

LINTON NEIGHBOURHOOD PLAN

Linton Neighbourhood Plan Examination,
A Report to Leeds City Council

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Linton Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

Collingham with Linton Parish Council is the *qualifying body*¹ responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Leeds City Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Linton Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Leeds City Council, with the consent of Collingham with Linton Parish Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;

¹The qualifying body is responsible for the production of the Plan.

- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Linton Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title page of the Neighbourhood Plan states that it covers the period 2014-2029. The title page of the Basic Conditions Statement also sets out the plan period. In addition, paragraph 5 of the Introduction to the Basic Conditions Statement refers specifically to the plan period.

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Leeds City Council that I was satisfied that the Linton Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*² following the Localism Act 2011. In order to meet the basic conditions, the 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 European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

I note that paragraph 10 of the Basic Conditions Statement, prepared by Collingham with Linton Parish Council and submitted to Leeds City Council, clearly sets out the basic conditions in paragraph 10 of the Introduction.

It is worth pointing out that paragraph 10 presents the basic conditions precisely as they appear in the Town and Country Planning Act. I mention this because it is not uncommon for neighbourhood plans to seek to paraphrase the basic conditions. The wording of the basic conditions is the result of careful consideration. Paraphrasing the basic conditions, almost inevitably, results in their misapplication. In this instance, the plan-makers are to be commended for providing the precise, correct wording in the Basic Conditions Statement.

Taking the above into account, I am satisfied that the Neighbourhood Plan has been prepared with regard to the basic conditions and find that the use of paraphrasing in paragraphs 2 and 3 of the Introduction to the Neighbourhood Plan itself, is simply an attempt to use plain English in order to explain legislation. However, for the reasons set out above, this produces an unsatisfactory result. Consequently, I recommend:

- **Introduction, page 3, para 2, change line 4 to “The Neighbourhood Plan must, with due consideration to the basic conditions set out within legislation, take appropriate account of national planning policy and advice and the strategic policies of Leeds City...”**
- **Introduction, page 3, change the end of para 3 to “...the Neighbourhood Plan is compatible with European Union and European Convention Human Rights obligations.” (delete the bullet points that follow)**

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal³. However, it is good practice to assess neighbourhood plan proposals to determine whether or not the plan is likely to have significant environmental effects. This process is referred to as a “screening assessment.” If the screening assessment identifies likely significant effects, then an environmental report must be prepared.

The Basic Conditions Statement confirms that Leeds City Council issued a screening report in March 2015. The screening report considered whether or not the contents of the Neighbourhood Plan opinion required a Strategic Environmental Assessment and/or a Habitats Regulations Assessment (HRA). A HRA is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

The HRA screening report confirmed that, whilst there are no protected European sites within the Neighbourhood Area, the Kirk Deighton Special Area of Conservation (SAC) is located within 15 km. Consequently, the HRA screening assessment considered in detail whether any likely significant effects on the SAC will arise from the implementation of the Neighbourhood Plan. The assessment demonstrated that there would be no likely significant effects and that, consequently, a full HRA is not required.

The Strategic Environmental Assessment screening report concluded that the Neighbourhood Plan will not result in any likely significant effects on the environment and that consequently, a full Strategic Environmental Assessment is not required.

The Environment Agency, English Heritage (now, with regards to planning matters, Historic England) and Natural England were consulted on the requirement for a Strategic Environmental Assessment for the Neighbourhood Plan. These bodies supported the conclusion that the Neighbourhood Plan will not result in any likely significant effects on the environment and that a Strategic Environmental Assessment is not required.

³ Paragraph 026, Planning Practice Guidance 2014.

In considering European obligations, I am also mindful that national guidance establishes that the ultimate responsibility of determining whether a draft neighbourhood plan meets EU obligations is placed on the local authority,

“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance 11-031)

With regards this latter point, Leeds City Council has stated that it broadly supports the Neighbourhood Plan; that it is in general conformity with the strategic policies of the adopted development plan for the area; and that a Strategic Environmental Assessment and a HRA are not required for the Neighbourhood Plan. There is nothing before me to indicate that Leeds City Council has any concerns with regards the Neighbourhood Plan’s compatibility with EU obligations.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

A “Statement of Reason Why a Strategic Environmental Assessment is not Required” was produced by Collingham with Linton Parish Council and submitted to Leeds City Council. This is a helpful statement, but I note, for reference, that it is not one required by legislation, as the relevant information is contained within the Basic Conditions Statement.

3. Background Documents and Linton Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Linton Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Leeds Local Development Framework Core Strategy (2014) (Core Strategy)
- Saved Unitary Development Plan (2006) Policies
- Basic Conditions Statement
- Consultation Statement
- Site Assessment Report

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Linton Neighbourhood Area.

Linton Neighbourhood Area

A plan showing the boundary of the Linton Neighbourhood Area is provided in the form of Map 1, on page 4 of the Neighbourhood Plan.

