

# Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Shipley Area Committee to be held on 25 March 2015

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**Subject:****BF****Neighbourhood Planning – Neighbourhood Area Application****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 are identified as a consultation body to consider any Neighbourhood Area Applications which have been submitted to the Council, prior to a final decision at Executive.

This report sets out details of a Neighbourhood Area Application submitted to the Council by Baildon Town Council.

The Area Committee is invited to comment on the Neighbourhood Area Application.

The Area Committee is recommended to take note of the Executive decision, as a decision to approve the Neighbourhood Area may require a level of support from Neighbourhood Services.

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Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)

**Portfolio:**  
**Change Programme, Housing, Planning &  
Transport**

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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 are identified as a consultation body to consider any Neighbourhood Area Applications which have been submitted to the Council, prior to a final decision at Executive.
- 1.2 This report sets out details of the Neighbourhood Area Application submitted to the Council by Baildon Town Council.
- 1.3 The Area Committee is invited to comment on the Neighbourhood Area Application.
- 1.4 The Area Committee is recommended to take note of the Executive decision as a decision to approve the Neighbourhood Area may require a level of support from Neighbourhood Services.

## 2. BACKGROUND

- 2.1 The Localism Act 2011 devolves planning powers to Town and Parish Councils or 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 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 Development Plans (NDP)
  - Neighbourhood Development Orders (NDO)
  - 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 and approved by the Executive Committee on 9<sup>th</sup> 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 approved governance arrangements for neighbourhood planning.

## **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 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 any other planning matters that are important to them in their Plan.

2.6 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. 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**

2.7 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 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 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.

2.9 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. Neighbourhood Development Plan 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**

- 2.10 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.
- 2.11 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/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 or parish council. The application is published by the Council and comments are invited from members of the public and other interested bodies and organisations. 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.
- 2.12 If a Neighbourhood Area Application is approved by the Executive the qualifying body can then commence work on their Neighbourhood Development Plan.
- 2.13 Once a Neighbourhood Development Plan has been prepared by the qualifying body, it will be submitted to the Council who will then 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.
- 2.14 If the examiner recommends significant changes, then the qualifying body may decide to re-consult the local community before proceeding any further.
- 2.15 If the plan is deemed acceptable following the examination by an independent inspector a referendum will be held and with a simple majority in favour, the Plan can become part of the statutory development plan for the District.

### **The level of interest in Neighbourhood Plans**

- 2.16 To date the Executive has approved eight Neighbourhoods Area Applications for the following areas:
- Burley-in-Wharfedale
  - Cullingworth
  - Haworth
  - Ilkley
  - Menston
  - Oxenhope



- Steeton-with-Eastburn and Silsden
- Wilsden.

These Parish Councils have now commenced work preparing their Neighbourhood Development Plans. At present the Council has not received any draft Neighbourhood Developments Plans for consideration.

2.17 The Council has received two further Neighbourhood Area Applications and is currently in the process of considering these, as listed below

- Addingham Parish Council
- Baildon Town Council

2.18 The views of the Area Committee regarding the Baildon Neighbourhood Area Application will be presented to the Executive in due course alongside Keighley Area Committee's comments in relation to the Addingham Neighbourhood Area Application.

### **Local Authority roles and responsibilities**

2.19 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 Development Plan prior to an examination.

2.20 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.

2.21 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.

2.22 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 Neighbourhood Development Plan.

### **The Role of the Area Committee**

2.23 It was agreed at the Executive meeting on 9<sup>th</sup> October 2012 (see Appendix 2 to this report) that Area Committees will have a consultative role to play in all aspects of neighbourhood planning.

2.24 In addition to the role outlined above it is envisaged that Area Committees and local members, through their Area Co-ordinators, 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 and Parish Councils and Neighbourhood Forums to aid delivery of a plan.



- 2.25 Neighbourhood Development Plans could include 'non-planning' related issues and opportunities; however this must be a separate / supplementary part of the Plan. This is something that Area Committees could take a lead on and link to with their own Ward plans.

### **Neighbourhood Area Applications**

- 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 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.
- 2.27 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. The Council is then required to consider any representations received.
- 2.28 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 Development Plan.
- 2.29 The Neighbourhood Area Application for Baildon has met the requirements of the Neighbourhood Planning regulations.
- 2.30 The Shipley Area Committee is requested to consider and provide comment on the Baildon Neighbourhood Area Application.

