

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Executive to be held on 5 November 2013.

AI

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

This report sets out four separate applications for Neighbourhood Area designations which have been submitted to the Council by the Parish Councils of:

- Burley-in-Wharfedale;
- Haworth, Cross Roads & Stanbury;
- Ilkley; and
- Oxenhope.

Each Parish Council is seeking a Neighbourhood Area designation for the sole intention to produce a Neighbourhood Plan for their area.

Following formal public consultation including consideration by the relevant area committee, the Executive are recommended to approve the neighbourhood Area Applications as the first step in producing Neighbourhood Plans for the respective local area.

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Portfolio:
Housing, Planning & Transport

Overview & Scrutiny Area:

Regeneration & Economy



1. SUMMARY

1.1 This report sets out four separate applications for Neighbourhood Area designations which have been submitted to the Council by the Parish Councils of:

- Burley-in-Wharfedale;
- Haworth, Cross Roads & Stanbury;
- Ilkley; and
- Oxenhope.

Each Parish Council is seeking a Neighbourhood Area designation for the sole intention to produce a Neighbourhood Plan for their area.

Following formal public consultation including consideration by the relevant area committee, the Executive are recommended to approve the neighbourhood Area Applications as the first step in producing Neighbourhood Plans for the respective local area.

2. BACKGROUND

2.1 The Localism Act 2011 (the Act) devolves planning powers to Town and Parish Councils or Neighbourhood Forums to lead on the preparation of Neighbourhood Plans for their area. These powers provide local communities with the opportunity to take responsibility and accountability to shape development and growth in their areas.

2.2 Neighbourhood planning is one of the five key measures in the Localism Act. There is now a package of non mandatory neighbourhood planning tools which are available for use by local communities through qualifying bodies should they choose to use them. These relate to the production of:

- Neighbourhood Plans
- Neighbourhood Development Orders
- Community Right to Build Order (CRTBO)

2.3 The Neighbourhood Planning (General) Regulations 2012 came into force on 6th April 2012. The Regulations outline seven key roles and responsibilities for the Council:

1. Designation of a neighbourhood plan area
2. Designation of Neighbourhood Forums
3. Consider compliance with statutory and EU requirements
4. Organise and fund independent examination
5. Organise and fund a referendum
6. General 'duty to support'
7. Duty to adopt

2.4 A report entitled '*Localism Act Neighbourhood Planning Provisions*' was considered by the Executive Committee on 9th October 2012. 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 proposed governance arrangements for neighbourhood planning which were approved by Executive.

Neighbourhood Planning

2.5 Neighbourhood planning provides an opportunity for local communities to get involved in the planning of the future and environment of their communities. Through neighbourhood planning communities can:

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

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

Neighbourhood Plans

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

2.8 The National Planning Policy Framework (NPPF) sets out guidance on neighbourhood plans which makes clear that they should be positive planning documents which need to conform 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 detailed content of the plan will be decided by local communities, as will the decision to prepare the plan. The plan can be a means of setting out more detailed policies for their community over and above the Local Plan, to start to shape the choices over the use of land and the designation of land for housing, employment, community uses etc. Plans can also cover non planning related issues.



Neighbourhood Planning – The Process

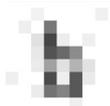
- 2.10 The key stages in the preparation of a Neighbourhood Plan are set out in Appendix 1. This also identifies some of the key roles and duties.
- 2.11 The first step in producing the Neighbourhood Plan is the submission by a relevant body (parish council or body designated as a neighbourhood forum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

The level of interest (Neighbourhood Plans)

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

Local Authority roles and responsibilities

- 2.15 The Local Planning Authority has the primary responsibility for determining applications for neighbourhood areas and designating neighbourhood forums. This includes carrying out public consultations on any Neighbourhood Area Applications and on the final Neighbourhood Plan prior to an examination.
- 2.16 Support from other Council services including Democratic Services, Strategic Policy and Research, Consultation and Engagement, Neighbourhood Services and Legal Services may be required as and when appropriate.



- 2.17 The Council has a general 'duty to support' local communities through the provision of advice and assistance to qualifying bodies in developing proposals for plans.
- 2.18 There is no requirement on the Local Planning Authority to provide financial assistance but it is not prohibited. However, the Council has a duty to pay for and organise the examination and referendum on the plan.

