

**Name of meeting:** Cabinet

**Date:** 18<sup>th</sup> September 2018

**Title of report:** Kirkburton Parish Council Neighbourhood Area Application for Lepton

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <a href="#">Council's Forward Plan</a> (key decisions and private reports?	Not applicable
The Decision - Is it eligible for call in by <a href="#">Scrutiny</a> ?	Yes
Date signed off by Strategic <u>Director</u> & name	Karl Battersby - 03.09.2018
Is it also signed off by the Acting Service Director - Finance, IT, and Transactional?	Eamonn Croston - 06.09.2018
Is it also signed off by the Service Director Legal, Governance and Commissioning?	Julie Muscroft - 10.09.2018
Cabinet member <a href="#">portfolio</a>	Cllr McBride - Economy

**Electoral [wards](#) affected:** Kirkburton, Almondbury, Dalton, Mirfield, Dewsbury South, Denby Dale

**Ward councillors consulted:** Yes

**Public or private:** Public

## 1. Purpose of report

- 1.1 The purpose of this report is to inform Cabinet of the comments received in response to the six week publicity on Kirkburton Parish Council's application for its proposed neighbourhood planning area for Lepton. Following consideration of the comments received, Cabinet is requested to consider approval of the neighbourhood area (Neighbourhood Planning (General) Regulations 2012).
- 1.2 It should be noted that as a Parish Council exists for Kirkburton, it is regarded as the "appropriate body" for the purposes of neighbourhood planning and no other organisation or body may be designated for the Neighbourhood area. There is therefore, no requirement to submit an application for designation as an appropriate body.

## **2. Key points**

### **2.1 Background**

#### **Neighbourhood Area**

2.1.1 Kirkburton Parish Council already has a designated neighbourhood plan area covering part of the Parish Area for Kirkheaton. The application for Lepton recognises this and the Plan area is contiguous with the Kirkheaton Neighbourhood Plan area and includes Lascelles Hall and Gawthorpe communities, which are separated from the main part of Lepton by Wakefield Road. All of the neighbourhood area falls inside the boundaries of the Lepton ward and Lepton and Upper Whitley ward of Kirkburton Parish Council. Additionally, the areas of Little Lepton, together with the substantial belts of farmland and the area known as Old Lepton are included.

2.1.3 Regulation 5 of the Neighbourhood Planning Regulations requires the following:

- a. a map which identifies the area to which the area application relates;
- b. a statement explaining why this 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 a relevant body for the purposes of section 61G of the 1990 Act.

2.1.4 The application is attached at Appendix 1.

### **2.2 Publicity**

2.2.1 In accordance with the Neighbourhood Planning Regulations, the application was published for a period of 6 weeks from 22<sup>nd</sup> June to 3<sup>rd</sup> August 2018.

2.2.2 Copies of the documentation and details of how and when to make representations were placed on the council's website and hard copies of the documentation made available at Planning Reception Civic Centre 3, Kirkburton Library and Information Centre and Kirkheaton Library Information Centre.

2.2.3 An advert was placed in the Huddersfield Examiner and Press which provided details on how to make a representation and where information could be viewed.

2.2.4 Additional publicity included:

1. Letters to statutory consultees (this included adjoining local authorities and parish councils)
2. E-mail to ward Members
3. Kirkburton Parish Council webpage <http://www.kbpc.co.uk>

#### **Comments received in response to the publicity**

2.2.5 A total of seven representations were received in relation to the neighbourhood area. The comments received are outlined below:

## **Cllr Bernard McGuin**

I support the neighbourhood area proposed for the Lepton Neighbourhood Plan.

## **Coal Authority**

The Coal Authority has no specific comments to make at this stage. Whilst it is acknowledged this consultation only relates to the proposed area for a Neighbourhood Plan, it is the first opportunity to draw attention to the following facts, which we will reiterate at future consultation stages as necessary.

