

**Report of the Chief Planning Officer**

**Report to Kirkstall Ward Members**

**Date: 26<sup>th</sup> October 2015**

**Subject: Designation of Kirkstall Neighbourhood Area and Neighbourhood Forum**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Kirkstall	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**1.0 Summary of main issues**

- 1.1 The interim Kirkstall Neighbourhood Forum submitted an application for Neighbourhood Area and Neighbourhood Forum designation on 30<sup>th</sup> July 2015.
- 1.2 The proposed Neighbourhood Area is based on the Kirkstall Ward boundary and includes the 'Foxcrofts', a residential area that is part of the designated Headingley Neighbourhood Area.
- 1.3 The proposed Neighbourhood Forum has an initial membership of 66, made up of 59 residents, 4 businesses and Kirkstall Ward members.
- 1.4 One representation was received during the 6 week publicity period, from the Headingley Neighbourhood Forum Steering Group. The group state "the Foxcrofts were included within the Headingley Neighbourhood Area following representations from residents who see Headingley Centre as their neighbourhood focus". However, the Steering Group do express a willingness to discuss the boundary.

- 1.5 If designated, the Forum will be able to apply for funding to assist with the preparation of the Neighbourhood Plan. This would complement the support already provided by the Council and others.
- 1.6 As of February 2015 new government rules require local authorities to determine Neighbourhood Area and Forum applications within 13 weeks from the start of the publicity period. This means Leeds City Council must have made a decision on the Kirkstall application by 20<sup>th</sup> November 2015.

## **2.0 Recommendations**

2.1 Members are recommended to agree that:

- Pursuant to Section 61G and 61I of the Town and Country Planning Act 1990 to authorise the Chief Planning Officer to designate the Kirkstall Neighbourhood Area, to exclude the 'Foxcrofts' as shown on plan 1;
- Pursuant to Section 61F of the Town and Country Planning Act 1990 to authorise the Chief Planning Officer to designate the Kirkstall Neighbourhood Forum.

## **3.0 Purpose of this report**

3.1 This report recommends the designation of the Kirkstall Neighbourhood Area and Neighbourhood Forum and covers information relevant to the designation, the duties that the Council has in making a designation and the consultations that have been undertaken.

## **4.0 Background information**

4.1 The Localism Act 2011 gives local communities a new 'right' to prepare a Neighbourhood Plan. A Neighbourhood Plan could decide where new development takes place, what it looks like and include other issues that are locally important. These plans can be simple, single-policy plans or they can be multi-policy and more complex if that is what the community wishes. However, they must follow the following 'basic conditions':

- Be in general conformity with local planning policy (the Core Strategy, Site Allocations Plan) and national planning policy (National Planning Policy Framework)
- have appropriate regard to national policy
- contribute to the achievement of sustainable development
- Be compatible with human rights requirements and EU obligations

4.2 The plan will be subject to an independent examination and tested against the 'basic conditions'. Non-planning matters will not be examined although their contribution to achieving sustainable development may be referred to.

4.3 The Statutory responsibilities of the Council are:

- **the designation of a neighbourhood area**
- **the designation of a neighbourhood forum**
- the publication of a submitted Neighbourhood Development Plan for consultation
- the arrangements for and cost of an independent examination
- the arrangements for and cost of a Referendum
- the formal assessment of the agreed Neighbourhood Development Plan against EU Regulations

4.4 Since the introduction of neighbourhood planning in April 2012, there has been an increased level of activity throughout the country, initially in parished areas and now increasingly in towns and villages in non-parished areas. In Leeds, 33 Neighbourhood Areas have been designated and 10 neighbourhood forums (Holbeck, Garforth, Adel, Oulton & Woodlesford, Aireborough, Headingley, Beeston, Seacroft, Hyde Park and Carlton).

4.5 Section 61G of the Town and Country Planning Act 1990 (added by the Localism Act) and the Neighbourhood Planning (General) Regulations 2012 outline the Council's responsibilities for the designation of a Neighbourhood Area and Neighbourhood Forum and this includes bringing the application to the attention of people who live, work or carry on business in the area for which the application relates.