Consultation with the Area Committee

- 2.19 It was agreed at the Executive meeting on 9th October 2012 (see Appendix 8 to this report) that Area Committees will have a consultative role to play in all aspects of neighbourhood planning.
- 2.20 In addition to the role outlined above it is envisaged that Area Committees and local members, through their Area Co-ordinators, have the opportunity to play an important role in adding value through advising, signposting, empowering, resolving any conflict and partnership working with qualifying Town and Parish Councils and Neighbourhood Forums to aid delivery of a plan.
- 2.21 A report to the Shipley Area Committee concerning the Neighbourhood Area Application for Burley-in-Wharfedale was presented on 30 October 2013. Any recommendations from the Committee will be reported verbally to the Executive.
- 2.22 A report to the Keighley Area Committee concerning the Neighbourhood Area Applications for Haworth, Cross Roads & Stanbury; Ilkley and Oxenhope was presented on 29th October 2013. Any recommendations from the Committee will be reported verbally to the Executive.

Neighbourhood Area Applications

- 2.23 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 would relate). 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.
- 2.24 Each Neighbourhood Area Application has met the requirements of these regulations.
- 2.25 As soon as practicable after receiving an area application, the Council must formally publish it on its website for a statutory period of 6 weeks. This must include a copy



of the area application, details of how to make representations and a date by which those representations must be received should be published on their website. The Council is then required to consider any representations received.

2.26 At this stage, it is only the principle of becoming a neighbourhood area and the extent of the proposed boundary which is being requested for consideration and approval. The application does not consider the content or approach of the proposed Neighbourhood Plan.

2.27 The Executive is requested to consider the following four Neighbourhood Area Applications:

1. Burley-in-Wharfedale Parish Council Neighbourhood Area Application

2.28 The Council received a formal application from Burley-in-Wharfedale Parish Council on 29th November 2012 to become a neighbourhood area for the sole purpose of producing a Neighbourhood Plan. The Assistant Director reviewed the application to ensure it included the key requirements under the regulations. The accepted application was then published on the Council's website and formal representations invited over an 8 week period from 22 July to 16 September 2013. A press release was issued to raise the awareness of those living and working in the area. This resulted in several articles in locally circulating newspapers including the Ilkley Gazette and the Telegraph and Argus. The Council also included an article in the July edition of its e-newsletter PLAN-IT and also notified relevant parties on the Local Plan consultation database.

2.29 The Neighbourhood Area Application is contained in Appendix 2. 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 Parish Council propose that their Neighbourhood Area boundary matches the extent of the existing Parish boundary.

2.30 Although not necessary at this stage, the Parish Council have set out seven essential aims for their Neighbourhood Plan to address key local issues such as

- 1) Preserve the character of Burley
- 2) Meet the defined housing needs as set out in the LDF
- 3) Meet the defined employment need as set out in the LDF and to provide local employment opportunities
- 4) Ensure a flourishing commercial, retail business and economic environment
- 5) Facilitate the needs of residents in terms of education, health, leisure, recreation, sport and transport
- 6) Maintain and protect the natural environment and availability of green spaces
- 7) Maintain on-going dialogue with local organisations, developers, individuals and the LPA

2.31 The Council received a total of 6 representations within the formal consultation period. There was support in principle for the designation of a neighbourhood area covering Burley-in-Wharfedale. The representations are summarised in Appendix 3.



2.32 The Council's response to the issues raised by those making representations is set out in Appendix 3. The application from Burley-in-Wharfedale covers the whole of the parish. At present the Parish Council have not prescribed the detailed scope and nature of the neighbourhood plan they wish to prepare, however they have provided a brief summary of their proposed aims (para 2.30). Many of the issues raised by those making representations are not material to the consideration of the area application given that the whole parish is proposed. Concerns relate to the impact on adjoining communities outside the proposed neighbourhood area and the need for consultation and engagement on these issues. These are considerations for Burley-in-Wharfedale Parish Council as they start to take forward the work to develop a plan and these should be considered in their project plan. After considering the Act and the Regulations as well as the representations it is proposed that the neighbourhood application is approved.

2.33 The recommendations views of Shipley Area Committee will be reported verbally to the Executive.

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

2.34 The Council received a formal application from Haworth, Cross Roads and Stanbury Parish Council on 12th March 2013 requesting become designated a neighbourhood area for the purpose of producing a Neighbourhood Plan. The Assistant Director reviewed the application to ensure it included the key requirements under the regulations. The accepted application was then published on the Council's website and formal representations invited over an 8 week period from 22 July to 16 September 2013. A press release was issued to raise the awareness of those living and working in the area. This resulted in several articles in locally circulating newspapers including the Keighley News and the Telegraph and Argus. The Council also included an article in the July edition of its e-newsletter PLAN-IT and also notified relevant parties on the Local Plan consultation database.