According to the Coal Authority Development High Risk Area Plans, there are recorded risks from past coal mining activity in the form of mine entries, recorded and likely unrecorded coal workings at shallow depth and surface mining activity. If the Neighbourhood Plan allocates sites for future development in these areas then consideration as to the development will need to respond to these risks to surface stability in accordance with the National Planning Policy Framework and the Development Plan. In addition any allocations on the surface coal resource will need to consider the impacts of mineral sterilisation.

In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended) please continue to consult The Coal Authority on planning matters using the specific email address of [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk).

## **Environment Agency**

The Environment Agency has no objections to the proposed area to be a neighbourhood plan area for Lepton.

The neighbourhood plan group should review and take account of the information supplied on flood risk, river restoration, strategic environmental assessment, groundwater, historic landfill, surface water, foul drainage and hierarchy, Water Framework Directive and guidance supplied on how to plan for your local environment.

## **Historic England**

The Lepton Neighbourhood Plan Area includes 20 grade II Listed Buildings. It will also contain a number of locally important buildings, structures and sites (known as non-designated heritage assets). It will be important that the strategy that Lepton Vision puts together for this area safeguards those elements which contribute to the importance of those historic assets. This will assist in ensuring that they are enjoyed by those who live and work in and visit the area in the future and make sure it is in line with national planning policy.

The conservation officers at Kirklees Council are best placed people to assist Lepton Vision in the development of the neighbourhood Plan. They can help Lepton Vision to consider how the strategy might address the area's heritage assets."

Other sources of advice listed included West Yorkshire Archaeological Service, on-line resources via Heritage Gateway, Local Civic Society, local history groups, building preservation trusts etc.

## **Leeds City Council**

No comments to make on the neighbourhood area application.

## **Natural England**

No specific comments were made on the boundary. However, detailed advice was provided on the role of Natural England, planning policy for the natural environment, natural environment information sources including landscape, wildlife habitats, priority and protected species, best and most versatile agricultural land and improving the natural environment. Natural England requested that the information was sent to Kirkburton Parish Council.

## **National Grid**

An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high pressure gas pipelines, and also National Grid Gas Distribution's Intermediate and High Pressure apparatus.

National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.

National Grid has provided information in relation to electricity and transmission assets via the following internet link: <http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/>

The electricity distribution operator in Kirklees Council is Northern Powergrid. Information regarding the transmission and distribution network can be found at: [www.energynetworks.org.uk](http://www.energynetworks.org.uk)

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure.

## **2.3 Implications**

- 2.3.1 Following approval of a neighbourhood area, the Parish Council can produce a neighbourhood development plan or order (as applied for) which relates to the development and use of land. A Neighbourhood Plan will be part of the statutory development plan for the area, if it is successful at referendum.
- 2.3.2 In preparing the plan, the Parish Council must ensure that it meets basic conditions which will be tested through independent examination and checked by the Local Planning Authority prior to proceeding to a referendum on the plan.
- 2.3.3 Basic conditions for Neighbourhood Plans and Orders are:
- they must have regard to national policy and advice contained in guidance issued by the Secretary of State;
  - they must contribute to the achievement of sustainable development;
  - they must be in general conformity with the strategic policies in the development plan for the local area;
  - must be compatible with EU obligations, including human rights requirements;
  - prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

- 2.3.4 If the plan meets the basic conditions, the examiner will recommend that the plan proceeds to the referendum stage. The neighbourhood plan needs to secure more than 50% of those voting in the referendum to vote 'yes' for the council to bring the plan into legal force. If this is not achieved, the neighbourhood forum and the council would need to consider the implications of this and how to move forward. The referendum is for residents entitled to vote in the area.