### **Baildon Town Council Neighbourhood Area Application**

- 2.31 The Council received a formal application from Baildon Town Council on 15<sup>th</sup> December 2014 requesting to become designated a Neighbourhood Area for the purpose of producing a Neighbourhood Development Plan. The application covers the parish of Baildon.
- 2.32 The application was reviewed by the Assistant Director to ensure it included the key requirements under the relevant regulations. The accepted application was then published by the Council on its website and formal representations invited over a 6 week period from 26<sup>th</sup> January to 9<sup>th</sup> March 2015. The Council also notified relevant (statutory and non-statutory) parties on the Local Plan consultation database. 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 10<sup>th</sup> 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.

2.33 The Neighbourhood Area Application for Baildon is contained in Appendix 3. In line with the regulations it is made up of a map showing the extent of the proposed area, a statement confirming that they are a qualifying body and outlining why the proposed area is appropriate. The Town Council propose that the Neighbourhood Area boundary matches the extent of the existing Parish boundary of Baildon.

2.34 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.

2.35 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 4.

2.36 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. The Council will ensure the Town Council receives copies of these representations for their consideration.

2.37 The Area Committee is now invited to make comments on the principle of approving the neighbourhood area covering the extent of the Baildon Town Council boundary, (see Section 4.2 and 4.3). Any comments from the Area Committee will then be reported to the Executive Committee alongside the initial applications and public comments. The Executive Committee will then make a formal decision on the



designation of the neighbourhood area.

### **Neighbourhood Area Application - Considerations for the Area Committee**

2.38 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 Development 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.

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

## **3. OTHER CONSIDERATIONS**

### **Funding and Support**

3.1 There are several sources of advice and support for Councils and communities that are interested in pursuing neighbourhood planning.

3.2 From April 2013 Local Planning Authorities could claim for up to 20 area designations (£100,000) in each financial year. 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 financial 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. Communities can apply for direct support and / or grants of up to £7,000 to help them develop a Neighbourhood Development Plan.
- 3.6 The Government has pledged 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**

- 3.7 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 Development Plan would only be entitled to 15% of any CIL monies received. To qualify, a Neighbourhood Development Plan must have been through a referendum and brought into force and the local authority needs to have introduced CIL.
- 3.8 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**

- 3.9 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 against to ensure conformity. At present the Core Strategy is being examined by an independent Planning Inspector and his decision regarding is the plan is sound and therefore can be adopted is anticipated later this year. 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.
- 3.10 Details of the timetable of the Local Plan are contained within the Local Development Scheme (LDS) 2014-2017. The Executive, at its meeting on 22<sup>nd</sup> July 2014, approved the revised Local Development Scheme. The LDS also sets out the anticipated programme for CIL.



## 4. OPTIONS

4.1.1 The Area Committee is invited to respond to three consultation questions and make any additional comments regarding the principle of designating a Neighbourhood Areas for Baildon.

4.2 The three consultation questions consist of the following:

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

4.3 For the 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 Development 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) would be reported to the Executive Committee to inform their final decision. Should the Executive approve the designation of the Neighbourhood Area then the Village Council may then commence work to prepare and produce a Neighbourhood Development Plan for the extent of the area indicated in their application.

4.5 The production of a Neighbourhood Development Plan by the Town 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 Town Council and the nature of the Neighbourhood Development 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) would 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 Town Council may not commence work on a Neighbourhood Development 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 would be no further implications for the Area Committee.

4.7 The final recommendations of the Area Committee regarding the Baildon



Neighbourhood Area Application will be reported to the Executive Committee, alongside the Keighley Area Committees comments in relation to Addingham Neighbourhood Area Application in due course.

## **5. FINANCIAL & RESOURCE APPRAISAL**

- 5.1 There are potentially significant financial and resource implications from the discharge of the duties under the Localism Act. The full scope of the financial and resource implications from the discharge of the new duties are documented in the 9 October 2012 report to the Executive (see background document 12.4).
- 5.2 These burdens will depend upon the overall take up by communities of these non mandatory activities. The government has made available resources to cover these additional burdens; however as this is a relatively new process the implications are unknown for Bradford. 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 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 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 role and responsibilities.
- 6.3 Appendix 2 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.
- 7.2 The Neighbourhood Area Application is considered to have met the relevant regulations at this stage of the process.