2.35 The Neighbourhood Area Application is contained in Appendix 4. 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 Parish Council propose that their Neighbourhood Area boundary matches the extent of the existing Parish boundary.

2.36 Although not necessary at this stage, the Parish Council have set out five essential aims for their Neighbourhood Plan to address key local issues such as

- 1) To ensure housing is provided as set out in the LDF, but that it is respectful to the character of the local area;
- 2) To maintain the District's responsibilities within national planning policies, the LDF and European Legislation;
- 3) To maximise the areas employment potential as outline the in the LDF;
- 4) To respect the Parish's character, natural and heritage environment and existing



- townscape; and
- 5) Ensure the area maintains a commercial, retail sector and economic environment.
 - 6) Maintain the areas profile as a tourist destination
 - 7) Facilitate the needs of residents in terms of education, health, leisure, recreation, sport and transport
 - 8) Maintain and protect the natural environment and availability of green spaces
 - 9) Maintain on-going dialogue with local organisations, developers, individuals and the Local Planning Authority
 - 10) Ensure the Parish remains a good, safe place to live with facilities that meet the aspirations of all inhabitants.
- 2.37 The Council received a total of 8 representations within the formal consultation period. There was support in principle for the designation of a neighbourhood area covering Haworth, Cross Roads and Stanbury. The representations are summarised in Appendix 5.
- 2.38 The Council's response to the issues raised by those making representations is set out in Appendix 5. The application from Haworth, Cross Roads & Stanbury covers the whole of the parish. At present the Parish Council have not prescribed the detailed scope and nature of the neighbourhood plan they wish to prepare, however they have provided a brief summary of their proposed aims (para 2.36). Many of the issues raised by those making representations are not material to the consideration of the area application given that the whole parish is proposed. Concerns related to the confusion of terminology within the application, specifically in Section 3 of the application with a reference to a Neighbourhood Development Order. The application has been reviewed by the Council and clarified with the Parish Council that their sole intention is to produce a neighbourhood plan. Respondents raised a number of considerations for the Parish Council as they start to take forward the work to develop a plan and these should be considered in their project plan. After considering the Act and the Regulations as well as the representations it is proposed that the neighbourhood application is approved.
- 2.39 The recommendations of Keighley Area Committee will be reported verbally to the Executive.

3. Ilkley Parish Council Neighbourhood Area Application

- 2.40 The Council received an initial formal application from Ilkley Parish Council on 18th June 2012 requesting designation as a neighbourhood area for the purpose of producing a neighbourhood plan. The Assistant Director reviewed the application to ensure it included the key requirements under the regulations. The accepted application was then published on the Council's website and formal representations invited over an 8 week period from 16th July to 27th August 2012. A press release was issued to raise the awareness of those living and working in the area. This resulted in several articles in locally circulating newspapers including the Ilkley Gazette. The Council also included an article in the July edition of its e-newsletter PLAN-IT and also notified relevant parties on the Local Plan consultation database.



- 2.41 The Executive Committee approved the application for a Neighbourhood Area in Ilkley at its meeting on 9 October 2012.
- 2.42 In April 2013 a minor error with the approved neighbourhood area boundary came to light. The Council received a revised formal application from Ilkley Parish Council clarifying the extent of the boundary on 15th May 2013. The application was accepted by the Council and published on the Council's website and formal representations were invited over an 8 week period from 22 July to 16 September 2013.
- 2.43 The revised application is contained in Appendix 6. The Parish Council propose that their Neighbourhood Area boundary matches the extent of the existing Parish boundary. The Parish Council have set out ten essential aims for their Neighbourhood Plan to address key local issues such as to:
1. Preserve the character of Ilkley
 2. Protect the natural and physical heritage and townscape
 3. Meet the defined housing needs as set out in the LDF
 4. Meet the defined employment need as set out in the LDF and to provide local employment opportunities
 5. Ensure a flourishing commercial, retail business and economic environment
 6. Maintain a successful marketing and tourism profile
 7. Facilitate the needs of residents in terms of education, health, leisure, recreation, sport and transport
 8. Ensure Ilkley is a good place to live with facilities for young and old alike
 9. Maintain and protect the natural environment and availability of green spaces
 10. Maintain on-going dialogue with local organisations, developers, individuals and the Local Planning Authority
- 2.44 The Council received a total of 9 representations within the latest formal consultation period. There was support in principle for the designation of a neighbourhood area in Ilkley. The representations are summarised in Appendix 7.
- 2.45 The Council's response to the issues raised by those making representations is set out in Appendix 7. The application from Ilkley covers the whole of the parish. At present the Parish Council have not prescribed the detailed scope and nature of the neighbourhood plan they wish to prepare, however they have provided a brief summary of their proposed aims (para 2.43). Many of the issues raised by those making representations are not material to the consideration of the area application given that the whole parish is proposed. Concerns relate to the impact on adjoining communities outside the proposed neighbourhood area and the need for consultation and engagement on these issues. These are considerations for Ilkley Parish Council as they start to take forward the work to develop a plan and should be considered in their project plan. After considering the Act and the Regulations as well as the representations it is proposed that the neighbourhood application is approved.
- 2.46 The recommendations of the Keighley Area Committee will be reported verbally to the Executive.



