

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Shipley Area Committee to be held on 29 October 2014.**

---

**Subject:****AB**

Neighbourhood Planning – Neighbourhood Area Applications

**Summary statement:**

The Council's Executive Committee has resolved the governance arrangements for discharging the Council's new duties in relation to neighbourhood planning in respect of the Localism Act 2011. The Area Committees 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 the two Neighbourhood Area Applications submitted to the Council by Menston and Wilsden Parish Councils. The Area Committee is invited to comment on the applications.

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

---

Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)

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

Report Contact: Andrew Marshall  
Planning & Transport Strategy  
Manager

Phone: (01274) 434050

E-mail: [andrew.marshall@bradford.gov.uk](mailto:andrew.marshall@bradford.gov.uk)

**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 Applications submitted to the Council by Menston and Wilsden Parish Councils. The Area Committee is invited to comment on the applications.
- 1.3 The Area Committee is recommended to take note of the Executive decision as a decision to approve the Neighbourhood Areas 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 four Neighbourhoods Area Applications for the following areas:
- Burley-in-Wharfedale
  - Haworth
  - Ilkley
  - Oxenhope

These Parish Councils have now commenced work preparing their Neighbourhood Development Plans.

- 2.17 The Council has received three new Neighbourhood Area Applications, as listed below.
- Menston Parish Council
  - Steeton-with-Eastburn Parish Council, in conjunction with Silsden Town

- Council; and
- Wilsden Parish Council

- 2.18 The views of the Area Committee regarding the Menston and Wilsden applications will be presented to the Executive at its meeting on 2<sup>nd</sup> December alongside Keighley Area Committee's comments in relation to Steeton-with Eastburn and Silsden Neighbourhood Area Application.
- 2.19 As of August 2014 the Council has received a further Neighbourhood Area Application from Cullingworth Village Council. The application will be presented to the Shipley Area Committee and the Executive Committee in due course.

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

- 2.20 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.
- 2.21 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.
- 2.22 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.
- 2.23 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**

- 2.24 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.
- 2.25 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.
- 2.26 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**

- 2.27 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.
- 2.28 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.
- 2.29 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.
- 2.30 The Neighbourhood Area Applications for Menston and Wilsden have met the requirements of the Neighbourhood Planning regulations.
- 2.31 The Shipley Area Committee is requested to consider and provide comment on the Menston and Wilsden Neighbourhood Area Applications:

### **Menston Parish Council**

- 2.32 The Council received a formal application from Menston Parish Council on 5<sup>th</sup> June 2014 requesting to become designated a neighbourhood area for the purpose of producing a Neighbourhood Development Plan. The application covers the parish of Menston.
- 2.33 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 an extended 8 week period from 14<sup>th</sup> July to 8<sup>th</sup> September 2014. A press release was issued to raise the awareness of those living and working in the area. The Council also included an article in the July 2014 edition of its e-newsletter 'Plan-it Bradford' and also notified relevant parties on the Local Plan consultation database.
- 2.34 The Neighbourhood Area Application for Menston 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 Parish Council propose that the Neighbourhood Area boundary matches the extent of the existing Parish boundary of Menston.
- 2.35 The Council received a total of 15 representations within the formal consultation period. There was general support in principle for the designation of a neighbourhood area covering the parish of Menston. 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 designation of a Neighbourhood Area 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.
- 2.37 There was one objection to the extent of the Neighbourhood Area Application boundary in that it should include the High Royds development. (See Appendix 4 nos. 5). The High Royds area is already included within the Aireborough Neighbourhood Area, approved by Leeds City Council. The Localism Act 2011 states that an area cannot be within two Neighbourhood Area boundaries. The objection to the boundary is therefore not a justified reason for the Area Committee to object to the application or for the Executive to refuse it.

### **2.38 Wilsden Parish Council**

- 2.39 The Council received a formal application from Wilsden Parish Council, on 4<sup>th</sup> June 2014, requesting to become designated a neighbourhood area for the purpose of producing a Neighbourhood Development Plan. The application covers the parish of Wilsden.
- 2.40 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 an extended 8 week period from 14<sup>th</sup> July to 8<sup>th</sup> September 2014. A press release was issued to raise the awareness of those living and working in the area. The Council also included an article in the July 2014 edition of its e-newsletter 'Plan-it Bradford' and also notified relevant parties on the Local Plan consultation database.
- 2.41 The Neighbourhood Area Application for Wilsden is contained in Appendix 5. 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 and a list of the aims of any resultant Neighbourhood Plan. The Parish Council propose that the Neighbourhood Area boundary matches the extent of the existing Parish boundary of Wilsden.
- 2.42 The Council received a total of 13 representations within the formal consultation period. There was general support in principle for the designation of a neighbourhood area covering the parish of Wilsden. A summary of the representations and the Council's response to the issues raised by those making representations is set out in Appendix 4.
- 2.43 There was general support for designation of a Neighbourhood Area 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.
- 2.44 There was one objection stating that the boundary was not considered appropriate. As no further explanation was given the Council is unable to consider any

alternative boundary. (See Appendix 6 nos. 1)