## **8. OTHER IMPLICATIONS**

### **8.1 EQUALITY & DIVERSITY**

- 8.1.1 Any Neighbourhood Development Plan which is produced by a Parish/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.
- 8.1.2 Good practice would suggest that the Town Council 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.

## **8.2 SUSTAINABILITY IMPLICATIONS**

8.2.1 Neighbourhood Development Plans are required to conform to national and local policy which is supported by sustainability appraisals. However, depending on the nature of the Neighbourhood Development Plan, the Plan may need to be supported by its own Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA).

## **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

8.3.1 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.

## **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 two Local Councils that are working towards producing a Neighbourhood Development Plan for their area; these relate to the following wards:

- Baildon Ward – Baildon
- Bingley Rural Ward – Cullingworth

## **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 this Neighbourhood Area Application and the future decision of the Executive Committee. The potential decision to approve the application for designation of a Neighbourhood Area by the Executive will require the Area Committee to note this in any future Action Plans.



8.8.2 There is a potential opportunity for the preparation of Neighbourhood Development Plans to link to Area Committee Action Plans and their implementation.

## **9. NOT FOR PUBLICATION DOCUMENTS**

9.1 None.

## **10. RECOMMENDATIONS**

10.1 The views of Members to the three questions contained at Paragraph 4.2 and the two options at paragraph 4.3 are requested for the Neighbourhood Area Application. Those views will be referred to the Executive for consideration at a future meeting.

## **11. APPENDICES**

- 1 Neighbourhood Plans Process
- 2 The governance arrangements for the key decisions within the respective processes for neighbourhood planning.
- 3 Baildon Neighbourhood Area Application
- 4 Summary of representations to Baildon Neighbourhood Area Application

## **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)

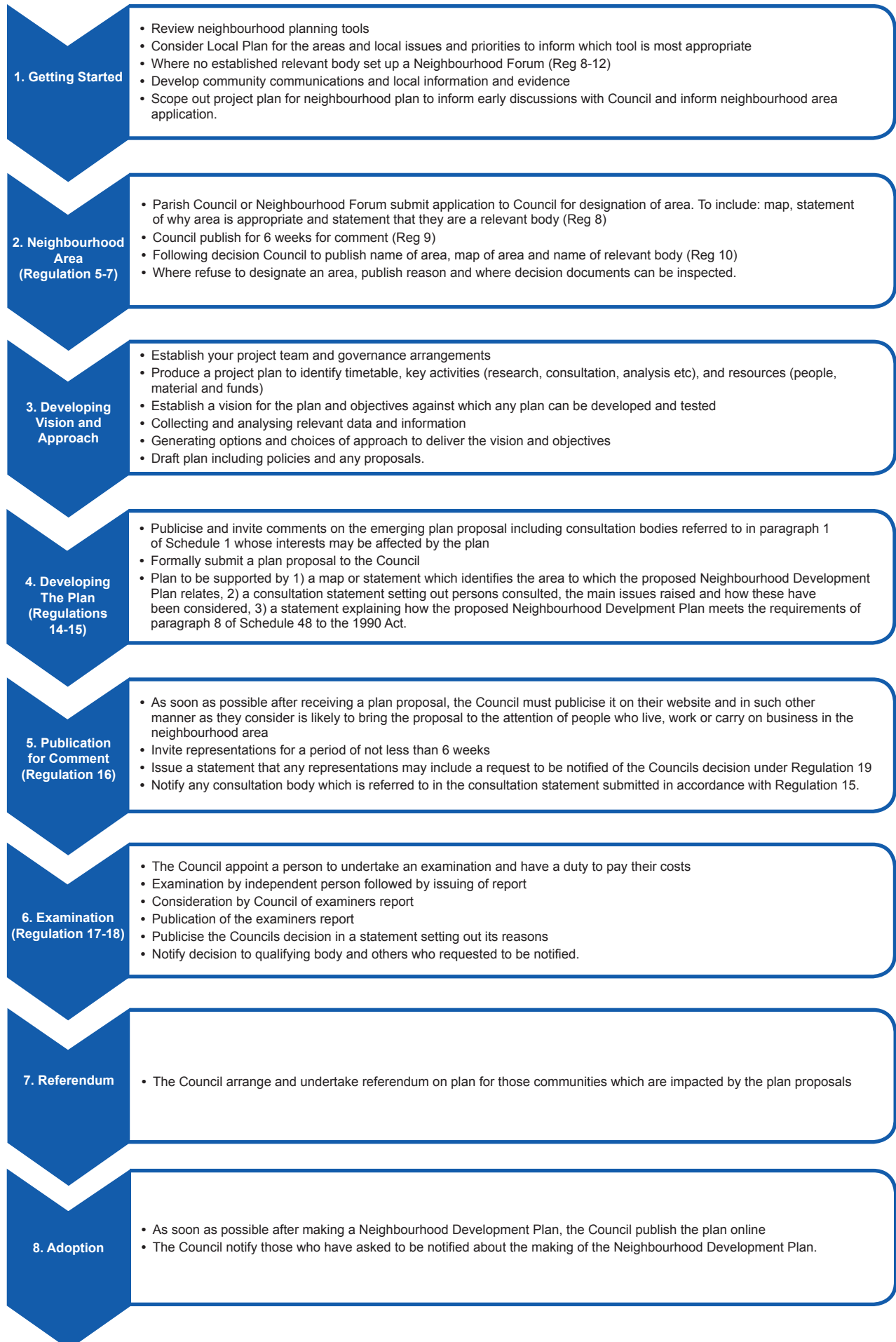
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2115939.pdf>

