its housing needs responsibilities and provides for a viable economic future while, at the same time, care for the outstanding natural beauty of the Parish landscape; the valued literary heritage which sustains a viable tourist industry; an already delineated conservation area.

Haworth, Cross Roads and Stanbury Parish Council is not opposed to development in principle but recognises that all future development has to recognise the need to balance growth within the housing and business sectors against the sensitivity of the existing environment and its relationship to the landscape, culture and ability to continue maintaining viable tourist industry.

In applying for designated status, the essential aims for the Neighbourhood Development Plan will be as follows:

1. To ensure that the housing development is provided within the prescribed LDF targets but to ensure that such development is undertaken in sympathy with the Parish's rural aspect and is respectful of the cultural driving force that keeps Haworth at the forefront of the county and country's tourism offer.
2. To maintain the district's responsibilities within the national planning policies; the Local Development Framework and European legislation.
3. To maximise the area's employment potential as outlined by the LDF and within the character of the designated area by provision of land as well as office, retail, wholesale and industrial space so as to facilitate provision of employment opportunities for residents.
4. To respect the Parish's character; natural and heritage environment and existing townscape.
5. To ensure that the designated area maintains a commercial, retail sector and economic environment.

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6. To maintain the designated area's profile as a nationally recognised destination for visitors to the area with a wide range of retail, recreational and cultural facilities.
7. To facilitate the requirements of residents within the educational, health, leisure, transport and sporting sectors.
8. To maintain and protect the natural environment as well as the availability of green spaces within the designated parish boundary.
9. To maintain a continuing dialogue with key partners, local organisations, developers, individuals and the local planning authority to ensure that agreed LDF criteria are met throughout the Neighbourhood Development Plan and throughout its life.
10. To ensure that the Parish of Haworth, Cross Roads and Stanbury remains a good, safe place in which to live with facilities that meet the aspirations of all the Designate Area's inhabitants.

Continued...

3. Statement demonstrating that the organisation making the Area application is relevant and/ or a qualifying body for the purposes of 61G of the 1990 Act.

NEIGHBOURHOOD DEVELOPMENT PLAN 'QUALIFYING BODY' STATEMENT.

Haworth, Cross Roads and Stanbury Parish Council, the organisation applying for Designated Area Status for the purpose of developing a Neighbourhood Plan for the Parish of Haworth, Cross Roads and Stanbury, is adjudged to be the 'Relevant/ Qualifying Body' (specified in the 2004 Act. Section 5(1) c) in making application for the area delineated by the parish boundaries of Haworth, Cross Roads and Stanbury 9map attached) under the following criteria:-

VIZ: 'A Parish Council, or an organisation or body designated as a Neighbourhood Forum, authorised for the purposes of a neighbourhood development order to act in relation to a neighbourhood area as the result of the 2004 Act section 61E and F'.

The relevance of the sitting Parish Council is also attested by the following:-

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/paragraph/7> section 38A9120 para 4

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/9> section 61G (2).

Signed.....

Haworth, Cross Road & Stanbury Parish Council.

Clerk to the Council
5 Mill Court,
Oxenhope,
Keighley, West Yorkshire
BD22 9F

Tel: 01535 642355
Mob: 07432 092728

APPENDIX 3

Haworth, Cross Roads and Stanbury Neighbourhood Area Application
 Summary of Representations and Council Response