4. Oxenhope Parish Council Neighbourhood Area Application

- 2.47 The Council received an initial formal application from Oxenhope Parish Council on 14th February 2013 for designation as a neighbourhood area for the purpose of producing a neighbourhood plan. The Assistant Director reviewed the application to ensure it included the key requirements under the regulations. The accepted application was then published on the Council's website and formal representations invited over an 8 week period from 22 July to 16 September 2013. A press release was issued to raise the awareness of those living and working in the area. This resulted in several articles in locally circulating newspapers including the Keighley News, Ilkley Gazette and the Telegraph and Argus. The Council also included an article in the July edition of its e-newsletter PLAN-IT and also notified relevant parties on the Local Plan consultation database.
- 2.48 The application is contained in Appendix 8. 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 Parish Council propose that their Neighbourhood Area boundary matches the extent of the existing Parish boundary.
- 2.49 Although not necessary at this stage, the Parish Council have set out ten essential aims for their Neighbourhood Plan to address key local issues such as to:
- 1) Preserve the character of Oxenhope
 - 2) Protect the natural and physical heritage and townscape
 - 3) Meet the defined housing needs as set out in the LDF
 - 4) Meet the defined employment need as set out in the LDF and to provide local employment opportunities
 - 5) Ensure a flourishing commercial, retail business and economic environment
 - 6) Maintain a successful marketing and tourism profile
 - 7) Facilitate the needs of residents in terms of education, health, leisure, recreation, sport and transport
 - 8) Ensure Oxenhope is a good place to live with facilities for young and old alike
 - 9) Maintain and protect the natural environment and availability of green spaces
 - 10) Maintain on-going dialogue with local organisations, developers, individuals and the Local Planning Authority
- 2.50 The Council received a total of 8 representations within the formal consultation period. There was support in principle for the designation of a neighbourhood area in Oxenhope with one objection. The representations are summarised in Appendix 9.
- 2.51 The Council's response to the issues raised by those making representations is set out in Appendix 9. The application from Oxenhope Parish Council covers the whole of the parish. At present the Parish Council have not prescribed the detailed scope and nature of the neighbourhood plan they wish to prepare, however they have provided a brief summary of their proposed aims (para 2.49). Many of the issues raised by those making representations are not material to the consideration



of the area application given that the whole parish is proposed. One representation raised concerns related to the increased level of decision making powers of the Parish Council. The Parish Council are qualifying body of whom have the rights under the Localism Act 2011 and subsequent regulations, to make an application to the Council for an area to be designated in order to progress onto producing a Neighbourhood Plan. Members of the public will have the opportunity to provide comments on the content of the plan during consultation and prior to an independent examination. Respondents raised a number of further considerations for the Parish Council as they start to take forward the work to develop a plan and these should be considered in their project plan. After considering the Act and the Regulations as well as the representations it is proposed that the neighbourhood application is approved.

2.52 The recommendations of Keighley Area Committee will be reported verbally to the Executive.

Neighbourhood Area Application Considerations

2.53 The Act sets out the considerations relevant to the determination of a neighbourhood application at section 61G. Principles in parished areas include:

- Can include whole or part of a parished area
- Need to consider 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

2.54 There is no further guidance on how local authorities should determine the acceptability of a proposed area. Given the four applications propose to designate the whole of their parished areas there are no considerations that suggest a smaller area would be more appropriate given the supporting statements.

2.55 If approved by the Executive the decision will be placed on the Council's web site together with the following information:

- The name of the neighbourhood area;
- A map which identifies the area; and
- The name of the relevant body who applied for the designation.