2.45 Upon consideration of the Act, the relevant planning Regulations as well as the representations it is recommended that the two neighbourhood applications be approved.

2.46 The Area Committee is invited to make comments on the principle of approving two neighbourhood areas covering the extent of the Menston and Wilsden Parish boundaries, (see Section 4.2 and 4.3). Any comments 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 two neighbourhood areas.

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

2.47 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.

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

## **3. OTHER CONSIDERATIONS**

### **Funding and Support**

3.1 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 May 2013 the Government ran a £10.5 million, 2-year rolling programme to provide support and grants to communities to progress their Neighbourhood Development Plans. Communities could apply for direct support and / or grants of up to £7,000 to help them develop a Neighbourhood Development Plan.
- 3.6 With effect from 20<sup>th</sup> August 2014 the Government were no longer accepting any new expressions of interest of grants. It is likely that a new support programme will be available from April 2015.
- 3.7 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**

- 3.8 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.
- 3.9 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**

- 3.10 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 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.

3.11 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 Neighbourhood Areas for both Menston and Wilsden.

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 each of the neighbourhood area applications there are two general options:-

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

4.4 The option to support the designation of a Neighbourhood Area (Option 1) will be reported to the Executive Committee to inform their final decision. Should the Executive approve the designation of the Neighbourhood Area then the Parish 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 Parish Council may require a level of support and assistance by the Council. At this stage it is not possible to outline the extent of support which may be required as this is dependant upon the needs of the Parish Council and the nature of the Neighbourhood 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) will be reported to the Executive Committee to inform their final decision. Should the Executive take on board all comments received during the consultation process and decide not to approve the application the Parish Council may not commence work

on a Neighbourhood 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 will be no further implications for the Area Committee.

- 4.7 The final recommendations of the Area Committee regarding the Menston and Wilsden Neighbourhood Area Applications will be reported to the Executive Committee at the meeting on 2<sup>nd</sup> December 2014 alongside the Keighley Area Committees comments in relation to Steeton-with-Eastburn and Silsden Neighbourhood Area Application.

## **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 2014/2015, the Government 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 in 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 Parish 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 Parish Councils who are taking forward Neighbourhood Development Plans, of which relate to the following wards:

- Wharfedale ward – Menston
- Bingley Rural Ward - Wilsden

## **8.8 AREA COMMITTEE WARD PLAN IMPLICATIONS**

- 8.8.1 The Area Committee is requested to take note of these Neighbourhood Area Applications and the decision of the Executive Committee on 2<sup>nd</sup> December 2014. The potential decision to approve the application for designation of a Neighbourhood Area by 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 Ward 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 each Neighbourhood Area Application. Those views will be referred to the Executive for consideration at its meeting on 2 December 2014.

## **11. APPENDICES**

11.1 Appendix 1 - Neighbourhood Plans Process

11.2 Appendix 2 - The governance arrangements for the key decisions within the respective processes for neighbourhood planning.