No.	Respondent	Issues	Councils Response
1	Environment Agency	<p>Note there is a private water supply borehole and associated source protection zone at Bridgehouse Mill and Lower Laithe Reservoir.</p> <p>Note South Pennine moors SSSI / SAC / SPA</p>	<p>Noted. The decision at this stage is on the appropriateness of the neighbourhood plan application.</p> <p>Detailed local level impacts will need to be considered if appropriate and relevant to the scope and content of the neighbourhood plan.</p> <p>It is for the PC to determine the detailed scope of the plan.</p>
2	Yorkshire Wildlife Trust	<p>Plan to include details about supporting and improving the natural environment - e.g. map of Living Landscapes within Bradford.</p>	
3	Natural England	<p>Notes the South Pennine Moors Site of Special Scientific Interest (SSSI), South Pennine Moors Special Area of Conservation (SAC) and South Pennine Moors Special Protection Area (SPA).</p> <p>Allocations and policies within the neighbourhood plan should comply with the NPPF and undertake screening assessments to determine if the plan requires the following assessments:</p> <ul style="list-style-type: none"> • Strategic Environmental Assessment (SEA) • Habitats Regulations Assessment (HRA) • Appropriate Assessment 	<p>Noted. The decision at this stage is on the appropriateness of the neighbourhood plan application.</p> <p>Strategic scale of development will be subjected to these assessments in the Local Plan – Core Strategy. The outcomes of these reports will be publically available once completed.</p> <p>Detailed local level impacts will need to be considered if appropriate and relevant to the scope and content of the neighbourhood plan. The PC will need to consider this issue as part of its project planning work and in preparation of the plan.</p>
4	The Bronte Society	<p>Support in principle</p>	<p>Noted.</p>

APPENDIX 3

5	The Coal Authority	Notes the Haworth, Cross Roads and Stanbury area lies within the current defined coalfield. There are a number of recorded risks from past coal mining activity; specifically probable shallow coal and thick coal together with approximately 27 recorded mine entries.	Noted. The decision at this stage is on the appropriateness of the neighbourhood plan application. Detailed local level impacts will need to be considered if appropriate and relevant to the scope and content of the neighbourhood plan. The PC will need to consider this issue as part of its project planning work and in preparation of the plan.
6	Homes and Communities Agency	Support in principle	Noted.
7	Dickman Associates on behalf of Trustees of the Green Emmott Trust	Broadly concur with principle of a neighbourhood plan. Uncertain whether the Parish Council are seeking to do a Neighbourhood Plan for their area or a Neighbourhood Development Order; terms are used interchangeably. Clarity is required.	Noted. It is made clear within Sections 1 and 2 of the application that the intention of the PC is to apply for the area to be designated as a Neighbourhood Area in order to produce a Neighbourhood Plan. The purpose of section 3 is to authenticate, as required by the regulations, that they are a recognised body, which it does. The reference to a Neighbourhood Development Order does not invalidate the statement and evidence that they are a recognised body. This issue has been clarified with the Parish Council and they have confirmed that it is their sole intention to produce a Neighbourhood Plan.