3. OTHER CONSIDERATIONS

Funding and Support

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



- 3.2 From April 2013 to March 2014 Local Planning Authorities (LPA) can claim up to £30,000 Neighbourhood Planning Grant per designation of a neighbourhood area. The payment is broken down into stages to reflect the work involved in getting a plan to the point of being published prior to an examination. The payments are broken down as follows:
- 1) First payment of £5,000 is payable upon designation of a neighbourhood area. Each LPA can claim up to 20 designations in 2013/2014.
 - 2) Second payment of £5,000 is made the LPA publicises the neighbourhood plan prior to examination. This is expected to contribute towards the cost of the examination as well as other costs incurred at this stage.
 - 3) Third payment of £20,000 is made upon successful completion of a neighbourhood planning examination. This fund will, in part, pay for the examination as well as further costs incurred in taking a plan through a referendum.
- 3.3 These payments are in addition to the £20,000 already paid to the Neighbourhood Planning Frontrunners throughout the country. There were none within the District.
- 3.4 The Government has pledged this funding along with support to communities directly through organisations such as Locality, mycommunityrights.org, RTPi and Planning Aid England. There is an array of support networks available to communities should they wish to request assistance.

Community Infrastructure Levy

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

Bradford's Local Plan

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



Allocations DPD as well as the two area Action Plans for the City Centre and Shipley Canal Road Corridor will follow on from the Core Strategy.

4. FINANCIAL & RESOURCE APPRAISAL

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

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.

6. 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. The implications of discharging the Council's legal duty are considered above.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

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



7.2 SUSTAINABILITY IMPLICATIONS

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

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

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

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 four Parish Councils who are actively taking forward a neighbourhood plan proposal, of which relate to the following wards:

- Ilkley ward - Ilkley
- Wharfedale ward – Burley-in-Wharfedale
- Worth Valley ward - Haworth, Cross Roads & Stanbury and Oxenhope

8. NOT FOR PUBLICATION DOCUMENTS

- 8.1 None

9. OPTIONS

- 9.1 The Executive is requested to consider four Neighbourhood Area Applications for the designation a Neighbourhood Area in Burley-in-Wharfedale; Haworth, Cross Roads & Stanbury and Oxenhope. There are two options for the Executive, these are:



- 9.2 Option 1 is to approve each of the four Neighbourhood Area Applications, following the satisfactory assessment set out in Section 2 of this report.
- 9.3 Option 2 is to refuse any of the Neighbourhood Area Applications; though there are no grounds for this, given the satisfactory assessment set out in Section 2 of this report.

10. RECOMMENDATIONS

- 10.1 That the Neighbourhood Area Application submitted by Burley-in Wharfedale Parish Council be approved and the Assistant Director (Planning, Transportation & Highways) be authorised to arrange formal publication in line with the relevant Regulations.
- 10.2 That the Neighbourhood Area Application submitted by Haworth-Cross Roads & Stanbury Parish Council be approved and the Assistant Director (Planning, Transportation & Highways) be authorised to arrange formal publication in line with the relevant Regulations.
- 10.3 That the Neighbourhood Area Application submitted by Ilkley Parish Council be approved and the Assistant Director (Planning, Transportation & Highways) be authorised to arrange formal publication in line with the relevant Regulations.
- 10.4 That the Neighbourhood Area Application submitted by Oxenhope Parish Council be approved and the Assistant Director (Planning, Transportation & Highways) be authorised to arrange formal publication in line with the relevant Regulations.

11. APPENDICES

- 1 Neighbourhood Plans Process
- 2 Burley-in-Wharfedale Neighbourhood Area Application
- 3 Summary of representations and Council's response to Burley-in-Wharfedale Neighbourhood Area Application
- 4 Haworth, Cross Roads & Stanbury Neighbourhood Area Application
- 5 Summary of representations and Council's response to Haworth, Cross Roads & Stanbury Neighbourhood Area Application
- 6 Ilkley Neighbourhood Area Application
- 7 Summary of representations and Council's response to Ilkley Neighbourhood Area Application
- 8 Oxenhope Neighbourhood Area Application
- 9 Summary of representations to and Council's response Oxenhope Neighbourhood Area Application
- 10 The governance arrangements for the key decisions within the respective processes for neighbourhood planning.



12. BACKGROUND DOCUMENTS

- 12.1 The Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- 12.2 The Neighbourhood Planning (General) Regulations 2012
<http://www.legislation.gov.uk/uksi/2012/637/made>
- 12.3 National Planning Policy Framework (March 2012)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2115939.pdf>
- 12.4 Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Executive to be held on 9 October 2012. (Document AE)
- 12.5 Report of the Assistant Director (Planning Transportation & Highways) to the meeting of Keighley Area Committee to be held on 29 October 2013
- 12.5 Report of the Assistant Director (Planning Transportation & Highways) to the meeting of Shipley Area Committee to be held on 30 October 2013