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



## Appendix 2

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

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



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Mr Andrew Marshall  
Planning & Transport Strategy Manager  
Bradford metropolitan District Council  
Floor 2 South  
Jacobs Well  
Bradford  
BD1 5RW

12<sup>th</sup> December 2014

Dear Andrew

### **Designation of a Neighbourhood Plan Area**

Please find attached an application for designated area status by Baildon Town Council for the purposes of preparing a Neighbourhood Plan.

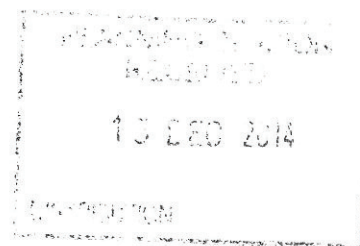
Enclosed are:

1. Statement to confirm status as a qualifying body
2. Map showing area for the proposed neighbourhood plan
3. Statement explaining why the area is appropriate and what the plan will address

If you require any additional information then please do not hesitate to contact me.

Yours sincerely

Gary Stevenson  
Deputy Clerk  
Baildon Town Council







Baildon Community Link  
35 Cliffe Avenue, Baildon BD17 6NX  
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clerk@baildowntowncouncil.gov.uk  
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Appendix 1

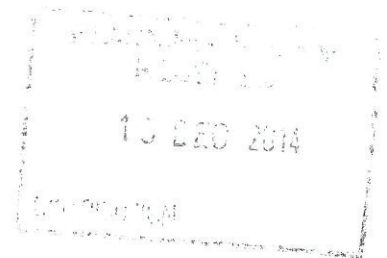
**Statement to confirm status as a qualifying body**

Baildon Town Council is a qualifying or relevant body to apply for designated area status under the provisions of the Localism Act 2011 Schedule 9 Neighbourhood Planning section 61G, paragraph (2)A.

(2)A "relevant body" means-

(a) a parish council, or

(b) an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that, for this purpose, the specified area is designated as a neighbourhood area).



