

Report of the Strategic Director Place to the meeting of Executive to be held on 5th January 2021

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Subject: Steeton with Eastburn and Silsden Neighbourhood Development Plan

Summary statement:

This report concerns the Steeton with Eastburn and Silsden Neighbourhood Development Plan which has been prepared by the Steeton with Eastburn Parish Council and Silsden Town Council. The Plan has now been subject of an independent examination by Robert Bryan 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. This will take place in May 2021.

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Portfolio:

Regeneration, Planning and Transport

Overview & Scrutiny Area:

Regeneration & Economy

1. SUMMARY

- 1.1 This report concerns the Steeton with Eastburn and Silsden Neighbourhood Development Plan (the Plan), prepared by Steeton with Eastburn Parish Council and Silsden Town Council (the Councils).
- 1.2 The Plan has been developed over several years and has been subject to extensive community consultation and engagement. City of Bradford Metropolitan District Council (CBMDC) officers have provided assistance and input to the Plan.
- 1.3 In accordance with legislation, the Plan has been the subject of an independent examination by Robert Bryan, a suitably qualified and experienced examiner. 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.
- 1.4 One of these conditions is that it should be in general conformity with the strategic policies set out in the development plan for Bradford district – the Core Strategy DPD (adopted 2017) and the saved policies of the Replacement Unitary Development Plan (adopted 2005). The Examiner recommends the modified plan proceeds to a local referendum.
- 1.5 This report recommends that the CBMDC agree to all of the proposed modifications and that the modified plan proceeds to a referendum in the Parish Council area.
- 1.6 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.
- 1.7 The Plan would then be used by CBMDC officers and elected members in making decisions on planning applications within the Steeton with Eastburn and Silsden neighbourhood plan area.

2 BACKGROUND

- 1.1 The Localism Act 2011 (the 2011 Act) gives communities the opportunity to shape how their areas grow and develop through the use of a number of tools. One of these tools is the production of a neighbourhood plan, which when formally “made” will form part of the statutory development plan for the local authority area.
- 1.2 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 such as mineral extraction.
- 1.3 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. They should only cover land use planning issues.

- 1.4 Whilst Neighbourhood Plans are produced by relevant qualifying bodies, there is also a significant role for Local Planning Authorities. In addition to a general legal duty to support (usually by the provision of advice and feedback, sharing of information and evidence etc.), CBMDC 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').
- 1.5 Under the 2011 Act, the Councils are considered to be the qualifying bodies for the purposes of neighbourhood planning. In line with the provisions of the 2011 Act and the Neighbourhood Planning (General) Regulations 2012 (as amended) (the 2012 Regulations), the Councils have prepared a neighbourhood plan for the Steeton with Eastburn and Silsden parish areas.
- 1.6 The starting point for the Plan was the decision taken by the Councils in summer 2014 to prepare it. An application to have area covered by both Councils formally designated as a "neighbourhood area" for the purposes of preparing a neighbourhood development plan was submitted to CBMDC on 11 June 2014. This was the subject to an eight week public consultation exercise (14 July to 8 September 2014). The application was approved by CBMDC's Executive on 2 December 2014.
- 1.7 The Plan has been prepared and developed between 2014 and 2019. This has involved a mixture of community and stakeholder engagement and evidence gathering during this period. This led to an informal consultation on the draft plan between February and May 2016.
- 1.8 A Pre-Submission Draft Plan was then prepared and issued for a formal six week consultation under Regulation 14 of the 2012 Regulations. This took place between 3 February and 17 March 2018, and was led by the Councils.
- 1.9 Bradford Council officers, under the duty to support, have worked constructively with the local Councils. This has involved 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, together with the required supporting documents (Basic Conditions Statement, Consultation Statement and Strategic Environmental Assessment/Habitat Regulations Assessment Screening Report) was submitted to CBMDC in September 2019, who issued it for a formal consultation (under Regulation 16). This consultation took place between 17 September and 28 October 2019. The submitted neighbourhood plan is included at Appendix 1 to this report.
- 1.11 The Plan sets out a vision for the future growth and development of both areas, together with 10 objectives that seeks to address issues arising through evidence gathering and public consultation. The plan contained 18 planning policies which sought to address the following issues:

- Sustainable housing development;
- Conservation and enhancement of the area's built heritage;
- Conservation and enhancement of the area's natural heritage;
- Provision of infrastructure
- Vitality and viability of local centres and shopping areas
- Supporting economic growth and local employment opportunities
- Supporting improvements to the transport network
- Protecting and enhancing existing community and recreation facilities
- Support the growth and development of tourism

1.12 The plan does not make allocations for housing. However, it does seek to safeguard a number of sites within Steeton with Eastburn and Silsden for employment purposes as well as for leisure, recreation and sports purposes. It also identifies a number Local Green Spaces.

1.13 As highlighted, above, CBMDC undertook a formal six week consultation of the Plan. During the consultation, a total of 54 representations were received from 15 groups, organisations and individuals, including statutory bodies, local residents and the development sector. Bradford Council also submitted comment as part of this process.

1.14 These representations related to

- A number of the proposed safeguarded sport and recreation sites;
- The process of preparing the neighbourhood plan and community engagement in its preparation;
- The basis for preparing a joint neighbourhood plan;
- Cross boundary issues with North Yorkshire;
- Factual information presented in the spatial portrait and other sections of the draft plan document;
- Location of new development;
- Proposed Local Green Spaces;
- The need for greater flexibility within the employment safeguarding policies;
- Consistency with emerging Core Strategy Partial Review;
- Proximity to the South Pennine Moors SPA, SAC and SSSI; and
- Infrastructure provision;

1.8 In line with legislation, the Plan must be the subject of an independent examination undertaken by a suitably qualified and experienced person, independent of the Council. Robert Bryan, an independent Planning Consultant was appointed to this role. The examination took place between July and November 2020, with his final report being issued on 30 November 2020.

