

	<b>REPORT TO PLANNING AND HIGHWAYS COMMITTEE</b>  <b>TO BE HELD ON 3 SEPTEMBER 2015</b>	
	<b>Key Decision</b>	<b>No</b>
<b>Strategic Themes: All</b>	<b>Portfolio</b>	<b>Regeneration and Economic Growth</b>
	<b>Relevant Overview and Scrutiny Committee(s)</b>	<b>Skills, Enterprise and Work</b>

**REPORT OF: SERVICE DIRECTOR - PLANNING, TRANSPORTATION AND HIGHWAYS**

**WARDS AFFECTED: WARD 5 - CROFTON, RYHILL AND WALTON**

- 1. SUBJECT: PUBLICATION OF THE EXAMINER'S REPORT INTO THE WALTON NEIGHBOURHOOD DEVELOPMENT PLAN.**
- 2. PURPOSE OF REPORT**
  - 2.1 Members are requested to consider accepting the recommendations of an independent examiner in relation to the draft Walton Neighbourhood Development Plan, in order for the plan to go forward to local referendum.
- 3. RECOMMENDATION**
  - 3.1 That the Planning and Highways Committee approve the draft Walton Neighbourhood Plan, subject to it being modified in accordance with section 6.1 (d) of this report, to go forward to referendum in the parish of Walton.
- 4. WHAT DOES THIS MEAN FOR THE DISTRICT'S PEOPLE?**
  - 4.1 If the draft Walton Neighbourhood Plan (the Plan) goes forward to a referendum and more than 50% of those voting vote in favour of the Plan then it can be adopted by Wakefield Council. It then becomes part of the 'development plan' for the area and a statutory consideration in guiding

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future development and in determining planning applications within Walton Parish, the Plan area.

## **5. BACKGROUND INFORMATION**

5.1 The Localism Act 2011 introduced a new tier to the planning system - neighbourhood planning. The purpose of this new tier is to allow local people greater involvement in shaping the future of the areas in which they live and work.

5.2 Neighbourhood planning is not led by the Council but is the responsibility of either a town or parish council or a designated neighbourhood forum. However, the Localism Act 2011 (Part 6 chapter 4) sets out the Council's responsibilities in advising and assisting communities as:

- Designating a neighbourhood forum
- Designating the Neighbourhood Area
- Preparation - Support
- Submission
- Examination
- Referendum

### **Neighbourhood Area Application**

5.3 The designation of the parish of Walton as a neighbourhood area was approved by this committee on 17 January 2013

5.4 Since that time Walton Parish Council, with the support of Wakefield Council, has been developing the Plan through extensive consultation with local communities. The Plan has also been developed in accordance with the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015.

### **Independent Examination**

5.5 In accordance with regulation 17 an independent examiner was appointed to carry out an examination under paragraph 7 of Schedule 4B to the Town and Country Planning Act 1990 (as applied by section 38A of the Planning and Compulsory Purchase Act 2004).

5.6 The role of the examiner was to assess and prepare a report on whether the Plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

5.7 Paragraph 9.13 of the Examiner's Report (Appendix 1) recommends that modifications should be made to policy WNP Policy 13 of the Plan. The examiner concluded that, once modified, the Plan can meet all the relevant legal requirements (sometimes and herein referred to as basic conditions).

5.8 The report also recommended that the modified plan should go forward to referendum, and the referendum area should be Walton Parish, the same as

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the Neighbourhood Plan Area.

## 6. OPTIONS APPRAISAL

6.1 Regulation 18 of the 2012 Regulations sets out what the Council must consider and that it must publish its decision as soon as possible after making that decision. The Council must consider whether to:

- (a) Decline to consider the plan proposal as it is considered a repeat proposal - the Plan is not a repeat proposal so there are no grounds for considering this option
- (b) Refuse the plan proposal on the basis that the body who prepared it was not in a legal position to do so – it has been established that Walton Parish Council is in a legal position to prepare the Plan.
- (c) Decide what action to take in response to the recommendations in the Examiner's Report – the report does not make any recommendations.
- (d) Decide what modifications, if any, to make to the draft plan – the Examiner's Report paragraph 9.13 recommends that so that it can meet all the relevant legal requirements the following modifications should be made to policy WNP Policy 13 of the Plan:

*“Weighing the above policy considerations in the balance, I have concluded that in order to comply with the basic conditions WNP Policy 13 ‘New Windfall Housing Sites’ should include two additional bullet points as follows:*