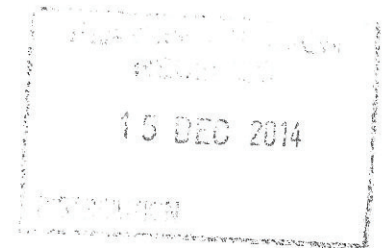


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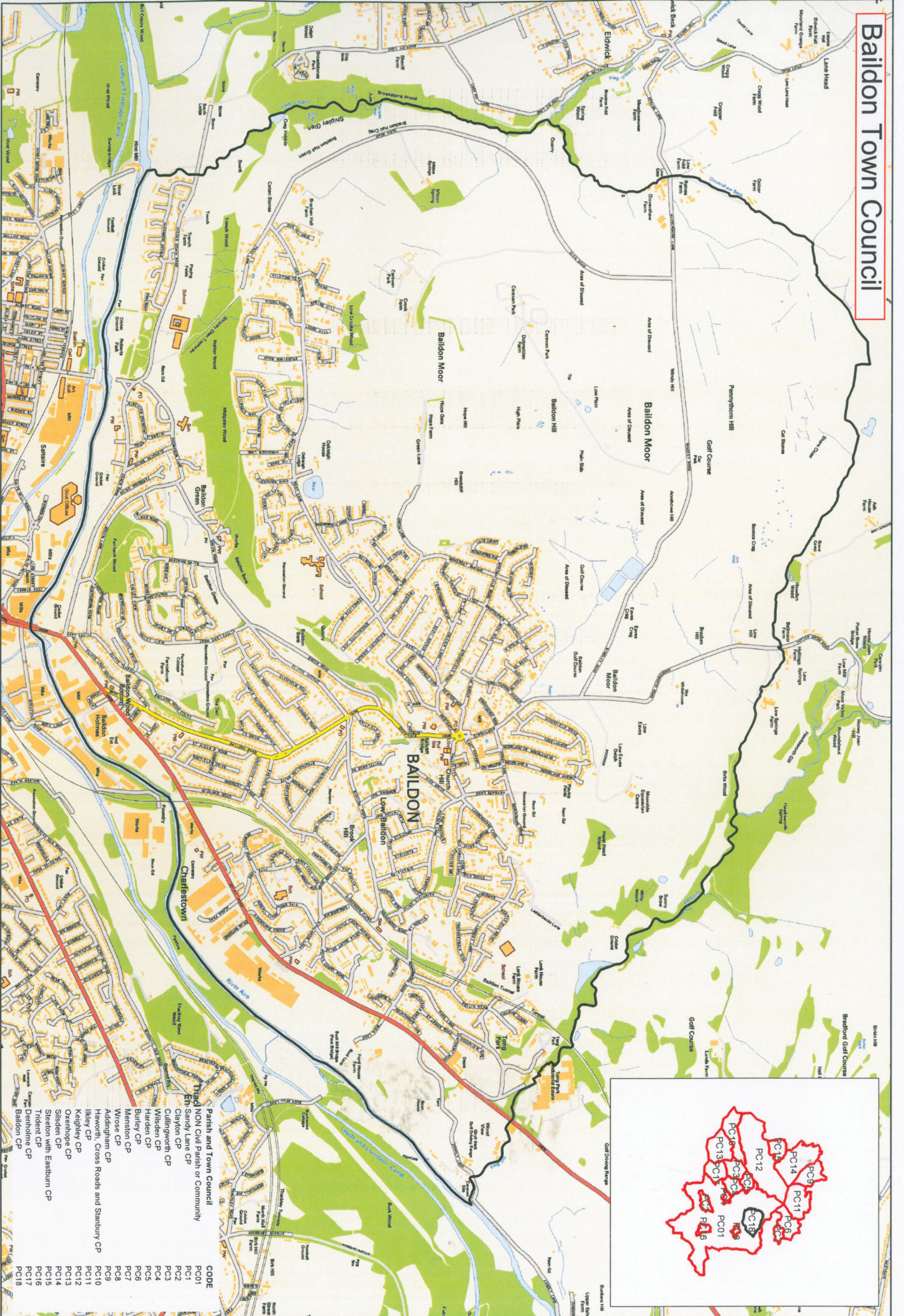
Appendix 2

**Map showing area for proposed neighbourhood plan**

The attached map shows the Baildon Parish boundary and is taken from Ordnance Survey Maps

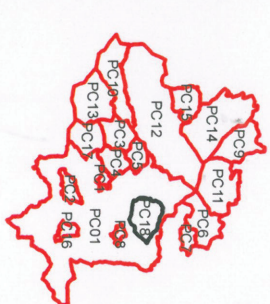


# Baldon Town Council



Parish and Town Council  
 The 11 Non-Civil Parish or Community  
 En Sandy Lane CP  
 Claydon CP  
 Cullington CP  
 Wisden CP  
 Harden CP  
 Burley CP  
 Merston CP  
 Wrose CP  
 Addingham CP  
 Haworth, Cross Roads and Stanbury CP  
 Ilkley CP  
 Keighley CP  
 Oxenhope CP  
 Silsden CP  
 Steeton with Eastburn CP  
 Tident CP  
 Dentholme CP  
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Appendix 3

**Statement explaining why the area is appropriate**

Baildon Town Council operates within the confines of the Baildon Town Boundaries shown on Appendix 2. The area is considered as being appropriate to be designated as "The Baildon Town Neighbourhood Area" as it is already administered by Baildon Town Council.