APPENDIX 3

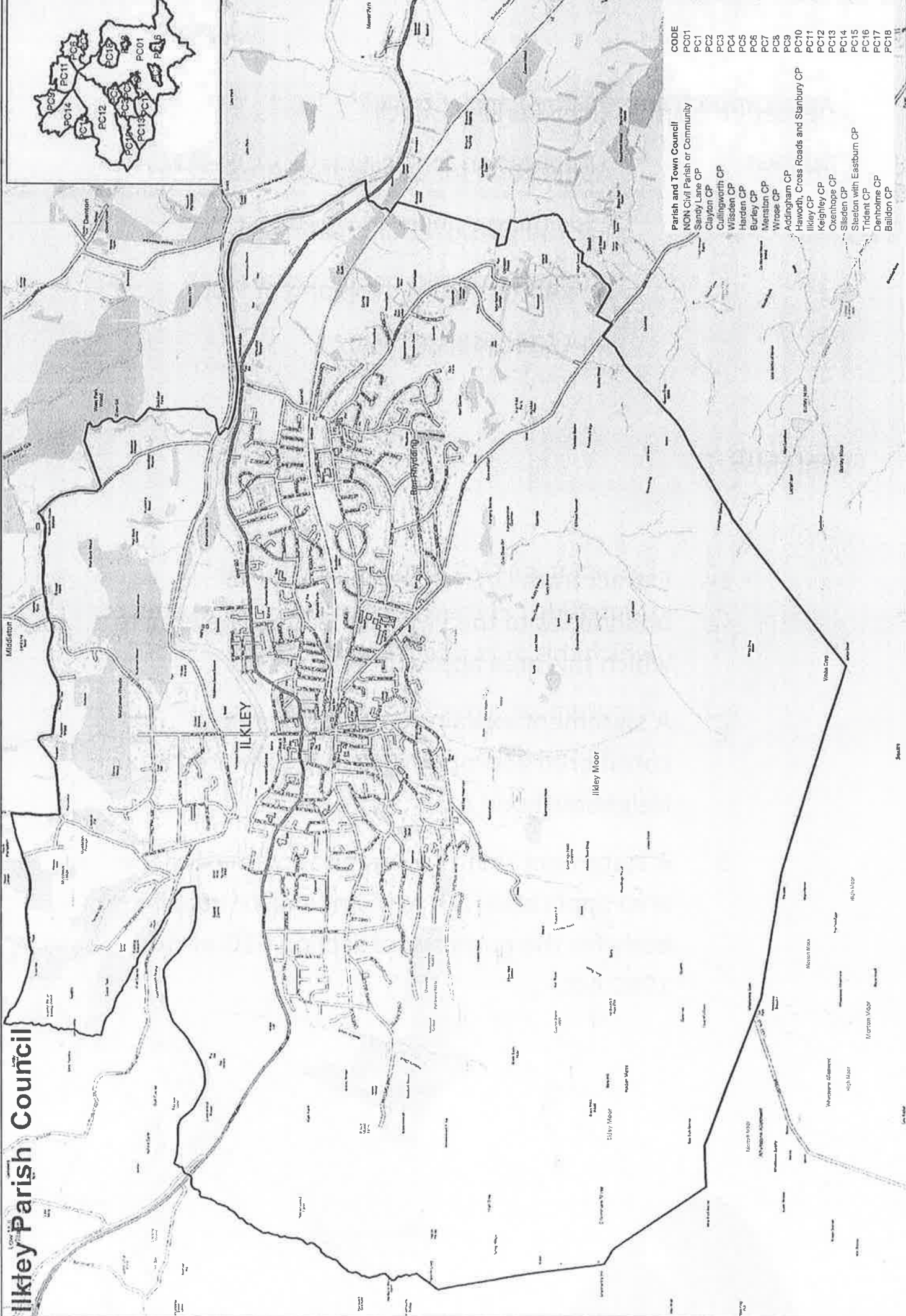
8	Haworth & Worth Valley Railway Preservation Society Limited	The KWVR welcomes the aims and objectives of the application for designation status as they acknowledge that these assets are so important to the viability of tourism.	Noted.
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Application from: Ilkley Parish Council

Subject: Application for Designated Area Status
For the purposes of creating a
Neighbourhood Development Plan
for the Parish of Ilkley

Contents:

- 1 Extract from O/S Map identifying the boundaries of the Parish of Ilkley – the area to which this area application relates.
- 2 A statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area.
- 3 A statement that the organisation making the area application is a relevant and/or qualifying body for the purposes of section 61G of the 1990 Act.



CODE	Parish and Town Council
PC01	NON Civil Parish or Community
PC1	Sandy Lane CP
PC2	Clayton CP
PC3	Cullingworth CP
PC4	Wilsden CP
PC5	Harden CP
PC6	Burley CP
PC7	Mensham CP
PC8	Wrose CP
PC9	Addingham CP
PC10	Haworth, Cross Roads and Stanbury CP
PC11	Ilkley CP
PC12	Keighley CP
PC13	Oxentape CP
PC14	Silsden CP
PC15	Steeles with Eastburn CP
PC16	Trident CP
PC17	Denholme CP
PC18	Baldon CP

2 Statement explaining why the area confined within Ilkley Parish Boundaries is considered appropriate to be designated as a Neighbourhood Area.

Ilkley Parish Council operates within the confines of the Ilkley Parish Boundaries shown on the preceding page as an extract from O/S maps.

The area is illustrated on the preceding page is considered as being appropriate to be designated as 'The Ilkley Parish Neighbourhood Area' since it is already administered by Ilkley Parish Council.

The chief aim of the Ilkley Parish Council is to create a Neighbourhood Development Plan, based on consultation with key local interest groups and residents to generate research and evidence which will ensure, through Planning Guidance, that the town and parish develop in such a manner as to protect the area's heritage, maintain its attractiveness, provide for housing need and build for a viable economic future.

