

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Executive Committee to be held on 23 June 2015.

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Subject: Neighbourhood Planning

Summary statement:

The first part of this report sets out two applications for a Neighbourhood Area submitted to the Council by Addingham Parish Council and Baildon Town Council.

The second part sets out an amended neighbourhood planning governance structure for managing the neighbourhood planning process and for decision making within the Council following the publication of the Neighbourhood Planning (General) (Amendment) Regulations 2015 on 9th February 2015.

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Portfolio:
Transport, Planning & Housing

Overview & Scrutiny Area:

Regeneration & Economy



1. SUMMARY

- 1.1 The first part of this report sets out two applications for a Neighbourhood Area submitted to the Council by Addingham Parish Council and Baildon Town Council.
- 1.2 The second part sets out an amended neighbourhood planning governance structure for managing the neighbourhood planning process and for decision making within the Council following the publication of the Neighbourhood Planning (General) (Amendment) Regulations 2015 on 9th February 2015.

2. BACKGROUND

- 2.1 The Localism Act 2011 (The Act) devolves planning powers to Town and Parish Councils or designated Neighbourhood Forums to lead on the preparation of Neighbourhood Development Plans (NDPs) 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 introduced within 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 Development Plans (NDP)
 - Neighbourhood Development Orders (NDO)
 - Community Right to Build Orders (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 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 and approved by the Executive Committee on 9th October 2012. This report set 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. It also set out the Council's approved governance arrangements for neighbourhood planning.



- 2.5 The Neighbourhood Planning (General) (Amendment) Regulations 2015 came into force on 9th February 2015. The amendment to the Regulations has implications for the Council in terms of its current agreed governance arrangements. These implications along with a proposed amended governance structure are outlined in part two of this report from paragraph 2.51.
- 2.6 This regulatory amendment does not apply to the two Neighbourhood Area Applications being considered as part of this report as these were published prior to the Regulations coming into force. It will apply to all future Neighbourhood Area Applications.

Part One - Neighbourhood Planning

- 2.7 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 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.
- 2.8 The neighbourhood planning 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 to use. It will then be a community decision whether or not to prepare a Neighbourhood Development Plan given the issues, resources and timescales available.

Neighbourhood Development Plans

- 2.9 Neighbourhood Development 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 (Core Strategy and Allocations Development Plan Documents). They can, however, propose more development than set out in the Local Plan.
- 2.10 The National Planning Policy Framework (NPPF) sets out guidance on Neighbourhood Development 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.
- 2.11 The content of the plan will be decided by local community, 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. Neighbourhood Development Plans should cover land use planning issues; however non-planning related issues could be included as a separate / supplementary part of the plan.

Neighbourhood Planning – The Process

- 2.12 The key stages in the preparation of a Neighbourhood Development Plan are set out in Appendix 1. This also identifies some of the key roles and duties.
- 2.13 The first step in producing the Neighbourhood Development Plan is the submission of an application to the Council for a Neighbourhood Area (i.e. an area to which a Neighbourhood Development Plan will relate) by a relevant body (parish or town council, or body designated as a neighbourhood forum for the discharge of neighbourhood planning). In fully parished areas the application can only be submitted by a qualifying body, i.e. a town/parish council. The application is published by the Council and comments are invited from members of the public, stakeholders and statutory consultees. Following public consultation the Council must formally decide whether or not to approve the Neighbourhood Area Application. The Council's decision must then be published on the authority's website.
- 2.14 If the Neighbourhood Area Application is approved by the Council the qualifying body can then commence work on their Neighbourhood Development Plan.
- 2.15 Once a Neighbourhood Development Plan has been prepared by the qualifying body, it must then be submitted to the Council who will review and publish the Plan for formal representations. The Council will appoint an independent examiner to check that the Plan meets the basic conditions, including compliance with the Local Plan for the Bradford District. If the plan does not meet the required standards, the examiner could recommend changes. The planning authority will then need to consider the examiner's views and decide whether to make those proposed changes.
- 2.16 If the examiner recommends significant changes, then the qualifying body may decide to re-consult the local community again before proceeding any further.
- 2.17 If the plan is deemed acceptable following the examination by an independent person a referendum can be held. If the referendum gains a simple majority in favour of the Plan, the Neighbourhood Development Plan can then become part of the statutory Development Plan for the Bradford District; the Local Plan. Planning



decisions will then be made in accordance with the Local Plan which includes Neighbourhood Development Plans.