11.3 Appendix 3 - Menston Neighbourhood Area Application

11.4 Appendix 4 - Summary of representations to Menston Neighbourhood Area Application

11.5 Appendix 5 - Wilsden Neighbourhood Area Application

11.6 Appendix 6 - Summary of representations to Wilsden 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>

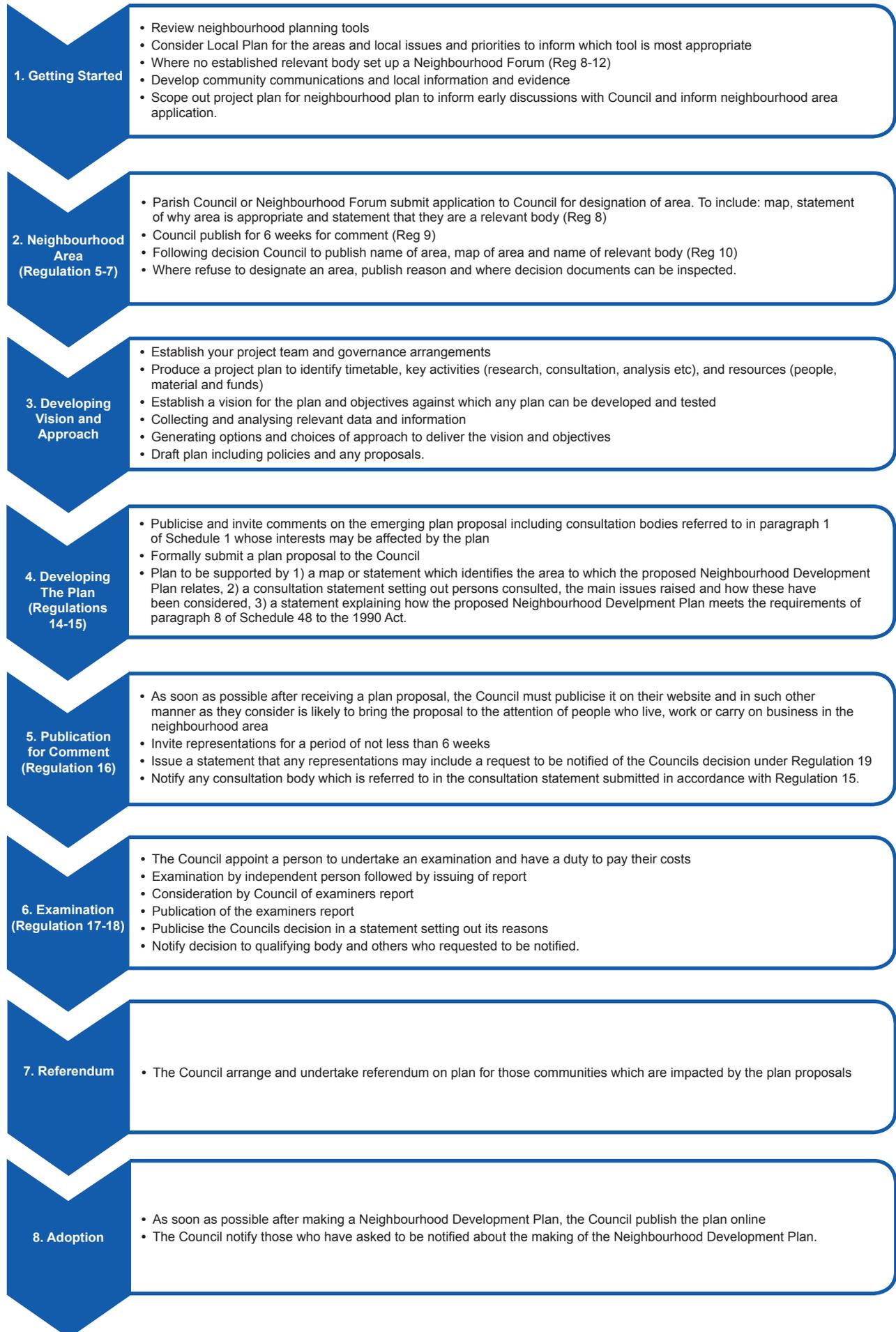
12.3 National Planning Policy Framework (March 2012)

<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

Appendix 3

## **MENSTON PARISH COUNCIL**

*(FOUNDED 2006)*

**CHAIRMAN – PETER FINLAY**

**VICE-CHAIRMAN – QUENTIN MACKENZIE**

Andrew Marshall,  
Planning and Transport Strategy  
Manager,  
City of Bradford Metropolitan District  
Council,  
Floor 8,  
Jacobs Well,  
Bradford,  
BD1 5RW

### **MENSTON PARISH COUNCIL**

c/o 17 Oakridge Court  
Bingley  
West Yorkshire  
BD16 4TA  
e-mail: [menstonpc@hotmail.co.uk](mailto:menstonpc@hotmail.co.uk)  
mobile : 07919168317

5 June 2014

Dear Andrew Marshall

### **Neighbourhood Plan for Menston**

Following a meeting with two of your colleagues, Bill Caulfield and Wendy Brown, on Thursday 22<sup>nd</sup> May 2014 and a decision taken by Menston Parish Council later that day; on behalf of the Menston Parish Council I would like to submit our application for the designation of a Neighbourhood Development Plan.

To comply with Regulation 5 (1) of the Neighbourhood Planning (General) Regulations 2012 I attach a plan map which identifies the area to which the application relates.

