

## Report of the Strategic Director Place to the meeting of Executive to be held on 10th September 2019

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**Subject: Addingham Neighbourhood Development Plan**

### **Summary statement:**

This report concerns the Addingham Neighbourhood Development Plan which has been prepared by the Parish Council. The Plan has now been subject of an independent examination by Andrew Freeman and his report confirms that the Plan, subject to the incorporation of a number of modifications meets the Basic Conditions outlined in legislation. He has recommended that the Plan proceeds to local referendum.

The report recommends that the Council agree to all of the proposed modifications and that the modified plan proceeds to referendum..

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### **Portfolio:**

**Regeneration, Planning and Transport**

### **Overview & Scrutiny Area:**

**Regeneration & Economy**

## **1. SUMMARY**

- 1.1 This report concerns the Addingham Neighbourhood Development Plan (the Plan), which has been prepared by the Parish Council. The Plan has been in development for several years and has been subject to extensive community consultation and engagement. Bradford Council officers have provided assistance and input to the Plan.
- 1.2 The Plan and its preparation has now been the subject of an independent examination by Andrew Freeman, a suitably qualified and experienced person. His report confirms that the Plan has met all relevant legal requirements and that, subject to the incorporation of a number of modifications, meets the Basic Conditions for neighbourhood plans defined in legislation. One of these conditions is that it is in general conformity with the strategic policies set out in the development plan – the Core Strategy DPD (adopted 2017) and the saved policies of the Replacement Unitary Development Plan (adopted 2005). The Examiner recommends the plan proceeds to a local referendum.
- 1.3 This report recommends that the Council agree to all of the proposed modifications and that the resultant modified plan proceeds to a referendum, which would take place in January 2020. Should a simple majority in favour of the plan be achieved in the referendum, the Plan would then be “made” and become part of the statutory development plan for Bradford District, alongside the Local Plan Core Strategy DPD (2017), Bradford City Centre and Shipley and Canal Road Area Action Plans (both 2017), Waste Management DPD (2017) and saved policies of the Replacement Unitary Development Plan (2005) as well as any future planning policies. It would then be used by the Council in making decisions on planning applications within the area it covers (Addingham Parish).

## **2. BACKGROUND**

- 1.4 Addingham Parish Council has prepared a Neighbourhood Plan for their area under the provisions of the Town & County Planning Act 1990 (as amended), the Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.5 The Localism Act 2011 provides powers for qualifying bodies that are authorised to act in relation to a designated neighbourhood area. For purposes of neighbourhood planning qualifying bodies are Town and Parish Councils or designated Neighbourhood Forums (in non-parished areas). These powers give communities the opportunity to shape how their areas grow and develop.
- 1.6 Addingham Parish Council submitted an application to have their parish area formally designated as a “neighbourhood area” for the purposes of preparing a neighbourhood development plan on 20<sup>th</sup> January 2015. This application was the subject a six week public consultation exercise (26<sup>th</sup> January to 9<sup>th</sup> March 2015). The application was approved by Executive on 26<sup>th</sup> March 2015.

- 1.7 Neighbourhood plans cannot be used to stop development and should not promote less growth than the levels set out in the Local Plan or undermine its strategic policies. Plans also cannot deal with strategic planning matters or other excluded matters – e.g. mineral extraction. The content of plans is determined by the community. 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 or community uses. Neighbourhood Development Plans should only cover land use planning issues.
- 1.8 The Addingham Neighbourhood Development Plan identifies key issues (based on an understanding of the community's characteristics and community engagement) and sets out a vision for the local area, together with a number of objectives and policies to address them. It contains eight objectives and fourteen policies relating to:
- Supporting future housing growth to meet the needs of the village;
  - Conserving and enhancing the neighbourhood area's built heritage and distinctive character;
  - Conserving and enhancing the natural environment;
  - Ensuring new development includes suitable infrastructure to address its needs and any new impact it may have on the wider community;
  - Protecting and enhancing the vitality and viability of local shops, businesses and community facilities;
  - Supporting improvement to the local transport network that meet the needs of all users;
  - Protecting and enhancing open space, green spaces and recreation sites; and
  - Strengthening resilience to the impact of climate change.
- 1.1 The plan does not include any site allocations for development. However, it does identify a number of green spaces and recreation sites for protection as well as green infrastructure corridors.
- 1.2 The process of preparing the Plan has, and is, following the processes and requirements set out in legislation and Government guidance. This has involved informal development and evidence gathering following two extensive periods of community and stakeholder consultation. The first formal consultation stage (under Regulation 14 of the 2012 Regulations) was undertaken by the Parish Council, with the second (under Regulation 16) being managed by Bradford Council.
- 1.3 As can be seen above, although a Neighbourhood Plan is produced by the local Parish / qualifying body there is also a significant role for the Council. In addition to a general legal duty to support qualifying bodies (usually by the provision of advice

and feedback, sharing of information and evidence etc.), this Council is required to issue the draft plan for regulation 16 consultation, organise and fund an independent examination of the plan, organise and fund a referendum (assuming the examination finds that the plan meets legal requirements and a number of Government defined 'basic conditions').