Local Authority roles and responsibilities

- 2.18 The Local Planning Authority has the primary responsibility for determining applications for neighbourhood areas and designating neighbourhood forums. This includes carrying out public consultation on Neighbourhood Area Applications and on the final Neighbourhood Development Plan prior to an examination.
- 2.19 Support from other Council services such as Democratic Services, Strategic Policy and Research, Consultation and Engagement, Neighbourhood Services and Legal Services may be required as and when appropriate.
- 2.20 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 and plan preparation. The lead responsibility for discharging the 'duty to support' lies with the Planning Service.
- 2.21 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 both the examination and referendum on the Neighbourhood Development Plan.

Consultation with the Area Committee

- 2.22 It was agreed at the Executive meeting on 9th October 2012 that Area Committees will have a consultative role to play in all aspects of neighbourhood planning. The current approved governance arrangements are set out in Appendix 2.
- 2.23 In addition, it is envisaged that Area Committees and local members, through their Area Coordinators, will have the opportunity to play an important role in adding value through advising, signposting, empowering, resolving any conflict and partnership working with qualifying Town / Parish Councils and Neighbourhood Forums to aid delivery of a Plan.

The level of interest in Neighbourhood Planning in the District

- 2.24 To date the Executive has approved eight Neighbourhood Area Applications for the following areas:
- Burley-in-Wharfedale
 - Cullingworth
 - Haworth
 - Ilkley
 - Oxenhope
 - Menston
 - Steeton-with-Eastburn and Silsden



- Wilsden

2.25 The Council has received a further two Neighbourhood Area Applications from:

- Addingham
- Baildon

The Executive is now requested to consider these two applications.

Neighbourhood Area Applications Considerations

2.26 The Council is responsible for receiving and determining applications for the designation of a neighbourhood area (i.e. an area to which a Neighbourhood Development Plan would relate).

2.27 The Act sets out the considerations relevant to the determination of a Neighbourhood Area Application at section 61G. Principles for consideration in parished areas include:

- Applications can include whole or part of a parished area;
- Consideration of the desirability of designating the whole of the area of a parish council as a neighbourhood area;
- An area can only be included in one neighbourhood area designation;
- Council can modify areas in light of later applications if appropriate with consent of the parish council.

2.28 Part 2, Section 5 of the Neighbourhood Planning (General) Regulations 2012 states that an 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.

2.29 As soon as practicable after receiving an area application, the Council is required to formally publish the application on its website for a minimum 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. The Council is then required to consider any representations received.

2.30 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 determination of the applications should not consider the content or approach of the proposed Neighbourhood Development Plan.

2.31 National Planning Practice Guidance provides further advice for local authorities relating to the designation of a neighbourhood area. The guidance (in Reference



ID: 41-032-20140306) clarifies that “in a parished area a local authority is required to have regard to the desirability of designating the whole of an area of a parish or town council as a neighbourhood area”. Given that the current applications propose to designate the whole of Addingham and Baildon parished areas there are no considerations that suggest a smaller or larger area would be more appropriate given the supporting statements.

- 2.32 The Neighbourhood Area Applications from both Addingham Parish Council and Baildon Town Council are considered to have met the requirements of the 2012 Neighbourhood Planning regulations, as set out above.
- 2.33 The Executive Committee is requested to consider these two Neighbourhood Area Applications details of which are set out below:

Addingham Parish Council - Neighbourhood Area Application

- 2.34 The Council received a formal application from Addingham Parish Council on 20th January 2015 requesting that the entire parish become designated a neighbourhood area for the purpose of producing a Neighbourhood Development Plan.
- 2.35 The Neighbourhood Area Application, included as part of Appendix 3, was reviewed by the Assistant Director and deemed to be compliant with Part 2, Section 5 of the Neighbourhood Planning (General) Regulations 2012, in that
- a) it included a map which identifies the area to which the area application applies;
 - b) it contained a statement explaining why the area is considered appropriate to be designated as a neighbourhood area; and
 - c) it contained a statement that the organisation or body making the area application, namely Addingham Parish Council, is the relevant body for the purpose of section 61G of the 1990 Act.
- 2.36 Although not required for the determination of the application, the Parish Council have set out ten essential aims for their Neighbourhood Development Plan to address key local issues such as:-
- 1) preserve and enhance the character of Addingham, retaining a distinct community, protecting the local heritage – both the natural and built environment.
 - 2) meet the defined housing needs in a manner commensurate to the Local Plan and the character of the designated area during the period of the plan.
 - 3) maintain and improve shopping, recreational, cultural and community facilities;
 - 4) meet defined employment need in a manner commensurate to the Local Plan and the character of the designated area to enable provision of adequate employment opportunities for its residents – now and in the future;
 - 5) ensure the retention of retail units and encourage new retail units;
 - 6) ensure local businesses continue to thrive and provide employment;
 - 7) meet the needs of residents in the areas of education, health, leisure, recreation,