This area is considered appropriate to be designated as a Neighbourhood Area as it comprises the whole of the area administered by Menston Parish Council.

Menston Parish Council is a relevant body to make the application under the Section 61G(2) of the Town and Country Planning Act 1990 (as inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c20)).

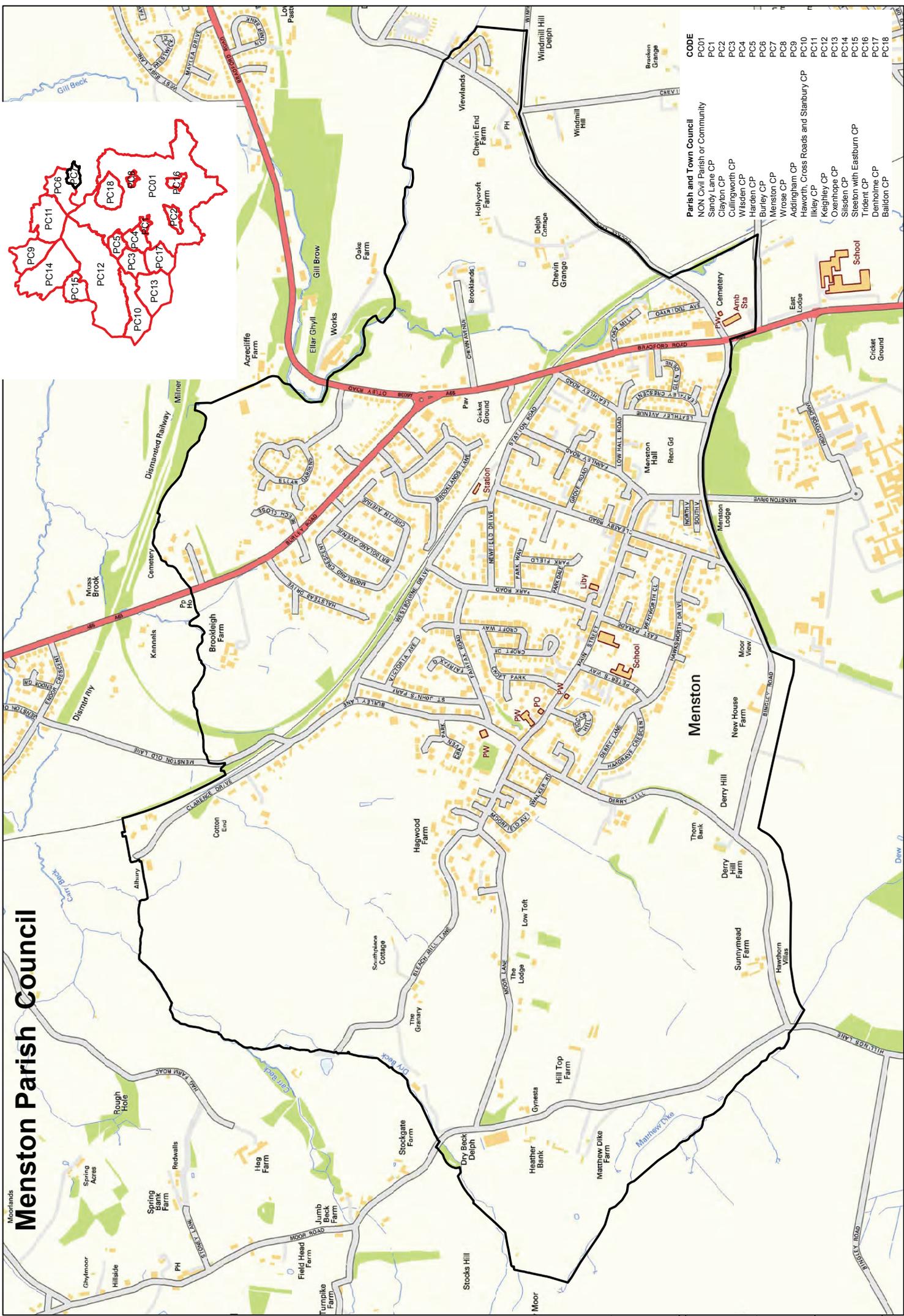
We also understand that at this stage we do not have to provide a Vision Statement to support our application.