4.6 If the application for the Designation of this Neighbourhood Forum is approved, then Regulation 7(1) of the Neighbourhood Planning (General) Regulation 2012 requires the designation to be publicised. If the application is refused, reasons must be given under 61G(9) of the 1990 Act and Regulation 7(2) of the Regulations requires the decision to be publicised.

4.7 It was agreed at Executive Board on 20 June 2012 that prior to the designation of a neighbourhood area and neighbourhood forum the Council would do the following:

- Bring the application to the attention of those who live, work and do business in the area;
- Consider representations received;
- Consult with the Executive Board Member for Neighbourhoods, Planning and Support Services, Community Committee chairs and local ward members on the proposed designations.

## **5.0 Main issues**

### Summary of the application

5.1 In line with the Neighbourhood Planning (General) Regulations 2012 the interim Kirkstall Neighbourhood Forum submitted an application for designation of a Neighbourhood Area and Neighbourhood Forum on 30<sup>th</sup> July 2015.

5.2 The application includes the following:

- Statement in support of the neighbourhood area
- Written constitution for the proposed neighbourhood forum
- List of Forum membership
- Neighbourhood Forum supporting statement in fulfilment of section 61(F) of the 1990 Act
- Map of proposed Neighbourhood Area
- Statement of Appropriateness to be designated a Neighbourhood Area
- Statement that the body making the application is a 'Relevant Body'

5.3 The Localism Act requires local authorities when determining **neighbourhood areas** to ensure that boundaries are coherent, consistent and appropriate. Relevant considerations in this respect could be:

- Any natural or man-made features (such as rivers, roads, railway lines or canals);
- Catchment areas for current or planned infrastructure;
- Development proposals and allocations;
- Environmental designations;
- Existing settlements
- Community identity

5.4 In determining an application for **neighbourhood forum** designation the Council must ensure that membership must include a minimum of 21 members who live, work and carry out business in the neighbourhood area. The Localism Act also obliges local authorities to consider the desirability of designating an organisation which has secured membership drawn from different areas and different sections of the community and whose purpose reflects in general terms the character of the area. The capacity to deliver is also a relevant consideration, although a local authority is not required in law to consider this.

#### The proposed neighbourhood area

5.5 The proposed Neighbourhood Area relates to the area of Kirkstall within inner North West Leeds. There is no clear boundary for Kirkstall but the interim Forum have adopted the Kirkstall Ward boundary as the proposed Neighbourhood Area. The application states "the proposed boundaries reflect extensive discussion with local residents, businesses, councillors, school governors, churches, allotment associations and community groups".

5.6 The proposed Area extends north-south from the outer Ring Road to Kirkstall viaduct and east-west from Beckett's Park to Broad Lane. The area is linear in shape, following the course of the River. The area is predominantly residential and includes a mix of back-to-backs, tower blocks, bungalows and semi-detached housing. As well as a number of smaller shops, there are two major retail centres at Cardigan Fields and Savins Mill Way. The most significant area of green space is Abbey Park which contains the ruins of Kirkstall Abbey – a site of major historical importance and a local

tourist attraction. The park forms part of a wider green corridor. The Area is well served by buses and trains and contains a major arterial road (Kirkstall Road).

5.7 The proposed Area includes part of the designated Headingley Neighbourhood Area (the 'Foxcrofts').

#### Representations made on the proposed Neighbourhood Area and Forum

5.8 The only representation received during the 6 week publicity period was made by Headingley Steering Group. Their comments can be summarised as follows;

- The 'Foxcrofts' were included within the Headingley Neighbourhood Area following representations from residents who see Headingley Centre as their neighbourhood focus.
- Headingley Steering Group are willing to discuss the matter of the 'Foxcrofts' with the interim Kirkstall Forum. The representation notes that no objection was received originally to the inclusion of this area in the Headingley Neighbourhood Area.

#### Community identity

5.9 Kirkstall is a richly diverse area comprising a mix of community groups. The application brings together all of these groups, resulting in good representation across the proposed Neighbourhood Area and a wide skill set. The interim Forum believe the proposed Area to be a true reflection of the Kirkstall area. The application argues "the chosen boundaries encompass a strong and recognisable spatial entity, within which are strengths, weaknesses, opportunities and threats which a Neighbourhood Plan can help to tackle".