- sport and transport;
- 8) ensure that Addingham 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 an on-going dialogue with local organisations, developers, individuals and the LPA to ensure that agreed LDF criteria are met throughout initial development of the Neighbourhood Plan and beyond.
- 2.37 The application was published by the Council on its website and formal representations invited over a 6 week period from 26th January to 9th March 2015. A press release was issued to raise the awareness of those living and working in the area. A news article was published in the Telegraph and Argus on Tuesday 10th February 2015. The Council also included an article in the February 2015 edition of its e-newsletter 'Plan-it Bradford' and also notified relevant parties on the Local Plan consultation database.
- 2.38 The Council received a total of 9 representations within the formal consultation period. A summary of the representations and the Council's response to the issues raised by those making representations is set out in Appendix 4.
- 2.39 There was general support for the designation of a Neighbourhood Area in Addingham, with no objections from members of the public or organisations. Several respondents raised a number of considerations for the Parish Council to bear in mind should they gain Neighbourhood Area status from the Council and begin work on a Neighbourhood Development Plan.
- 2.40 A report was presented to Keighley Area Committee on 26th March 2015 seeking their views regarding the Neighbourhood Area Application submitted by Addingham Parish Council. The Area Committee's resolved:
- 1) That the proposal for a Neighbourhood Area submitted by Addingham Parish Council be supported.
 - 2) That it be agreed that the area identified in the Neighbourhood Area Application contained in Document "AR" is suitable for the basis of a Neighbourhood Area.
 - 3) That it be agreed that the proposed boundary area identified in Neighbourhood Area Application contained in Document "AR" is appropriate for the basis of a Neighbourhood Area.
 - 4) That the proposal of designating a Neighbourhood Area in Addingham, for the purpose of producing a Neighbourhood Plan, and the proposed boundary areas outlined in Document "AR" be supported.
 - 5) That the resolutions be referred to the Executive for consideration at a future meeting.
- 2.41 Upon consideration of the Act, the relevant planning regulations as well as the



representations received and comments from the Area Committee, the Executive is recommended that the Neighbourhood Area Application for Addingham be approved.

Baildon Town Council - Neighbourhood Area Application

- 2.42 The Council received a formal application from Baildon Town Council on 15th December 2014 requesting the entire parish be designated as a Neighbourhood Area for the purpose of producing a Neighbourhood Development Plan.
- 2.43 The Neighbourhood Area Application, included as part of Appendix 5, was reviewed by the Assistant Director and deemed to be compliant with Part 2, Section 5 of the Neighbourhood Planning (General) Regulations 2012, in that
- a) it included a map which identifies the area to which the area application applies;
 - b) it contained a statement explaining why the area is considered appropriate to be designated as a neighbourhood area; and
 - c) it contained a statement that the organisation or body making the area application, namely Baildon Parish Council, is the relevant body for the purpose of section 61G of the 1990 Act.
- 2.44 Although not required for the determination of the application, the Town Council have set out eight essential aims for their Neighbourhood Development Plan to address key local issues such as:-
- 1) Preserve the character of Baildon as an attractive semi-rural area retaining a distinct community protecting and cherishing the natural and built environment;
 - 2) Meet the defined housing needs commensurate with the Local Development Plan and the character of the designed area whilst maintaining good shopping, recreation and cultural facilities integrating well with neighbouring communities;
 - 3) Enhance employment opportunities for its residents – now and in the future;
 - 4) Ensure a flourishing commercial, retail business and economic environment;
 - 5) Meet the needs of all residents in the areas of education, health, leisure, recreation, sport and transport, including footpaths;
 - 6) Maintain and protect the natural environment and availability of green spaces and green belt within the designated town boundaries;
 - 7) Maintain on-going dialogue with local organisations, developers, individuals, neighbouring communities and the LPA to ensure that the Local Development Plan criteria are met.
 - 8) Include policies which recognise the particular status of those parts of the Town Council's area which either coincides with the Saltaire World Heritage Site Buffer Zone or are in the Baildon Conservation Area.
- 2.45 The application was published by the Council on its website and formal representations invited over a 6 week period from 26th January to 9th March 2015. A press release was issued to raise the awareness of those living and working in the area. A news article was published in the Telegraph and Argus on Tuesday 10th February 2015. The Council also included an article in the February 2015