Yours sincerely

Catriona Hanson

Clerk to Menston Parish Council

# Menston Parish Council



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

## Appendix 4 - Menston Neighbourhood Area Application

### Summary of Representations and Council's Response

No.	Respondent	Issues Raised / Comment	Council's Response
1	Network Rail	<p>No comments.</p> <p>Request that any proposed changes consider the impact on the railway infrastructure, particularly access to and from railway stations and at railway/public level crossings.</p>	<p>Noted.</p> <p>Comment noted. The Council will pass these comments onto the Parish Council for consideration during the preparation of their Plan.</p>
2	Yorkshire Wildlife Trust	<p>No comments on the proposed boundary.</p> <p>With the Neighbourhood Development Plan there will be potential to include details about supporting and improving the natural environment. Yorkshire Wildlife Trust encloses a document containing information on the natural environment within Neighbourhood Plan areas and also a map showing our Living Landscapes within Bradford for consideration during the preparation of the Plan.</p>	<p>Noted</p> <p>It is for the Parish 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 and Yorkshire Wildlife Trust documentation.</p>
3	McCarthy & Stone	<p>No comments.</p> <p>Within the Neighbourhood Development Plan there is potential to address the issue of the provision of specialist housing for the elderly by way of retirement housing. McCarthy &amp; Stone enclose a document containing a short presentation on how to consider the needs of older residents to be considered during the preparation of the Plan.</p>	<p>Noted.</p> <p>It is for the Parish 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 and McCarthy &amp; Stone documentation.</p>
4	Sport England	<p>No specific comments on the application.</p> <p>Within the Neighbourhood Development Plan</p>	<p>Noted</p> <p>It is for the Parish Council to determine the</p>

No.	Respondent	Issues Raised / Comment	Council's Response
5	Jonathan Gadd	<p>there is potential to address sport and recreational facilities. Sport England outlines several points for consideration during the preparation of the Plan.</p> <p>Support in principal.</p> <p>Boundary suggestion.</p> <p>That the proposed boundary be extended to include the High Royds development as it has little or no facilities of its own and the residents are dependent upon the facilities of Menston Village.</p>	<p>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 and Sport England documentation.</p> <p>Support noted.</p> <p>Boundary suggestion noted.</p> <p>Menston Parish Council made a decision to promote a Neighbourhood Development Plan solely for the land within the confines of the Menston Parish area.</p> <p>The High Royds development, adjacent to Menston, falls within the Aireborough Neighbourhood Area. This area has been approved by Leeds City Council.</p> <p>Schedule 9, section 61G paragraph 7 of the Localism Act 2011 prohibits any area falling within more than 1 Neighbourhood Area boundary. For this reason it would not be possible for Menston Parish Council to consider the proposed boundary amendment.</p> <p>The Council would strongly recommend that Menston Parish Council and Aireborough Neighbourhood Forum have joint discussions regarding the wider impact of development within this section of the Wharfe valley, particularly as they commence community engagement and begin to shape the content of their plans.</p> <p>No decision has been made on the content of the Menston Neighbourhood Development Plan</p>

No.	Respondent	Issues Raised / Comment	Council's Response
6	Natural England	<p>Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft Neighbourhood Development Plans where proposals are likely to affect a Site of Specific Scientific Interest (SSSI), or 20 hectares or more of Best and Most Versatile agricultural land. The organisation should also be consulted on Strategic Environmental Assessments (SEA), Habitats Regulations Assessments (HRA) screening and Environmental Impact Assessments, where these are required.</p> <p>Natural England can provide sources of additional advice for the Parish Council with regard to:</p> <ul style="list-style-type: none"> <li>• Advice on sources of environmental information and ideas of incorporating the environment into plans and proposals;</li> <li>• Protected landscapes;</li> <li>• Protected species;</li> <li>• Local Wildlife Sites;</li> <li>• Best and Most Versatile agricultural land;</li> <li>• Opportunities for enhancing the natural environment.</li> </ul>	<p>so it may not include any reference to facilities. The content of the plan should be influenced by community engagement which is yet to commence.</p> <p>Noted. Natural England will continue to be consulted on the Neighbourhood Development Plan, subject to the content of the Plan and where appropriate.</p>
7	National Farmers Union (North East)	<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</p>	<p>Noted. The Council will ensure that the Parish Council receive a copy of these comments contained within the original representation to the Parish Council for their consideration.</p> <p>Noted.</p> <p>It is for the Parish Council to determine the detailed scope of their Neighbourhood Development Plan, not the Council. However the Council will ensure that the Parish Council</p>