Ilkley Parish Council does not oppose development in principle but recognises that there are competing pressures which such activity will bring to infrastructure in the area.

In applying for designated area status, the essential aim of any resultant Neighbourhood Plan will be to:-

- 1 preserve the character of Ilkley and its Parish as an attractive rural Dales town area;
- 2 retain a distinct community, protect and cherish the natural and physical heritage and townscape;
- 3 meet defined housing needs in a manner commensurate with the LDF and character of the designated area during the period of the plan;
- 4 meet defined employment need in a manner commensurate with the LDF and character of the designated area which ensures availability of land, office, retail and industrial space to enable provision of adequate employment opportunities for its residents – now and in the future;
- 5 ensure a flourishing commercial, retail business and economic environment;
- 6 maintain a successful marketing and tourism profile for the designated area in line with the policy aspirations of the LDF, with good shopping, recreation and cultural facilities;
- 7 facilitate the needs of residents in the areas of education, health, leisure, recreation, sport and transport;
- 8 ensure that Ilkley and its Parish are a good place to live with facilities for young and old alike;
- 9 maintain and protect the natural environment and availability of green spaces within the designated parish boundaries;
- 10 maintain on-going dialogue with local organisations, developers, individuals and the LPA to ensure that agreed LDF criteria for are met throughout initial development of the Neighbourhood Plan and beyond.

3 Statement – demonstrating that the organisation making the area application is a relevant and/or qualifying body for the purposes of section 61G of the 1990 Act.

NEIGHBOURHOOD PLAN “QUALIFYING BODY” STATEMENT

Ilkley Parish Council, the organisation applying for designated area status for the purpose of developing a Neighbourhood Plan for the Parish of Ilkley, is adjudged to be the “Relevant/ Qualifying Body” (specified in the 2004 Act part 2, section 5 (1) c) in making application for the area delineated by the parish boundaries of Ilkley (map attached) under the following criteria:-

VIZ: “A parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development order to act in relation to a neighbourhood area as a result of the 2004 Act section 61E and F”

The relevance of the sitting Parish Council is also attested by the following:

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/paragraph/7> section 38A (12) para 4

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/9> section 61G (2)

Ilkley Parish Council
Town Hall, Station Road, Ilkley, LS29 8HB
Tel: 01943 436212, e-mail: ilkleypc@bradford.gov.uk

APPENDIX 5

**Ilkley Neighbourhood Area Application
Summary of Representations and Council Response**

No.	Respondent	Issues	Councils Response
1	The Coal Authority	Ilkley parish area is outside the defined coalfield area.	Noted
2	Ilkley Design Statement Group	Support in principle. Propose that the boundary be extended.	Noted An application for a neighbourhood area can only be made by the relevant parish council for their respective area. It is not possible under the current legislation and regulations to extend the neighbourhood area into an adjoining parish council area. It is up to the parish council to determine where they wish to prepare a neighbourhood plan for some or all of their area.
3	Environment Agency	The policies in the existing Ilkley Design Statement approved in (2002) should be included within the neighbourhood plan. Plan should pick up issues of health and crime Notes significant areas of land lie within Flood zones 2 and/or 3. Regard to the requirements of the NPPF and associated Technical Guide relating to Flood Risk, including undertaking a sequential test and exception test where appropriate. Notes the South Pennine moors SSSI / SAC / SPA partly falls within the proposed plan boundary.	It is for Ilkley PC to determine the detailed scope of the plan. It is for Ilkley PC to determine the detailed scope of the plan. Noted. The decision at this stage is on the appropriateness of the neighbourhood plan application. Detailed local level impacts will need to be considered if appropriate and relevant to the scope and content of the neighbourhood plan.