edition of its e-newsletter 'Plan-it Bradford' and also notified relevant parties on the Local Plan consultation database.

- 2.46 The Council received a total of 8 representations within the formal consultation period. A summary of the representations and the Council's response to the issues raised by those making representations is set out in Appendix 6.
- 2.47 There was general support for the designation of a Neighbourhood Area, with no objections from members of the public or organisations. Several respondents raised a number of considerations for the Town Council to bear in mind should they gain Neighbourhood Area status from the Council and begin work on a Neighbourhood Development Plan.
- 2.48 A report was presented to Shipley Area Committee on 25th March 2015 seeking their views regarding the Neighbourhood Area Application submitted by Baildon Town Council. The Area Committee's resolution was as follows:
- 1) That the proposal for a Neighbourhood Area in Baildon be supported.
 - 2) That it be agreed that the area identified in Baildon is suitable for the basis of a Neighbourhood Area.
 - 3) That it be agreed that the proposed boundary area identified in Baildon is appropriate for the basis of a Neighbourhood Area.
 - 4) That the proposal of designating a Neighbourhood Area in Baildon, for the purpose of producing a Neighbourhood Plan, and the proposed boundary areas outlined in Document "BF" be supported.

That the resolutions (1) to (4) above be referred to the Executive for consideration.

- 2.49 Upon consideration of the Act, the relevant planning regulations as well as the representations received and comments from the Area Committee, the Executive is recommended that the Neighbourhood Area Application for Baildon be approved.

Consideration for the Executive

- 2.50 If approved by the Executive, Addingham Parish Council and Baildon Town Council will be formally notified in writing of the decision. The decision will be published on the Council's web site together with the following information:

1. The name of the neighbourhood area;
2. A map which identifies the boundary of the proposed area; and
3. The name of the relevant body who applied for the designation.

Part Two – Proposed Amendments to the agreed governance arrangements for the key decisions within the respective processes for Neighbourhood



Planning

- 2.51 As of 9th February 2015, the Government published amendments to the Neighbourhood Planning (General) Regulations 2012. The aim of these changes is to speed up the determination time of applications to allow local communities to commence preparation of their plans, and to improve the clarity of guidance for communities.
- 2.52 The Neighbourhood Planning (General) (Amendment) Regulations 2015 made amendments to Regulation 2(2) and 2(3) of Part 2, Regulation 6 of the Neighbourhood Planning (General) Regulations 2012. These amendments apply to any neighbourhood area application received by the Council from 9th February 2015.
- 2.53 A further amendment to Regulation 2(4) requires the production of an environmental report to accompany a Plan under Environmental Assessment of Plans and Programmes Regulations 2004. This regulation does not apply to the area application process and will therefore not be discussed any further in this report.
- 2.54 Regulation 2(2) and 2(3) set out the minimum public consultation period which must be undertaken on during the publication of an application for comment and also the time by which a local planning authority must determine an application for the designation of a Neighbourhood Area. Table 1 below illustrates these new timescales in comparison with the pre-2015 Regulations.

Table 1: New Neighbourhood Planning Determination Deadlines				
Neighbourhood Area Applications	2015 – New Minimum consultation period from publication	2015 - New Prescribed decision time from publication	2012 - Minimum consultation period	2012 - Prescribed decision time
Area covered by a relevant body i.e. Parish/Town Council (whole area / match)	4 weeks	8 weeks	6 weeks	N/A
Applications covering two or more Local Planning Authority areas	6 weeks	20 weeks	6 weeks	N/A
Applications from: <ul style="list-style-type: none"> ▪ Neighbourhood Forums. ▪ Affecting two or more Local Planning Authorities. ▪ Parish/Town Councils proposing a boundary greater or smaller than the existing parish boundary 	6 weeks	13 weeks	6 weeks	N/A

- 2.55 The new prescribed date for the determination of an area application has implications for the Council in terms of its current agreed governance



arrangements. Previously, consultation has been undertaken for the prescribed minimum period of 6 weeks and the application has then been reported to the relevant Area Committee for comment and the Executive for determination which has been subject to relevant timetables and deadlines.