1.9 The Examiner's role is to ensure that the Plan has been prepared in line with, and complies with relevant legislation and meets the Basic Conditions. The Basic Conditions are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;

- the making of the plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies of the development plan for the area of the authority;
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- prescribed conditions are met in relation to the plan and the prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
 - Regulation 32 of the 2012 Regulations (as amended by the Conservation of Habitats and Species and Planning (various amendments) Regulations 2018) sets out a further basic condition in addition to those set out in the primary legislation: 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.

- 1.1 The Examiner was provided with copies of the submission documents – Submission Draft Plan, Basic Conditions Statement, Strategic Environmental Assessment, and Consultation Statement – together with all representations (see paragraphs 2.15 and 2.16, above) received as part of the formal Regulation 16 consultation.
- 1.2 He gave full consideration to the contents of the submission draft plan, supporting documentation and the various issues raised by the representations received together with the responses provided by CBMDC and the Council’s in response to his questions. His assessment is set out in his report, issued to CBDMC on 30 November 2020. The report has also been issued to the two Councils.
- 1.3 The Examiner concluded that, subject to a number of modifications to the plan’s policies, reasoned justification and supporting documentation, the Plan meets the Basic Conditions (see paragraph 2.18) and that when modified should proceed to Referendum. The Examiner’s report is included at Appendix 2 and includes a schedule of proposed modifications.
- 1.4 The CBMDC’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. It is therefore suggested that the Neighbourhood Plan proceeds to referendum in line with the changes set out in the Examiner’s Report.
- 1.5 The referendum would be organised by the CBMDC’s elections unit and would apply to the area covered by the Neighbourhood Plan which is the whole of the Steeton with Eastburn Parish Council and Silsden Town Council areas. 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.

- 1.6 If members accept this recommendation a Decision Statement (as required under Regulation 18 of the 2012 Regulations) would be issued and published to that effect and preparations for the referendum would commence. The precise date will be determined in collaboration with the Council's elections unit.
- 1.7 It should be noted that due to the Covid 19 pandemic, the Government introduced new guidance and regulations regarding neighbourhood plan referendums. In line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, all neighbourhood plan referendums that were/are scheduled to take place between 16 March 2020 and 5 May 2021 are postponed until at least 6 May 2021.
- 1.8 Due to the above, Government have amended national planning practice guidance to state that once the Council issue the Regulation 18 statement, mentioned in paragraph 2.24 above, detailing its decision to send the modified plan to local referendum, the modified plan can be given significant weight in decision making, as far it is material to the planning application being considered.
- 1.9 Should the referendum result in a "yes" vote, the agreed Governance arrangements (agreed by Executive on 9 March 2012 and updated on 6 February 2018) 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.
- 1.10 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

- 1.10 Once "made", the Plan will ensure planning decisions reflect the priorities and aspirations of the local community. It will contribute to the achievement of well-designed quality developments.
- 1.11 The making of the Plan will allow the two local Council's 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.
- 3.3 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the relevant planning application.

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 9th 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 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).

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Both the qualifying bodies and CBMDC 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.

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 Steeton with Eastburn Parish Council and Silsden Town Council areas and the policies and proposals are described in the report above and set out in the plan which is attached (see Appendices 1a and 1b).

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

8.1 None

9. OPTIONS

8.2 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.

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

10. RECOMMENDATIONS

- 10.1 The submitted Steeton with Eastburn and Silsden Neighbourhood Development Plan (Appendices 1a and 1b) is subject to the modifications (Recommendations 1 to 18) as set out in the Examiner's Report (Appendix 2), together with any relevant factual changes required to ensure that it is up to date.
- 10.2 It is then subject to a local referendum
- 10.3 Should the plan be successful at referendum, the plan should be formally made via delegated decision by the Assistant Director (Planning, Transportation & Highways) in consultation with the Portfolio Holder (Regeneration, Planning & Transport) in line with the agreed governance arrangements.

11. APPENDICES

- Appendix 1a: Steeton with Eastburn and Silsden Neighbourhood Development Plan – Submission Draft

[https://www.bradford.gov.uk/Documents/DesignatedNeighbourhoodAreas/Steeton-with-Eastburn%20and%20Silsden/SESReg16//SWES%20Submission%20NDP%2020.06.19%20\(Final\).pdf](https://www.bradford.gov.uk/Documents/DesignatedNeighbourhoodAreas/Steeton-with-Eastburn%20and%20Silsden/SESReg16//SWES%20Submission%20NDP%2020.06.19%20(Final).pdf)

- Appendix 1b: Steeton with Eastburn and Silsden Neighbourhood Development Plan – Submission Draft – Policies Map

<https://www.bradford.gov.uk/Documents/DesignatedNeighbourhoodAreas/Steeton-with-Eastburn%20and%20Silsden/SESReg16//SWES%20Submission%20Policies%20Map%2025.06.19.pdf>

- Appendix 2: Steeton with Eastburn and Silsden Neighbourhood Development Plan – Examiner's Report

12. BACKGROUND DOCUMENTS

- Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020
- Localism Act 2011 (as amended)
- Neighbourhood Planning (General) Regulations 2012 (as amended)
- Town & Country Planning Act 1990 (as amended)