APPENDIX 5

4	Oxenhope Parish Council	Support the application	Noted
5	Yorkshire Wildlife Trust	Plan to include details about supporting and improving the natural environment - e.g. map of Living Landscapes within Bradford.	It is for Ilkley PC to determine the detailed scope of the plan.
6	Natural England	Notes the South Pennine Moors Site of Special Scientific Interest (SSSI), South Pennine Moors Special Area of Conservation (SAC) and South Pennine Moors Special Protection Area (SPA). Allocations and policies within the neighbourhood plan should comply with the NPPF and undertake screening assessments to determine if the plan requires the following assessments: <ul style="list-style-type: none"> • Strategic Environmental Assessment (SEA) • Habitats Regulations Assessment (HRA) • Appropriate Assessment 	Noted. The decision at this stage is on the appropriateness of the neighbourhood plan application. Strategic scale of development will be subjected to these assessments in the Local Plan – Core Strategy. The outcomes of these reports will be publically available once completed. Detailed local level impacts will need to be considered if appropriate and relevant to the scope and content of the neighbourhood plan. Ilkley PC will need to consider this issue as part of its project planning work and in preparation of the plan.
7	DTZ on behalf of the Royal Mail Group	Support in principle. The Royal Mail own property within the proposed boundary. Should the PC consider this site for redevelopment consideration of relocation would be required in advance.	The decision at this stage is on the appropriateness of the neighbourhood plan application. It is for Ilkley PC to determine the detailed scope of the plan.
8	Homes & Communities Agency	Support in principle.	Noted.
9	Addingham Parish Council	Notes the potential of impact of development on neighbouring areas such as Addingham in relation specifically to infrastructure and education	The Core Strategy will provide the strategic policies against which any neighbourhood plan would need to conform. Depending on the decision by Ilkley Parish Council on the scope of the plan to be prepared

APPENDIX 5

			<p>it would have regard to relationships and impacts on adjoining areas and communities from any proposals within the plan. In line with the Regulations, it would be appropriate for Ilkley PC to engage with local communities and interested parties affected by their proposal which may be beyond the neighbourhood area.</p>
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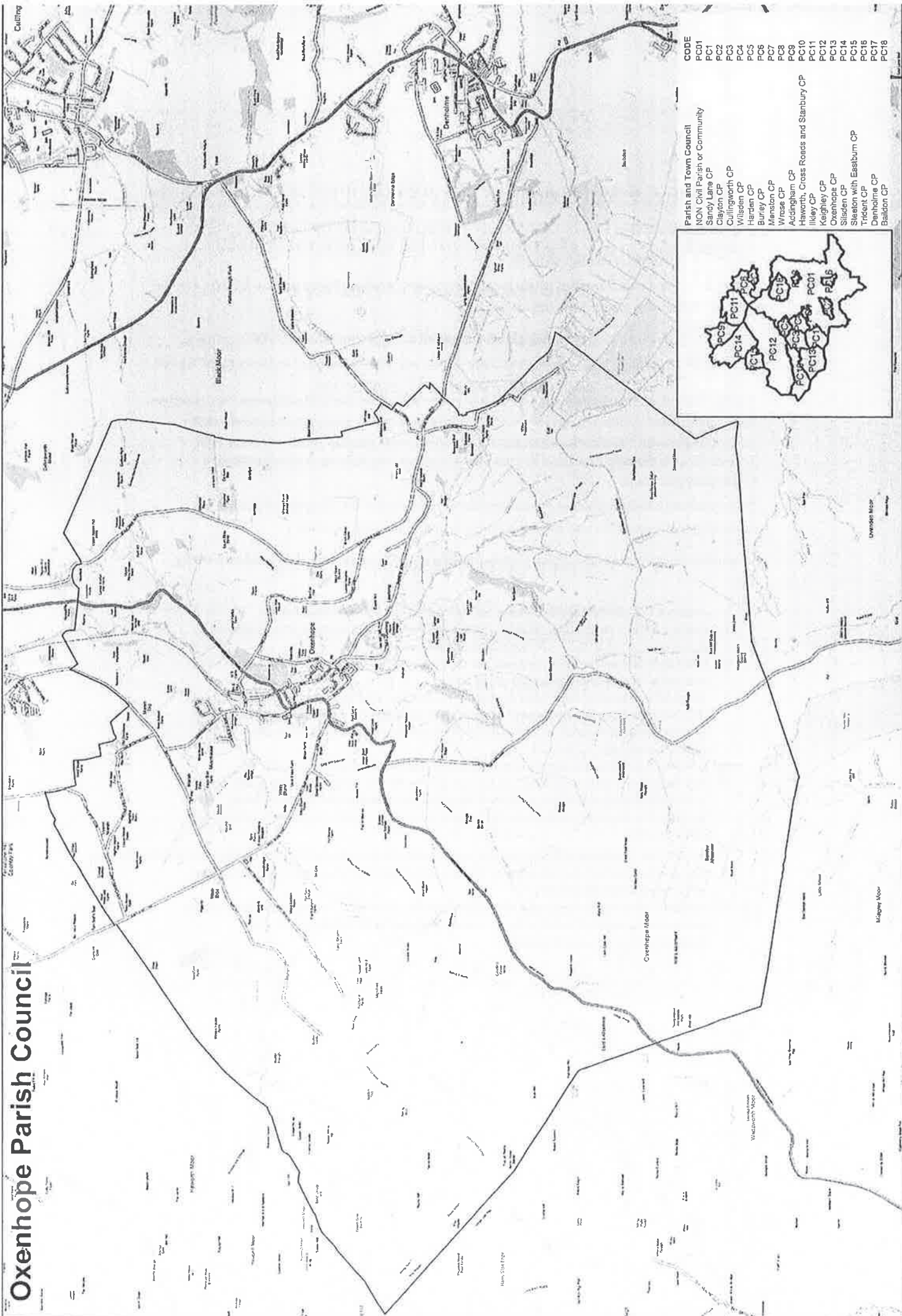
Application from: Oxenhope Parish Council