- 2.56 Of the eight neighbourhood area applications relating to fully parished areas which have been approved by the Council, the time range from publication to approval was between 12 to 16 weeks.
- 2.57 Following these regulatory changes there would be insufficient time within the committee cycles to consult with the relevant Area Committee prior to being considered by the Executive. In addition it could not be guaranteed that an Executive meeting would take place within the 4 week period post the public consultation.

Proposed amendments to the governance arrangements for the key decisions relating to Neighbourhood Area Applications

- 2.58 Due to the recent regulatory changes explained above, it has been deemed necessary to amend the current approved Governance arrangements as set out in Appendix 2. The proposed changes to these arrangements are highlighted in bold underline within Appendix 7 and are explained below.
- 2.59 It is proposed that the Neighbourhood Area Applications are to be dealt with by the Council in two ways. The first relates to applications submitted by:
- 1) Neighbourhood Forums;
 - 2) those that affect more than one Local Planning Authority; and
 - 3) those from Parish / Local Council's that are proposing a boundary which is smaller or greater than area than the existing parish / local council boundary.
- 2.60 In these three cases it is proposed that these applications would still be determined by the Executive.
- 2.61 Secondly, it is proposed that Neighbourhood Area Applications which have been submitted by a Parish or Town Council covering the whole parish area be determined and approved by the Assistant Director of Planning, Transportation and Highways under delegated powers in consultation with the relevant Portfolio Holder. This would ensure compliance with the 8 weeks deadline.
- 2.62 It is also proposed that the current requirement to consult with the Area Committees at the 'Application Decision' stage be removed. Instead the relevant portfolio holder, all members, including relevant ward councillors would continue to be notified of the consultation once the application is published for public comment. To ensure that Neighbourhood Support Services remain involved in the process, the relevant Area Coordinator would also now be notified of the consultation in advance.
- 2.63 These amendments, if approved, would speed up the decision making process for



Neighbourhood Area Applications and ensure that the Council is legally compliant with the Regulations. These changes also reflect the relative complexity of the nature of the Area Applications and are considered appropriate and strike the right balance in discharging the Council's duty.

- 2.64 These amendments will affect the decision making of all future Neighbourhood Area Applications which may be received by the Council.

3. OTHER CONSIDERATIONS

Funding and Support

- 3.1 There are several sources of advice and support for Councils and communities that are interested in neighbourhood planning.
- 3.2 From April 2013 Local Planning Authorities could claim for up to 20 area designations (£100,000) in each financial year 2013 to 2014 and 2014 to 2015. This money recognised the duties that local authorities have in relation to neighbourhood planning.
- 3.3 The payments are broken down into three 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 to the LPA upon designation of a neighbourhood area in recognition of officer time supporting and advising the community in taking the Neighbourhood Development Plan forward.
 - 2) Second payment of £5,000 is made to the LPA once it publicises the Neighbourhood Development Plan prior to examination. This will contribute towards the costs of the examination as well as other staff costs incurred at this stage.
 - 3) Third payment of £20,000 is made upon successful completion of a Neighbourhood Development Plan examination. This fund will, in part, pay for the examination and any other further steps that maybe needed for the Neighbourhood Development Plan to come into legal forces, including a local referendum.
- 3.4 These monies can only be claimed on applications within set claim periods.
- 3.5 The Department for Communities and Local Government has established separate support for communities. From April 2015 the Government has pledged a new £22.5 million over a 3-year rolling programme to provide support and grants to communities to assist and progress their Neighbourhood Development Plans.
- 3.6 The Government has pledged funding along with support to communities directly through organisations such as Locality. There is an array of support networks



available to communities should they wish to request assistance.