- 1.9 The Addingham Neighbourhood Plan has been prepared and developed between late 2015 and mid-2018. The Parish Council undertook a number community engagement and evidence gathering activities during this period. Consultation took place on a Preferred Options version of the plan in March 2018, with a formal six week consultation (under Regulation 14) taking place in July/August 2018. Bradford Council officers, under the duty to support, have worked constructively with the Parish Council. This has including providing advice and support for the neighbourhood plan, including providing formal comments, where necessary. Details of the consultation process are included in the Consultation Statement submitted alongside the Plan.
- 1.10 A final draft of the Plan was submitted to Bradford Council in November 2018, who issued it for a formal consultation (under Regulation 16). It is included at Appendix 1 to this report.
- 1.11 Representations were received from 23 groups, organisations and individuals, including statutory bodies and local residents/groups. These representations related to the contents of the plan as well as the process for its preparation, whilst others were supportive of the plan. The principle issues raised by representations were:
  - Omission of the proposed housing allocations and potential impact from development;
  - Overall direction and wording of the proposed neighbourhood plan policies;
  - Conformity with national planning policy and meeting basic conditions;
  - Promotion of land for development;
  - Need for the plan to addressed a larger number of issues;
  - The level and adequacy of community consultation and engagement in preparing the plan; and
  - The process of preparing the neighbourhood plan itself.

- 1.12 In line with legislation, the Council sought to engage a suitably qualified and experienced person to conduct the independent examination of the Plan. Andrew Freeman of Intelligent Plans & Examinations (IPE) Ltd was subsequently appointed carry out the examination of the Plan. The Independent Examination of the Plan took place in May/June 2019, with the final report being issued on 1<sup>st</sup> July 2019.
- 1.13 The Examiner's role was to ensure that the Plan meets the basic conditions and complies with the relevant legislation. In order to meet those conditions the Neighbourhood Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan for the area;
  - be compatible with and not breach European Union (EU) obligations; and
  - meet prescribed conditions and comply with prescribed matters;
- 1.4 Regulation 32 of the 2012 Regulations prescribes a further basic condition for neighbourhood plans. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 1.5 The Examiner was provided with copies of the submission documents – Submission Draft plan, Basic Conditions Statement, Strategic Environmental Assessment, Equalities Impact Assessment and Consultation Statement – together with all representations (see paragraph 2.8, above) received as part of the formal Regulation 16 consultation.
- 1.6 He gave full consideration to the contents of the submission draft plan, supporting documentation and the various issues raised by the representations received. His assessment is set out in his report, issued to the Council and Parish Council on 1<sup>st</sup> July 2019. He concluded that, subject to a number of policy modifications, the Plan meets the basic conditions (see paragraphs 2.9 and 2.10) and that once modified should proceed to Referendum. The Examiner's report is included at Appendix 2 and includes a schedule of proposed modifications.
- 1.7 As the issues identified by the Council had previously been resolved the Council did not make any formal objections to the Plan at Regulation 16 stage. Broader comments were supplied at the request of the Examiner.
- 1.8 The Council's officers have considered the Examiner's report and consider that it is a thorough and professional assessment of the Plan and the issues raised by respondents. The conclusions made are reasonable and justified and it is considered that the proposed modifications to the Plan should be made.

- 1.9 It is therefore suggested that the Neighbourhood Plan proceeds to local referendum in line with the changes set out in the Examiner's Report. The referendum would be organised by the Council's elections unit and would apply to the area covered by the Neighbourhood Plan which is the whole of the Addingham Parish. The Examiner has confirmed and recommended that the referendum should cover this area and that there are no reasons to extend the referendum to areas beyond that covered by the Plan.
- 1.10 If members accept this recommendation a Decision Statement (as required under Regulation 18) would be issued and published to that effect and preparations for the referendum would commence. At this point in time a precise date for holding the referendum can't be given but it will be held in accordance with the statutory timetable. The precise date will be determined in collaboration with the Council's elections unit.
- 1.11 Should the referendum result in a "yes" vote, the agreed Governance arrangements would mean that the Assistant Director (Planning, Transportation & Highways) in consultation with the Portfolio Holder (Regeneration, Planning & Transport) would decide whether to "make" the Plan.
- 1.12 In the event of a "yes" vote the Council are required in law to make the Plan unless it considers that this would breach or be incompatible with any EU obligation or any Convention Rights. Therefore subject to a simple majority in favour of the Plan, the Plan would become "made" which means it would become a part of the statutory development plan for the Neighbourhood Plan area.