No.	Respondent	Issues Raised / Comment	Council's Response
		out their vision and key priorities within present day farming for consideration during the preparation of the Plan.	receive a copy of these comments.
8	Wakefield Council	No objections to the proposals. No specific comment to make at this stage.	Noted.
9	David Brown	Support in principal.	Support noted.
10	Natural England	No objections to the neighbourhood plan area Attention is drawn to the existence of the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) approximately 1km to the west of Menston.  The plan making body should be aware that policies which are likely to affect their interest features (alone or in combination with other plans and projects) may require assessment under the Conservation of Habitats and Species regulations 2010 (as amended). However, assessment under the habitats regulations should not be required if they deliver higher tier local plan policies, which have themselves undergone assessment.	Noted. Noted. The decision at this stage is on the appropriateness of the neighbourhood plan application. The strategic scale of development will be subjected to these assessments in the Local Plan – Core Strategy. The outcomes of these reports will be publically available once completed.  Detailed local level impacts will need to be considered if appropriate and relevant to the scope and content of the Neighbourhood Development Plan. The Parish Council will need to consider this issue as part of its project planning work and in preparation of the plan.
11	The Coal Authority	The majority of parish area is outside of the defined coalfield and therefore there are no specific comments.	Noted.
12	Kirklees Council	No comments.	Noted.
13	Environment Agency	Request that the Parish Council take note of the content of the representation and refer to the submitted guidance note - 'Planning for the	Noted. Comment noted. The Council will pass these comments/documents onto the Parish Council for consideration during the preparation of their

No.	Respondent	Issues Raised / Comment	Council's Response
14	North Yorkshire County Council	<p>environment at the neighbourhood level' when considering how to develop the Plan.</p> <p>It is confirmed that there are no strategic implications for the County Council and no further comments.</p>	<p>Plan.</p> <p>Noted.</p>
15	English Heritage	<p>No objections.</p> <p>The area identified by Menston Parish Council for the Neighbourhood Plan includes a number of important designated heritage assets.</p> <p>Plan preparation offers the opportunity to harness a community's interest in the historic environment by getting them to help add to the evidence base, perhaps by creating and or reviewing a local heritage list, inputting to the preparation of conservation area appraisals and undertaking historic characterisation surveys.</p> <p>Both English Heritage and the local Council can provide support, advice and evidence on the historic environment.</p>	<p>Comment noted. The Council will pass these comments/documents onto the Parish Council for consideration during the preparation of their Plan.</p>
		<p>English Heritage has a statutory role in the development plan process and there is a duty on either the Local Planning Authority or the Neighbourhood Planning Forums to consult English Heritage on any Neighbourhood Plan where our interests are considered to be affected.</p> <p>Should a Strategic Environmental Assessment/Sustainability Appraisal be required we again have a formal role in that process.</p>	<p>Comment noted.</p>



## **WILSDEN PARISH COUNCIL**

The Village Hall,  
Wilsden,  
Bradford,  
BD15 0HT.

West Yorkshire.

[www.wilsdenparishcouncil.gov.uk](http://www.wilsdenparishcouncil.gov.uk)

Clerk to the Council

Ruth Batterley

Tel. No. 07875 635 203

Email: [clerk@wilsdenparishcouncil.gov.uk](mailto:clerk@wilsdenparishcouncil.gov.uk)

Mr A. Marshall  
Planning and Transport Strategy Manager  
Bradford Metropolitan District Council  
Floor 2 South  
Jacobs Well  
Bradford  
BD1 5RW

4th June 2014

Dear Mr Marshall,

### DESIGNATION OF A NEIGHBOURHOOD PLAN AREA

Please find attached an application for designated status by Wilsden Parish Council for the purposes of preparing a Neighbourhood Plan.

Enclosed are:

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

Please contact me if you need any further information.