- 3.7 Locality now offers communities two different types of support to help with the production of a Neighbourhood Development Plan or Order; this support is in the form of a Neighbourhood Planning Grant and/or technical support. Communities must apply to Localities for these support mechanisms.
- 1) A Neighbourhood Planning Grant of up to £8,000 is available to any group writing a Neighbourhood Development Plan or Order.
 - 2) Technical support of up to £6,000 is available for community groups facing more complex issues such as Neighbourhood Forums, clusters of parishes, high growth areas, deprived areas, business led neighbourhood plans, populations over 25,000 and groups preparing a Neighbourhood Development Order.
- 3.8 Several Parish / Town Councils have already accessed this financial support to aid the preparation of their Neighbourhood Development Plans.

Community Infrastructure Levy

- 3.9 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. For a community to qualify for 25% a Neighbourhood Development Plan must have been through a referendum and brought into force and the local authority needs to have introduced CIL. Communities without a Neighbourhood Development Plan would only be entitled to 15% of any CIL monies received.
- 3.10 The Council is currently investigating the potential of a Community Infrastructure Levy for the Bradford District. This will be the subject of a future report to the Executive Committee.

Bradford's Local Plan

- 3.11 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 Development Plans will be tested to ensure conformity. At present the Core Strategy is being examined by an independent Planning Inspector and his decision regarding whether the Plan is sound and therefore can be adopted is anticipated later this year.
- 3.12 Work on identifying detailed 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.

- 3.13 Details of the timetable of the Local Plan are contained within the Local Development Scheme (LDS) 2014-2017. The Executive, at its meeting on 22nd July 2014 approved the revised Local Development Scheme. The LDS also sets out the anticipated programme for CIL. Updates on the programme are provided on the Council's website and via the E-newsletter 'Plan-it Bradford'.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 There are potentially significant financial and resource implications from the discharge of the new duties under the Localism Act. The full scope of the anticipated 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).
- 4.2 These burdens will depend in the main upon the overall take up by communities of these non mandatory activities. As noted above, the government has made available resources to cover these additional burdens on application. The Council will continue to make prompt application for payment, at each appropriate stage, as long as the funding support is available. However as this is still a relatively new process and the current neighbourhood plans are at a relatively early stage the implications for the Council are unclear. The impact on resources of the council will need to be carefully monitored and may need to be subject to prioritisation.
- 4.3 For the year 2015/2016, the Government has recently pledged further financial support to councils with neighbourhood planning. The Council is able to claim for up to £30,000 per area designation. For further information please refer to paragraph 3.3 to 3.6 of this report.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 The Executive, on the 9th October 2012 (see background document 12.4), approved the governance arrangements for the discharge of the Councils duties under the Act in relation to Neighbourhood Planning.
- 5.2 The Executive is requested to consider an amendment to the governance arrangements, as set out in paragraphs 2.51 – 2.64.
- 5.3 The portfolio holder for Change Programme, Planning and Housing will take the lead for neighbourhood planning.
- 5.4 The Assistant Director for Transportation, Planning and Highways will coordinate and manage the Council's neighbourhood planning role and responsibilities.
- 5.5 It is proposed that the Assistant Director for Planning, Transportation and Highways will have delegated powers to approve applications for a Neighbourhood Area from



parish or town councils covering the entire parished area.

6. LEGAL APPRAISAL

- 6.1 The legal requirements related to neighbourhood planning are set out in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015. The implications of discharging the Council's legal duty are considered above.
- 6.2 Both Neighbourhood Area Applications is considered to have met the relevant regulations at this stage of the process.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

- 7.1.1 Any Neighbourhood Development Plan that is produced by a Parish or Town Council must be in line with the policies and plans contained within the Local Plan which has been subjected to its own Equality Impact Assessment.
- 7.1.2 Good practice would suggest that the qualifying body should seek to ensure compliance with equality legislation in preparation of a Neighbourhood Development Plan, including the production of an Equality Impact Assessment where relevant and appropriate.

7.2 SUSTAINABILITY IMPLICATIONS

- 7.2.1 Neighbourhood Development Plans are required to be in conformity with national and local policy which is supported by sustainability appraisals.
- 7.2.2 Dependant on the nature and content of a Neighbourhood Development Plan it may require a Sustainability Appraisal (SA) which should incorporate a Strategic Environmental Assessment (SEA). Dependant upon the location of the Plan area in relation to the four nature conservation sites of European importance Special Protection Area (SPA), the Plan may need to be supported by an assessment under the Habitats Regulations Assessment (HRA).
- 7.2.3 Regulation 6A(4)(e) of the Neighbourhood Planning (General) (Amendment) Regulations 2015 sets out a requirement of a relevant body preparing a Neighbourhood Development Plan to prepare an environmental report.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

- 7.3.1 Any Neighbourhood Development Plan would need to ensure compliance with national and local policy which promote sustainable development and seek to minimise impact on climate change.