### **3. OTHER CONSIDERATIONS**

- 1.14 Once 'made' the Addingham Neighbourhood Plan will ensure that planning decisions which are taken more fully reflect the priorities and aspirations of the local community. It will contribute to the achievement of well-designed quality developments.
- 1.15 The making of the Plan will allow the Parish Council to secure 25% of any Community Infrastructure Levy payments for qualifying developments such as new homes and this money will be able to be spent on local priorities and infrastructure by the Parish.

### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 There are potentially significant financial and resource implications from the discharge of the duties under the Localism Act and these have been outlined in earlier reports to the Council's Executive including that of 9<sup>th</sup> October 2012.
- 4.2 The Council is required to pay for arranging and conducting the local referendum. The Government have made funding available to Local Planning Authorities in the form of payments when neighbourhood plans reach specified stages. Should the Neighbourhood Plan be approved at referendum and be subsequently 'made' the Council would be able to claim for a payment of £20,000 later in the year.

## **5 RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 The report sets out the implications of the recommendations being approved including the associated costs of holding a referendum.
- 5.2 The main risks are that the Plan may not receive more than 50% yes votes in the referendum and that the plan is subject to a legal challenge/review.
- 5.3 The Neighbourhood Plan has been prepared in line with the legal and regulatory framework and in line with the governance arrangements agreed by Executive in October 2012 and subsequently revised in February 2018

## **6. LEGAL APPRAISAL**

- 6.1 The legal requirements associated with neighbourhood planning as they apply to the Local Planning Authority and the qualifying body are set out in the report above. The Neighbourhood Plan has been prepared in line with Town and Country Planning Act 1990 (as amended by the Localism Act 2011), and the Neighbourhood Planning (General) Regulations 2012 (as amended). The local referendum will be conducted in the accordance with the Neighbourhood Planning (Referendum) Regulations 2012.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

Both the qualifying body and Bradford Council have carried out extensive consultation and engagement with the local community and followed all legal procedures and Government regulations in preparing the plan. The qualifying body have carried out an Equality Impact Assessment of the Plan and have produced policies and proposals which will improve the quality of development for the local community. The Plan's policies reflect National Planning Policy and the Core Strategy which have themselves been subject to equalities impact assessments

### **7.2 SUSTAINABILITY IMPLICATIONS**

The basic conditions to which the Neighbourhood Plan must comply with have been met and this includes a requirement that the plan is in general conformity with the adopted Core Strategy DPD (which itself was subject to sustainability appraisal) and that it contributes to the achievement of sustainable development.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

All Neighbourhood Plans have to reflect national and local policies which promote sustainable development and seek to minimise the impacts of climate change. The plan includes policies to conserve and enhance the natural environment, protect and enhance open space, green spaces and recreation sites as well as strengthening resilience to the impact of climate change.

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

There are no community safety implications.

## 7.5 HUMAN RIGHTS ACT

The Neighbourhood Plan has been prepared and consulted upon in accordance with relevant planning legislation and Government regulations. The Neighbourhood Plan has been subject to extensive consultation over an extended period and at multiple stages. Those who had concerns about the content of the Plan had the right to make representations and those were fully considered by the Examiner.

## 7.6 TRADE UNION

There are no trade union implications.

## 7.7 WARD IMPLICATIONS

The Neighbourhood Plan relates specifically to the Addingham Parish area and the policies and proposals are described in the report above and set out in the plan which is attached (see Appendix 1).

## 7.8 IMPLICATIONS FOR CORPORATE PARENTING

There are no corporate parenting implications.

## 7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

There are no issues arising from privacy impact assessment

## 8. NOT FOR PUBLICATION DOCUMENTS

6.2 None

## 9. OPTIONS

6.3 The Executive is requested to consider the recommendations set out in the Examiner's Report. The options for consideration are:

- **Option 1** – in accordance with the guidance in this report to approve the modifications recommended by the Examiner and approve the amended plan to be subject of a local referendum
- **Option 2** – do not approve the modifications recommended by the Examiner and do not approve the amended plan to be subject of a local referendum.

6.4 The Executive are recommended to follow **Option 1** as set out above.

## 10. RECOMMENDATIONS

6.1 It is recommended that the Executive agree that the submitted Addingham Neighbourhood Development Plan (Appendix 1) is subject to the modifications (numbered PM1 to PM15) as set out in the Examiner's Report (Appendix 2) and that it is then subject to a local referendum.

## **11. APPENDICES**

- Appendix 1: Addingham Neighbourhood Development Plan – Submission Draft
- Appendix 2: Addingham Neighbourhood Development Plan – Examiner's Report

## **12. BACKGROUND DOCUMENTS**

- Town & Country Planning Act 1990 (as amended)
- Localism Act 2011 (as amended)
- Neighbourhood Planning (General) Regulations 2012 (as amended)