Yours sincerely

Ruth Batterley  
Wilsden Clerk

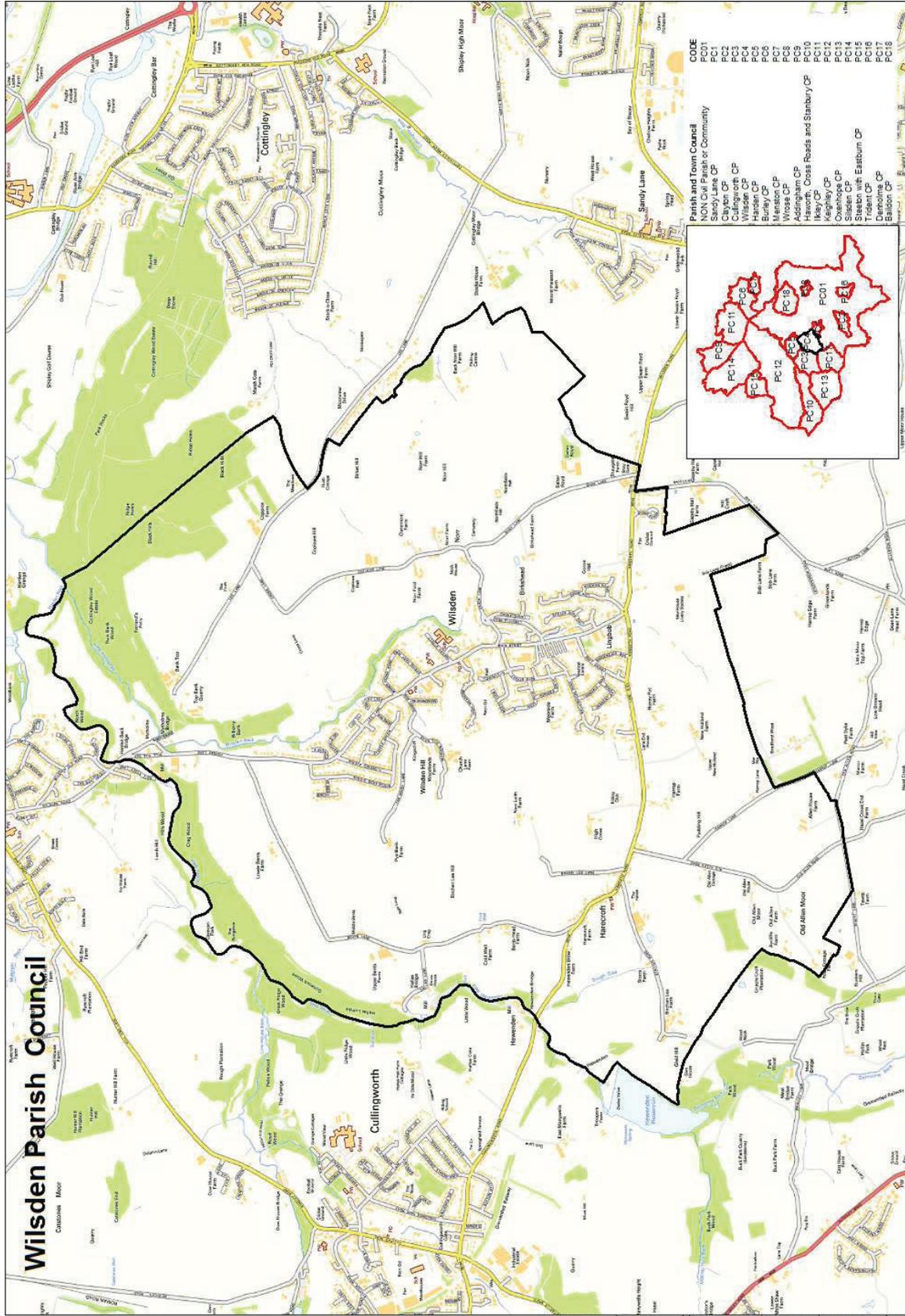
Application from: Wilsden Parish Council

Subject: Application for Designated Area Status

For the purposes of creating a Neighbourhood Development Plan for the parish of Wilsden

Contents:

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



Map Author: Stephen Davis, Business Support Services, 01274 437258

© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019304. Licence number. 2010. Ref:SD-ParishCouncilWilsden-2013-06-07

2 Statement explaining why the area confined within Wilsden parish boundaries is considered appropriate to be designated as a Neighbourhood Area.

Wilsden Parish Council operates within the confines of the Wilsden parish boundaries shown on the preceding page as an extract from the Bradford Observatory maps.

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

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

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

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

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

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

**NEIGHBOURHOOD PLAN “QUALIFYING BODY” STATEMENT**

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

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

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

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

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

**WILSDEN PARISH COUNCIL**

The Village Hall,

Wilsden,

Bradford,

BD15 0HT.

West Yorkshire.