Subject: Application for Designated Area Status
For the purposes of creating a
Neighbourhood Development Plan
for the Parish of Oxenhope

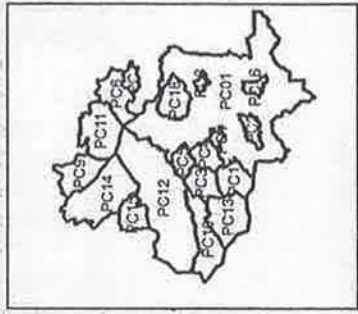
Contents:

- 1 Extract from O/S Map identifying the boundaries of the Parish of Oxenhope – the area to which this area application relates.
- 2 A statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area.
- 3 A statement that the organisation making the area application is a relevant and/or qualifying body for the purposes of section 61G of the 1990 Act.

Oxenhope Parish Council



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Sleaton with Eesburn CP	PC15
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Denholme CP	PC17
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2 Statement explaining why the area confined within Oxenhope Parish Boundaries is considered appropriate to be designated as a Neighbourhood Area.

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- 2 retain a distinct community, protect and cherish the natural and physical heritage and townscape;
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- 7 facilitate the needs of residents in the areas of education, health, leisure, recreation, sport and transport;
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- 9 maintain and protect the natural environment and availability of green spaces within the designated parish boundaries;
- 10 maintain on-going dialogue with local organisations, developers, individuals and the LPA to ensure that agreed LDF criteria for are met throughout initial development of the Neighbourhood Plan and beyond.

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NEIGHBOURHOOD PLAN “QUALIFYING BODY” STATEMENT

Oxenhope Parish Council, the organisation applying for designated area status for the purpose of developing a Neighbourhood Plan for the Parish of Oxenhope, is adjudged to be the “Relevant/ Qualifying Body” (specified in the 2004 Act part 2, section 5 (1) c) in making application for the area delineated by the parish boundaries of Oxenhope (map attached) under the following criteria:-

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<http://www.legislation.gov.uk/ukpga/2011/20/schedule/9> section 61G (2)

Oxenhope Parish Council

Tel: 07818 033224, e-mail: clerk@oxenhopeparishcouncil.gov.uk

APPENDIX 7

Oxenhope Neighbourhood Area Application
Summary of Representations and Council's Response