5.10 Every group and individual who expressed an interest in a Kirkstall Neighbourhood Plan were invited to attend two public meetings held at Paxton Hall. Both meetings supported a Neighbourhood Plan boundary following the Kirkstall Ward boundary.

5.11 The application argues that including the 'Foxcrofts' within Headingley Neighbourhood Area "does not respect obvious local boundaries and divides an established community". The application supports the inclusion of the 'Foxcrofts' within Kirkstall Neighbourhood Area.

#### Tangibility of boundaries

5.12 The proposed Neighbourhood Area follows well defined boundaries. The River and canal form the western boundary, a beck and Ring Road act as the northern boundary and the southern boundary is defined by the railway. The eastern boundary is perhaps the least tangible, but broadly follows the edge of Beckett's Park and Spen Lane.

### Appropriateness of the proposed neighbourhood area

- 5.13 The Council has an obligation to ensure that neighbourhood planning boundaries are joined-up and complimentary. This includes ensuring that no part of the proposed Neighbourhood Area overlaps any part of any other Neighbourhood Area (in fulfilment of Section 61G(7) of the Act) and also that no part of the proposed Neighbourhood Area consists of or includes the whole or any part of the area of a parish (in fulfilment of Section 61G(3)(b) of the Act).
- 5.14 The proposed Kirkstall Neighbourhood Area includes part of the designated Headingley Neighbourhood Area (the 'Foxcrofts') and it would not be appropriate to change this boundary without further consultation and the agreement of the Headingley Neighbourhood Forum. In the interest of speedy decision making (the Council are obliged to make a decision by 20<sup>th</sup> November 2015) it would be appropriate and good practice to consider this at a later date.

### The proposed neighbourhood forum

- 5.15 The application proposes an initial membership of 66. This includes 59 residents, 4 businesses and the 3 Kirkstall Ward members.
- 5.16 As we would expect in a predominantly residential area, the majority of Forum members are residents (90%). Businesses include a restaurant, sports club, interior designer and housing developer (working on Kirkstall Forge).
- 5.17 The proposal to develop a Neighbourhood Plan was advertised by letters addressed to every household in Kirkstall Ward. These were reinforced by messages to identifiable community groups. Every group and individual who expressed an interest in the proposal were invited to attend two public meetings held in Paxton Hall.

## **6.0 Next steps**

- 6.1 Subject to designation being made, the Forum will elect a Steering Committee as set out in their constitution. The Steering Committee will then be responsible for the election of a chair and secretary and other positions as outlined in the constitution.
- 6.2 A successful Neighbourhood Forum designation will allow the group to formally apply for support to prepare the neighbourhood plan, managed through Locality.
- 6.3 If designated, the neighbourhood forum will prepare a neighbourhood plan and be responsible for consultation on it during the 6 week pre-submission stage. This will include consultation with the Council, landowners and other key stakeholders.

- 6.4 The final neighbourhood plan and supporting documents will be submitted to the Council and will then publicised for a further 6 weeks.
- 6.5 The neighbourhood plan will be assessed by an independent examiner who will only consider whether the plan meets the basic conditions as outlined in paragraph 4.1.
- 6.6 The Council will use the examiner's report to assess the neighbourhood plan and approve or reject the proposal. If the Council approves the proposal it will arrange for a referendum on the proposed plan to be held and all those registered to vote in the neighbourhood area will be entitled to vote. A majority of the votes in favour of the proposal is needed for the plan to be accepted.
- 6.7 If there is a majority vote in favour of the plan, the plan will be 'made' (adopted) by the Council and will become part of Leeds' Local Plan and will complement, though not repeat or replace local and national plans.

## **7.0 Corporate Considerations**

- 7.1 A Neighbourhood Planning Agreement has been prepared to assist in the management of neighbourhood planning in Leeds. The agreement is optional and sets out Leeds City Council responsibilities, parish/town council responsibilities and obligations and working arrangements for the key stages in neighbourhood planning, from designation to referendum. If designated, the Kirkstall Neighbourhood Forum will be asked to sign up to this.