- *Not comprise residential gardens where the proposal is of a form or density which would cause harm to the amenities of the surrounding dwellings.*
- *Demonstrate that proper consideration has been given to employment and community uses before residential.”*

It is considered that the modifications suggested by the examiner are a reasonable modification to make to the Plan

- (e) Decide whether to extend the area to which the referendum is to take place – the Examiner's Report states that the referendum area should be the same as the Walton Neighbourhood Plan Area
- (f) Decide whether they are satisfied that the Plan meets the basic conditions. Prior to submission for examination the Council indicated that it was of the opinion that the Plan did meet the basic conditions. The Examiner's Report concluded that, once modified, the Plan can meet all the relevant legal requirements (basic conditions).

6.2 It is considered that the Council does not have any grounds to consider

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options (a), (b), (c) or (f).

- 6.3 Option (d) and (e) are the preferred options as the examiner's suggested modifications will ensure that the Plan meets the basic conditions and that the referendum area will be the same as the approved Neighbourhood Area.

## **STRATEGIC IMPLICATIONS**

- 7.1 Neighbourhood planning forms part of the broader localism agenda which is considered an opportunity in the Wakefield District Plan 2012-2016. It has many benefits including strengthening partnerships between the Council and local communities through the development of skills and an opportunity for greater involvement and ownership of the planning policies that affect their area.

## **8. ENGAGEMENT**

- 8.1 The Plan has been developed in accordance with the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015.

- 8.2 In accordance with the Regulations the Council published information for public consultation. Walton Parish Council also prepared the plan through extensive community engagement. A Statement of Consultation was submitted to the examiner along with the Plan. The examiner's report states:

*"I am satisfied that the neighbourhood planning process has been open and engaging giving residents and businesses opportunities to become involved and influence plan making. Similarly it is clear that the final plan reflects the issues raised and that the policies contained in the Plan enjoy a strong degree of public support."*

- 8.3 The decision made by this committee about the draft Neighbourhood Plan will be published in accordance with the Regulations to ensure that it is brought to the attention of those who live, work or carry on business in the neighbourhood area.

## **9. CORPORATE IMPLICATIONS**

### **9.1 Financial Implications**

- 9.1.1 There is currently no budget provision for neighbourhood planning within the Council. However, Government funding of up to £30k is currently made available to reimburse local authorities as follows:

- £5k at the designation of the Neighbourhood area. This is to cover officer time in advising and supporting the community group in developing a plan
- £5k at the point of publishing the Neighbourhood plan and prior to examination. This is to cover any costs of publishing as well as the examinations costs.

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- £20k on completion of the examination. This is to cover any additional costs of the examination as well as the costs of a referendum.

Any costs above £30k would need to be funded by the Council. However it is not envisaged that the costs of this process will materially exceed the Government funding available.

## 9.2 **Legal Implications**

9.2.1 Under the Town and Country Planning Act 1990, Local Planning Authorities have a statutory duty to:

- (a) advise and assist communities with preparing Neighbourhood Development Plans
- (b) take plans through the process of examination and referendum.

9.2.2 The Examiner's report is not legally binding but the Authority must have clear reasons for departing from any of the Examiner's recommendations

## 9.3 **Equality Implications**

Not applicable

## 9.4 **Information Governance Implications**

Not applicable

## 9.5 **Other implications**

Not applicable

## 10. **RECOMMENDATION(S)**

10.1 That the Planning and Highways Committee approve the draft Walton Neighbourhood Plan, subject to it being modified in accordance with section 6.1 (d) of this report, to go forward to referendum in the parish of Walton.

## 11. **REASON(S) FOR RECOMMENDATION(S)**

11.1 The Localism Act 2011 confers a duty to cooperate on Councils in relation to neighbourhood planning with the Neighbourhood Planning (General) Regulations 2012 setting out the Council's role and responsibilities.

The Regulations require the Council to make a decision on a neighbourhood plan proposal following receipt of the independent examiner's report.

Assessment of the Plan and examiner's report indicates that there are no reasons to decline to consider or refuse the neighbourhood plan proposal.

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## **Appendices**

Appendix 1 – Examiner’s Report

## **Background Papers:**

[Draft Walton Neighbourhood Development Plan](#)

Localism Act 2011

Neighbourhood Planning (General) Regulations 2012 as amended by the  
Neighbourhood Planning (General) (Amendment) Regulations 2015

Wakefield District Plan 2012-2016