[www.wilsdenparishcouncil.gov.uk](http://www.wilsdenparishcouncil.gov.uk)

Clerk to the Council

Ruth Batterley

Tel. No. 07875 635 203

Email : [clerk@wilsdenparishcouncil.gov.uk](mailto:clerk@wilsdenparishcouncil.gov.uk)

## Appendix 6 - Wilsden Neighbourhood Area Application Summary of Representations and Council's Response

No.	Respondent	Issues Raised / Comment	Council's Response
1	Jane Pearson	Support in principle. The proposed boundary is not considered appropriate. <i>(No further explanation given)</i>	Support noted. Objection noted, however with no further explanation given the Council is unable to consider any alternative boundary. The proposed boundary covering the extent of the Parish boundary is deemed to be appropriate by the Council.
2	David Wadsworth	Support in principle.	Support noted.
3	John Emmett	Support in principle.	Support noted.
4	Yorkshire Wildlife Trust	No comments on the proposed boundary. With the Neighbourhood Development Plan there will be potential to include details about supporting and improving the natural environment. Yorkshire Wildlife Trust enclose a document containing information on the natural environment within Neighbourhood Plans and also a map showing our Living Landscapes within Bradford for consideration during the preparation of the Plan.	Noted It is for the Parish 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 and the enclosed document.
5	McCarthy & Stone	No comments. Within the Neighbourhood Development Plan there is potential to address the issue of the provision of specialist housing for the elderly by way of retirement housing. McCarthy & Stone enclose a document containing a short presentation on how to consider the needs of older residents.	Noted. It is for the Parish 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 and McCarthy & Stone documentation.
6	Sport England	No specific comments on the application.	Noted

No.	Respondent	Issues Raised / Comment	Council's Response
7	Natural England	<p>Within the Neighbourhood Development Plan there is potential to address sport and recreational facilities. Sport England outlines several points for consideration during the preparation of the Plan.</p> <p>Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft Neighbourhood Development Plans where proposals are likely to affect a Site of Specific Scientific Interest (SSSI), or 20 hectares or more of Best and Most Versatile agricultural land. The organisation should also be consulted on Strategic Environmental Assessments (SEA), Habitats Regulations Assessments (HRA) screening and Environmental Impact Assessments, where these are required.</p> <p>Natural England can provide sources of additional advice for the Parish Council with regard to:</p> <ul style="list-style-type: none"> <li>• Advice on sources of environmental information and ideas of incorporating the environment into plans and proposals;</li> <li>• Protected landscapes;</li> <li>• Protected species;</li> <li>• Local Wildlife Sites;</li> <li>• Best and Most Versatile agricultural land;</li> <li>• Opportunities for enhancing the natural environment.</li> </ul>	<p>It is for the Parish 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 and Sport England documentation.</p> <p>Noted. Natural England will continue to be consulted on the Neighbourhood Development Plan, subject to the content of the Plan and where appropriate.</p>
8	National Farmers Union (north East)	<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 and key priorities within present</p>	<p>Noted.</p> <p>It is for the Parish Council to determine the detailed scope of their Neighbourhood Development Plan, not the Council. However the Council will ensure that the Parish Council</p>

No.	Respondent	Issues Raised / Comment	Council's Response
9	Wakefield Council	<p>day farming for consideration during the preparation of the Plan.</p> <p>No objections to the proposals.</p> <p>No specific comment to make at this stage.</p>	<p>receive a copy of these comments.</p> <p>Noted.</p>
10	Natural England	<p>No objections to the neighbourhood plan area</p> <p>Attention is drawn to the locally designated nature conservation sites which extend beyond the plan area.</p> <p>Located on the parish's northern and western boundaries, these areas of deciduous woodland (a priority habitat) form part of a wider network of ecological sites. Information regarding these sites can be found on the MAGIC website.</p> <p>Paragraph 114 of the NPPF requires emerging plans should create, protect, and enhance networks of biodiversity and green infrastructure.</p>	<p>Noted.</p> <p>Noted. The decision at this stage is on the appropriateness of the neighbourhood plan application.</p> <p>Detailed local level impacts will need to be considered if appropriate and relevant to the scope and content of the Neighbourhood Development Plan. The Parish Council will need to consider this issue as part of its project planning work and in preparation of the plan.</p>
11	The Coal Authority	<p>The parish area is outside of the defined coalfield and therefore The Coal Authority has no specific comments to make on the definition of the Neighbourhood Plan Area.</p>	<p>Noted.</p>
12	Kirklees Council	<p>No comments.</p>	<p>Noted.</p>
13	North Yorkshire County Council	<p>It is confirmed that there are no strategic implications for the County Council and no further comments.</p>	<p>Noted.</p>
14	Environment Agency	<p>No comments.</p> <p>Request that the Parish Council take note of the content of the representation and refer to the submitted guidance note - 'Planning for the environment at the neighbourhood level' when considering how to develop the Plan.</p>	<p>Noted.</p> <p>Comment noted. The Council will pass these comments/documents onto the Parish Council for consideration during the preparation of their Plan.</p>