No.	Respondent	Issues	Councils Response
1	The Coal Authority	<p>Oxenhope parish area lies within the current defined coalfield. According to current records there are no surface coal resources within the plan area. There is potential for unrecorded risks.</p>	<p>Noted. The decision at this stage is on the appropriateness of the neighbourhood plan application.</p>
2	Environment Agency	<p>Notes the South Pennine moors SSSI / SAC / SPA partly falls within the proposed plan boundary.</p> <p>Some very small areas of land which are within Flood zones 2 and/or 3 - narrow areas along Bridgehouse Beck; Moorhouse Beck and Leeming Water, and an area just upstream of Leeming Reservoir near Leeming Farm.</p> <p>There is a private water supply source protection zone just off Hill House Lane. This will need to be afforded adequate protection from any potentially polluting activities.</p>	<p>Noted. The decision at this stage is on the appropriateness of the neighbourhood plan application.</p> <p>Detailed local level impacts will need to be considered if appropriate and relevant to the scope and content of the neighbourhood plan.</p>
3	Yorkshire Wildlife Trust	<p>Plan to include details about supporting and improving the natural environment - e.g. map of Living Landscapes within Bradford.</p>	<p>It is for the PC to determine the detailed scope of the plan.</p>

APPENDIX 7

4	Natural England	<p>Notes the South Pennine Moors Site of Special Scientific Interest (SSSI), South Pennine Moors Special Area of Conservation (SAC) and South Pennine Moors Special Protection Area (SPA).</p> <p>Allocations and policies within the neighbourhood plan should comply with the NPPF and undertake screening assessments to determine if the plan requires the following assessments:</p> <ul style="list-style-type: none"> • Strategic Environmental Assessment (SEA) • Habitats Regulations Assessment (HRA) • Appropriate Assessment 	<p>Noted. The decision at this stage is on the appropriateness of the neighbourhood plan application.</p> <p>Strategic scale of development will be subjected to these assessments in the Local Plan – Core Strategy. The outcomes of these reports will be publically available once completed.</p> <p>Detailed local level impacts will need to be considered if appropriate and relevant to the scope and content of the neighbourhood plan. Oxenhope PC will need to consider this issue as part of its project planning work and in preparation of the plan.</p>
5	Homes and Communities Agency	Support in principle	Noted.
6	Linda Addis	<p>Objection. Concern that more power in decisions will be made about the status land and any future development by Oxenhope Parish Council.</p>	<p>Noted. A qualifying body within a local community has the right, under the Localism Act 2011 and subsequent regulations, to make an application to the Council for an area to be designated in order to progress onto producing a Neighbourhood Plan. During this process any member of the public will have the opportunity to provide comments on the content of the plan prior to an independent examination.</p>
7	English Heritage	<p>Notes that the proposed area to be designated includes the Oxenhope Lower Town, Oxenhope Station Road, Oxenhope Upper Town and Leeming Conservation Areas and includes a number of important designated heritage assets</p>	<p>Noted. The decision at this stage is on the appropriateness of the neighbourhood plan application.</p> <p>Detailed local level impacts will need to be considered if appropriate and relevant to the scope and content of the neighbourhood plan.</p>

APPENDIX 7

8	Keighley & Worth Valley Railway	Support in principle. The KWVR welcomes the aims of the Parish Council's application for designation status because they acknowledge that these attributes are so important to maintaining the viability of tourism in the area.	Noted.
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APPENDIX 8

The approved governance arrangements for the key decisions within the respective processes for neighbourhood planning.

Neighbourhood Planning Decision Making			
Activity	Stage	Consultation	Decision
Application to set up Neighbourhood forum	Application received and published for comment	Portfolio holder	Assistant Director PTH
	Application decision	Area Committee	Executive
Neighbourhood Area Application	Application received and published for comment	Portfolio holder	Assistant Director PTH
	Application decision	Area Committee	Executive
Neighbourhood Plan	Draft received by Council and published for representations	Portfolio holder	Assistant Director PTH
	Submit for independent examination	Portfolio holder	Assistant Director PTH
	Receipt of independent persons report and decision on plan and move to referendum	Area Committee	Executive
	Adoption	Portfolio holder	Assistant Director PTH
Neighbourhood Development Order/Community Right To Build Order	Draft received by Council and published for representations	Portfolio holder	Assistant Director PTH
	Submit for independent examination	Portfolio holder	Assistant Director PTH
	Receipt of independent persons report and decision on plan and move to referendum	Area Committee	Executive
	Adoption	Portfolio holder	Assistant Director PTH