The chief aim of Baildon Town Council is to create a Neighbourhood Development Plan based on consultation with key local interest groups, residents and neighbouring parishes to generate evidence which will ensure that the parish develops whilst protecting the area's heritage, maintaining its attractiveness, providing for housing need and building for a variable economic future.

Baildon Town Council recognises the need for some development but improvements in infrastructure need to be commensurate with the additional housing in the Aire Valley.

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

- 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 defined housing needs commensurate with the Local Development Plan and character of the designated 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 Conversation Area.

## Baildon Neighbourhood Area Application

### Summary of Representations and Council's Response

No.	Respondent	Issue Raised / Comment	Councils Response
1	John D. Anderson	Support in principle.	Support noted.
2	Sport England	<p>No specific comments on the application.</p> <p>The neighbourhood Plan should reflect national policy for sport as set out in the National Planning Policy Framework (NPPF) para 73 and 44 to ensure compliance with national planning policy.</p> <p>Sport England provides electronic links to several guidance notes which may help the Local Council during the preparation of the Plan.</p>	<p>Noted.</p> <p>It is for the Town Council to determine the detailed scope of their Neighbourhood Development Plan, not the Council. However the Council will ensure that the Town Council receive a copy of these comments from Sport England.</p>
3	National Farmers Union	<p>No specific comments on the application.</p> <p>Within the Neighbourhood Development Plan there is potential to adequately address the issues and opportunities of farming within the Plan area. The National Farmers Union has set out their vision, key priorities and principles within present day farming for consideration during the preparation of the Plan.</p>	<p>Noted.</p> <p>It is for the Town Council to determine the detailed scope of their Neighbourhood Development Plan, not the Council. However the Council will ensure that the Town Council receive a copy of these comments for their consideration.</p>
4	Yorkshire Wildlife Trust	<p>Support in principle.</p> <p>Yorkshire Wildlife Trust (YWT) has produced a guidance document for the production of Neighbourhood Plans and the inclusion of biodiversity areas and enhancements in such plans. YWT hopes the guidance is taken into consideration when producing the Baildon Neighbourhood Plan.</p> <p>YWT highlight the following Local Wildlife Sites in the Baildon Neighbourhood Area and hope that</p>	<p>Support noted</p> <p>It is for the Town Council to determine the detailed scope of their Neighbourhood Development Plan, not the Council. However the Council will ensure that the Town Council receive a copy of these comments for their consideration.</p>

Appendix 4

No.	Respondent	Issue Raised / Comment	Councils Response
		<p>these are taken into consideration in the Neighbourhood Plan:</p> <ul style="list-style-type: none"> <li>• Tongs Park Local Wildlife Site</li> <li>• Hawksworth Spring Ancient Woodland</li> <li>• Baildon Moor Local Wildlife Site</li> <li>• Fairbank Wood Local Wildlife Site and Ancient Woodland</li> <li>• Walker/ Midgeley Wood Ancient Woodland</li> </ul> <p>Part of the Neighbourhood Area also falls within the Aire Valley Living Landscape. This is an area identified by the Trust as important for wildlife and with the potential to be enhanced for biodiversity.</p>	
5	The Coal Authority	<p>No specific comments.</p> <p>This is an opportunity to draw attention to the fact that the proposed neighbourhood plan area lies within the current defined coalfield.</p> <p>According to the Coal Authority Development High Risk Area Plans for Bradford, there are recorded risks from past coal mining activity in the form of 15 recorded mine entries, together with unrecorded probable historic underground coal workings at shallow depth and thick coal outcrops. Much of the mining legacy is focussed in the largely undeveloped north-west quarter; however the mining legacy does include the western part of the main area of Baildon and some parts north of West Lane.</p> <p>If the Neighbourhood Plan allocates sites for future development in these areas then consideration as to the development will need to respond to these risks to surface stability in accordance with the National Planning Policy Framework and the Bradford Development Plan.</p>	<p>Noted.</p> <p>It is for the Town Council to determine the detailed scope of their Neighbourhood Development Plan, not the Council. However the Council will ensure that the Town Council receive a copy of these comments for their consideration.</p>