## **2.4 Officer comments**

### **Neighbourhood Area**

- 2.4.1 Kirkburton Parish Council has submitted an application for Lepton (see Appendix 1 for the proposed neighbourhood plan area).
- 2.4.2 As set out at paragraph 2.1.1 of this report, Kirkburton Parish Council already has an approved neighbourhood plan area for the area covering Kirkheaton. The proposed neighbourhood boundary for Lepton recognises this and has been drawn to be contiguous and ensures that there are no gaps in policy coverage between the two areas. All of the neighbourhood area falls inside the boundaries of the Lepton ward and Lepton and Upper Whitley ward of Kirkburton Parish Council. Additionally, the areas of Little Lepton, together with the substantial belts of farmland and the area known as Old Lepton are included.
- 2.4.3 The boundary follows firm physical features on the ground and encompasses an identifiable community and the main focus of the population. Appendix 1 sets out Kirkburton Parish Council's supporting statement for the boundary. Notwithstanding this, as the plan progresses, Kirkburton Parish Council should ensure that it has an audit trail which demonstrates that the wider parish area has been consulted and that the implications of any proposals/policies to be contained in the neighbourhood area and their impact on both the neighbourhood plan area and the whole parish area has been considered.
- 2.4.3 No changes to proposed neighbourhood area have been identified through the publicity period undertaken by the council.

## **2.5 Plan preparation costs**

- 2.5.1 The costs in preparing a neighbourhood development plan for the relevant planning body are dependent on the scale and content. Average costs are estimated at £17,000 to £63,000 per plan. Grants ranging from £500 - £7000 are available from Locality to support groups as a contribution to costs incurred by the group in preparing a neighbourhood plan. Direct support is also available and advice is tailored to meet the needs of the group. Groups need to apply directly to Locality for their grants and direct support.

## **3. Implications for the Council**

### **Benefit**

Neighbourhood planning gives communities direct power, to develop a shared vision for their neighbourhood and shape the development and growth of their local area. There is an opportunity for the neighbourhood plan to feed into the emerging Local Plan.

## **Risk**

It is a statutory requirement to support the preparation of neighbourhood plans and for the council to adopt, or 'make' them, if supported by the referendum. Failure to comply with the statutory requirement and support Kirkburton Parish Council to prepare a neighbourhood plan could result in a legal challenge by way of judicial review.

## **Financial implications**

The Local Planning Authority can claim £5,000 from DCLG following designation of a neighbourhood area. This money is for the Local Authority in recognition of officer time to support and advise the community in taking forward a neighbourhood development plan.

The Local Planning Authority has to fund the examination and referendum. Local Planning Authorities can claim £5,000 from DCLG as a contribution to costs of the examination. A further £20,000 can be claimed on successful completion of the Neighbourhood Planning Examination to cover further examination costs and other steps that are needed to bring the plan into legal force including the referendum. This is unlikely to cover the costs of officer time, the examination and referendum. The council will need to meet the balance of these costs.

The Government estimates that average costs of a neighbourhood plan are between £17,000 and £63,000 to prepare a plan depending on the complexity of the plan.

The main costs to the council relate to the publicity of the Plan (£3000-£5000), costs of funding a referendum (direct costs for the funding of a referendum can range from £1.50 - £4.00 per head depending on the population size and distribution of the neighbourhood area and the number of polling stations required) and the cost of an examiner (currently (£1000 per day). As outlined above some of these costs will be met by grant claims. Additionally, there will be costs associated with officer time dedicated to the process which will have to be covered by the council to meet its duty to support. These will be met through existing staff budgets.

## **4. Consultees and their opinions**

- 4.1 Comments from statutory consultees have been included within the report.

## **5. Next steps**

- 5.1 Following approval of Kirkburton Parish Council Neighbourhood Area, the council is required to publicise the decision on its website, advertise in a relevant local paper and place a copy of the advert in Kirkburton Library and Information Centre and Kirkheaton Library and Information Centre. The decision will also be communicated through area and neighbourhood communication channels.
- 5.2 The council will continue to support Kirkburton Parish Council and its Steering group to progress the plan through its statutory stages in accordance with an agreed Service Level Agreement.

## **6. Officer recommendations and reasons**

- 6.1 That Cabinet approves Kirkburton Parish Council Neighbourhood Plan Area as outlined in appendix 1.

## **7. Cabinet portfolio holder recommendation**

7.1 No objections received from the portfolio holder.

## **8. Contact officer and relevant papers**

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## **9. Director responsible**

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