7.4 COMMUNITY SAFETY IMPLICATIONS

7.4.1 There are no community safety issues.

7.5 HUMAN RIGHTS ACT

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

7.6 TRADE UNION

7.6.1 There are no trade union implications.

7.7 WARD IMPLICATIONS

7.7.1 The neighbourhood planning tools can be picked up by communities and can relate to small areas within and across wards. At present there are eight Parish/Town Councils who are actively taking forward neighbourhood planning, of which relate to the following wards within the District:

- Craven Ward *Addingham**
Steeton-with-Easburn & Silsden
- Baildon Ward *Baildon**
- Bingley Rural Ward Cullingworth
Wilsden
- Ilkley Ward Ilkley
- Wharfedale Ward Burley-in-Wharfedale
Menston
- Worth Valley Ward Haworth, Cross Roads & Stanbury
Oxenhope

** Applications currently for consideration.*

8. NOT FOR PUBLICATION DOCUMENTS

8.1 None

9. OPTIONS

9.1 The Executive is requested to consider the Neighbourhood Area Applications for the designation of a Neighbourhood Area in each Addingham and Baildon.

9.2 There are two options for the Executive, these are:

- Option 1 - to approve the Neighbourhood Area Applications, following the satisfactory assessment set out in Section 2 of this report.



- Option 2 is to refuse the Neighbourhood Area Applications; although there are no grounds for this, given the satisfactory assessment is set out in Section 2 of this report.

9.3 The Executive is also requested to consider the amended governance arrangements as set out in Appendix 7.

- Option 1 - to approve the proposed amendments to the approved governance arrangements for neighbourhood planning, in particular Neighbourhood Area Applications, as set out in Section 2 of this report.
- Option 2 - to refuse the proposed amendments to the governance arrangements, although this may affect the ability of the local planning authority to meet the prescribed determination timescale as set out in the 2015 Regulations.

10. RECOMMENDATIONS

10.1 That the Neighbourhood Area Application submitted by Addingham Parish Council, as set out in Appendix 3, be approved and the Assistant Director (Planning, Transportation & Highways) be authorised to arrange formal publication of the decision in line with the relevant Neighbourhood Planning regulations.

10.2 That the Neighbourhood Area Application submitted by Baildon Town Council, as set out in Appendix 5, be approved and the Assistant Director (Planning, Transportation & Highways) be authorised to arrange formal publication of the decision in line with the relevant Neighbourhood Planning regulations.

10.3 That the proposed amendments to the governance arrangements, as set out in Appendix 7, be approved to streamline the approval process to ensure the Council meets the statutory deadline for the determination of any future Neighbourhood Area Applications.

10.4 That the Assistant Director (Planning, Transportation & Highways) be authorised to approve Neighbourhood Area Applications submitted to the Council by Parish, Town or other Local Councils covering the whole of their administrative area in line with the relevant Neighbourhood Planning regulations and in line with governance arrangements contained in Appendix 7.

11. APPENDICES

- 1 Neighbourhood Plans Process
- 2 The governance arrangements for the key decisions within the respective processes for neighbourhood planning.
- 3 Addingham Parish Council - Neighbourhood Area Application
- 4 Summary of representations and Council's response to Addingham Area Application
- 5 Baildon Town Council - Neighbourhood Area Application



- 6 Summary of representations and Council's response to Baildon Neighbourhood Area Application
- 7 Proposed amendments to the agreed 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 The Neighbourhood Planning (General) (Amendment) Regulations 2015
<http://www.legislation.gov.uk/uksi/2015/20/contents/made>
- 12.4 National Planning Policy Framework (March 2012)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2115939.pdf>
- 12.5 National Planning Practice Guidance
<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/designating-a-neighbourhood-area/>
- 12.6 Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Executive to be held on 9 October 2012. (Document AE)
- 12.7 Report of the Assistant Director (Planning Transportation & Highways) to the meeting of Shipley Area Committee to be held on 25 March 2015.
- 12.8 Report of the Assistant Director (Planning Transportation & Highways) to the meeting of Keighley Area Committee to be held on 26 March 2015.