Appendix 4

No.	Respondent	Issue Raised / Comment	Councils Response
6	Environment Agency	<p>No comments on the proposed boundary.</p> <p>The EA have supplied a document along with a map showing the area of flood zone, Historic Landfill sites and other Small Watercourse/Drains that fall within the boundary which should be taken into consideration:</p> <p><b>Flood Risk – River Aire, Loadpit Beck, Gill Beck</b> are all located with the boundary and in and around these watercourse is in an area of medium to high flood risk (Flood Zone 2/3)</p> <p><b>Historic Landfill – Ferniehurst Quarry</b> historic landfill lies within the area the local council holds information on these.</p> <p>Enclosed map shows the area of flood zone, the small area which is in source protection group 1 &amp; 2, Historic and Authorised Landfill sites.</p> <p><b>Drainage –</b> When looking at what development you intend to allow within the development plan if any requires foul drainage disposal with a mains connection, you are strongly advised to satisfy yourself, prior to determination, that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. Please contact the sewerage undertaker, Yorkshire Water, to attain this information.</p>	<p>Noted.</p> <p>It is for the Town Council to determine the detailed scope of their Neighbourhood Development Plan, not the Council. However the Council will ensure that the Parish Council receive a copy of these comments for their consideration.</p>
7	English Heritage	<p>No objection to the proposed boundary.</p> <p>The area identified by the Baildon Town Council for the Neighbourhood Plan includes a number of important designated heritage assets, including 1 Grade II* Listed Buildings, 5 Scheduled</p>	<p>Noted.</p> <p>It is for the Town Council to determine the detailed scope of their Neighbourhood Development Plan, not the Council. However the Council will ensure that the Parish Council</p>

Appendix 4

No.	Respondent	Issue Raised / Comment	Councils Response
		<p>Monuments, 48 Grade II Listed Buildings and 4 Conservation Areas; Baildon also lies within the Buffer Zone of the Saltaire World Heritage Site. Bradford Council and the West Yorkshire Archaeological Advisory Service's Historic Environment Record should be able to provide details of all designations, or alternatively, information can be found at the Heritage List for England website. Additionally, your attention is drawn to the Heritage At Risk Register 2014 for Yorkshire and the Humber which may itemise heritage assets which are "At Risk" in the Baildon Town Council Neighbourhood Plan Area.</p>	<p>receive a copy of these comments for their consideration.</p>
8	Natural England	<p>International and nationally designated sites of importance for biodiversity Natural England advises that the proposed plan area is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The plan area is in close proximity to the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation which are European sites. The Site is also notified at a national level as the North Pennine Moors Site of Special Scientific Interest (SSSI).</p> <p>Where a neighbourhood plan could potentially affect a European protected site, it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that</p>	<p>Comments noted. It is for the Town Council to determine the detailed scope of their Neighbourhood Development Plan, not the Council. However the Council will ensure that Baildon Town Council receive a copy of these comments for their consideration.</p>



Appendix 4

No.	Respondent	Issue Raised / Comment	Councils Response
		<p>will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive, which is transposed into the Habitats Regulations.</p> <p><b>Protected landscapes</b></p> <p>National Character Areas (NCAs) divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decision making framework for the natural environment.</p> <p>We note that the Parish lies within the following character areas:</p> <ul style="list-style-type: none"> <li>● 38 Nottinghamshire, Derbyshire and Yorkshire Coalfield</li> <li>● 36 Southern Pennines</li> <li>● 37 Yorkshire Southern Pennine Fringe</li> </ul> <p><b>Protected species</b></p> <p>You should consider whether the plan or proposal has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.</p> <p><b>Local Wildlife Sites</b></p> <p>You should consider whether the plan or</p>	

Appendix 4

No.	Respondent	Issue Raised / Comment	Councils Response
		<p>proposal has any impacts on local wildlife sites, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) or whether opportunities exist for enhancing such sites. If it appears there could be negative impacts then you should ensure you have sufficient information to fully understand the nature of the impacts of the proposal on the local wildlife site.</p> <p><b>Best Most Versatile Agricultural Land</b> Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably, see Paragraph 112 of the National Planning Policy Framework,</p> <p><b>Opportunities for enhancing the natural environment</b> Neighbourhood plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.</p> <p>Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of</p>	

Appendix 4

<b>No.</b>	<b>Respondent</b>	<b>Issue Raised / Comment</b>	<b>Councils Response</b>
		<p>any new development proposal.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.</p>	