## **8.0 Consultation and Engagement**

- 8.1 Under Regulations 6 and 9 (Neighbourhood Planning (General) Regulations 2012) the Council publicised the application to those who live or work in the area to which the application refers.
- 8.2 The publicity period ran between 21<sup>st</sup> August and 2<sup>nd</sup> October 2015 with the application available to view at Kirkstall Leisure Centre and the Leonardo building. The application could also be accessed on the Leeds City Council website.
- 8.3 The proposal to develop a Neighbourhood Plan was advertised by letters addressed to every household in Kirkstall Ward. These were reinforced by messages to identifiable community groups. Every group and individual who expressed an interest in the proposal were invited to attend two public meetings held in Paxton Hall.
- 8.4 Kirkstall Ward members have been closely involved in Neighbourhood Planning in Kirkstall to date.

## **9.0 Equality and Diversity / Cohesion and Integration**

9.1 The Government has undertaken an Equalities Impact Assessment of the Localism Act in relation to neighbourhood planning (2011). The Council views the neighbourhood planning process as an opportunity to deliver equality, diversity, cohesion and integration objectives.

## **10.0 Council policies and City Priorities**

10.1 Neighbourhood plans link well to all three of the Council's corporate priorities set out in the Vision for Leeds:

- Leeds will be fair, open and welcoming (neighbourhood plans must not breach, and be otherwise compatible with, EU obligations and be compatible with human rights requirements);
- Leeds' economy will be prosperous and sustainable (the making of the neighbourhood plan must contribute to the achievement of [sustainable development](#));
- All Leeds' communities will be successful (the making of the neighbourhood plan must be in [general conformity](#) with the strategic policies contained in the development plan for Leeds, a significant part of which is planning for growth).

10.2 The issues outlined also meet the Council value of 'Working with Communities' and related priority of 'consultation' set out in the Council's Business Plan 2011 – 15.

## **11.0 Resources and value for money**

11.1 The Department of Communities and Local Government will provide £5,000 to the Local Planning Authority for every area designation made and a further £5,000 for every forum designation, to assist with costs.

## **12.0 Legal Implications, Access to Information and Call In**

12.1 Neighbourhood planning is taking place within a new and fast-changing national planning background which is focussed on economic growth, localism and sustainability meaning testing times for local decision-making. Over the next 12 months the Council hopes to adopt the Core Strategy, consult on the draft Site Allocations Plan and alongside this there will be a number of draft neighbourhood plans being prepared by local communities. Once adopted, these documents will comprise the 'local plan' for Leeds.

## **13.0 Risk Management**

13.1 The examination and referendum process introduces risks in the neighbourhood planning system where the outcome will be dependent on the examiner's recommendations and a public vote. The Council will seek to manage this risk by working closely with designated areas to ensure that their neighbourhood plans complete the independent examination successfully.



## **14.0 Conclusions**

14.1 The application for the designation of the proposed Kirkstall Neighbourhood Area and Forum is made by a group that has only been in existence a relatively short time and met two times. However, the application is a strong one and meets legislative requirements. The proposed Neighbourhood Area covers the Kirkstall Ward and includes an area which has already been designated as part of the Headingley Neighbourhood Area (the 'Foxcrofts'). It is recommended the 'Foxcrofts' are not included within the Kirkstall Neighbourhood Area and that the issue is considered at a later date by representatives of the Kirkstall and Headingley Neighbourhood Forums. If appropriate, an application could then be made for the re-designation of the Kirkstall and Headingley Neighbourhood Areas. In the meantime, any resident from the 'Foxcrofts' area will be able to take part in the Kirkstall Neighbourhood Forum, although not as a voting member. The Kirkstall Forum application is otherwise acceptable as it has a proposed membership from a range of local groups and residents that together represent all parts of the proposed Neighbourhood Area, although representation from business and young people could be improved. It is understood that if designated, Forum members are planning to undertake a membership drive to increase numbers and representation significantly.

## **15.0 Recommendations**

15.1 Members are recommended to:

- Pursuant to Section 61G and 61I of the Town and Country Planning Act 1990 to authorise the Chief Planning Officer to designate the Kirkstall Neighbourhood Area, to exclude the 'Foxcrofts' as shown on plan 1;
- Pursuant to Section 61F of the Town and Country Planning Act 1990 to authorise the Chief Planning Officer to designate the Kirkstall Neighbourhood Forum.