Further to an application made by Collingham with Linton Parish Council, Leeds City Council approved the designation of Linton as a Neighbourhood Area on 17 September 2012.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

Linton Neighbourhood Plan Consultation

Collingham with Linton Parish Council submitted a Consultation Statement to Leeds City Council. Further to consideration, I can confirm that this sets out who was consulted and how, together with the outcome of the consultation. In this regard, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*⁴.

Taking into account all of the evidence provided, I am satisfied that the production of the Neighbourhood Plan was supported by robust public consultation. It is clear that the views of the wider community were actively sought and taken into account. It is also clear that Collingham with Linton Parish Council undertook public consultation above and beyond that required by legislation.

Further to the above, I raise particular attention to the regular consultation meetings that were held between Collingham and Linton Parish Council's plan-makers and Leeds City Council Planning Department over a two and a half year period. These enabled a regular review of progress and consideration of relevant background information, including that pertaining to the Core Strategy.

Planning Guidance requires local planning authorities to be proactive in providing information to communities about neighbourhood planning and to constructively engage with the community throughout the process (Para 080, Neighbourhood Planning, Planning Guidance).

From consideration of the evidence, it is clear to me that there was positive, collaborative working between Collingham and Linton Parish Council and Leeds City Council. Such a collaborative approach has full regard to national advice and is to be highly commended. It enables a neighbourhood plan to benefit from shared knowledge, skills and experience, helping to provide strong foundations for policy

⁴Neighbourhood Planning (General) Regulations 2012.

making. I consider that the Linton Neighbourhood Plan demonstrates best practice in this regard.

Following the decision to produce a Neighbourhood Plan, a Neighbourhood Plan Steering Group – open to all Linton residents and stakeholders and a Neighbourhood Plan Drafting Committee - comprising eight volunteers who carried out research and regularly presented proposals to the Steering Groups, were created. Terms of reference for both groups were drawn up and approved by the Steering Group in July 2012.

The Steering Group met 15 times, up to and including February 2015, to review progress and consider Drafting Committee proposals. These meetings included workshops and breakout meetings.

A wide ranging approach to information gathering, from 2012 to 2014, included focus groups, two village surveys, a highways assessment, forums with other Parish Councils, business consultation meetings and regular meetings with Planning Aid England, to assist in plan preparation and policy drafting. I also note that eleven separate consultation meetings were held with landowners and developers; and that a two day public consultation drop-in event was held in June 2013.

This resulted in a wealth of information, enabling the creation of the Pre-Submission Draft Plan for consultation in June 2014, a summary version of which was hand-delivered to all residents of Linton. Two open events were held during the six week consultation period and a response form for comments and suggested amendments was available for both the summary and full versions of the Draft Plan.

Comments were analysed and further consultation meetings held with Leeds City Council and Planning Aid. Amendments were then incorporated into the Neighbourhood Plan.

The above comprises a brief summary of the significant consultation undertaken. It is clear, from the consideration of the Consultation Statement, that plan-makers went well beyond legislative requirements, to actively seek comments on, and involvement in, the neighbourhood planning process.

Consultation was widely communicated and well-publicised via a dedicated website, www.lintonvillage.org on which all relevant documents were available; the production and delivery to all residents of 27 separate newsletters; use of the Village Notice Board; via email; and through the Parish magazine and local press.

Taking all of the above into account, the Consultation Statement presents an audit trail to demonstrate that consultation was wide-ranging, comprehensive and transparent. Comments were pro-actively sought and those received were duly considered. There is evidence to demonstrate that the Neighbourhood Plan reflects the views of local people.

Consultation was carried out in an open and comprehensive manner, and people and organisations were not just provided with a fair chance to have their say, but were actively encouraged to engage in shaping the Neighbourhood Plan.

I am satisfied that the consultation process was significant and robust.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

It is immediately noticeable that the Neighbourhood Plan is well presented. The list of Contents is clearly set out on just one page. There are many interesting and informative photographs throughout the document. The plans are clear and relevant, and Policies are clearly distinguishable from the supporting text. This results in an attractive and readable Neighbourhood Plan.

The Foreword to the Neighbourhood Plan is informative and relevant. It sets the scene well, whilst recognising the commitment and input of all involved in the plan-making process.

I recommend a number of changes to the Introduction earlier in this Report, to take account of the relevant detail relating to the basic conditions. There has been a change of Government since the publication of the Submission Version and I also note that there is no need for the Neighbourhood Plan to provide a detailed description of how the Core Strategy was adopted, or to refer to one small part of the Local Development Framework. I recommend:

- **Introduction, para 1, line three delete “...Coalition...”**
- **Introduction, delete paras 5 and 6**

The Preparation Process section appears long-winded. The first two paragraphs are relevant and relate directly to the well-presented Neighbourhood Area plan. However, the following paragraphs, 8-12 inclusive, including the table relating to plan production, introduce unnecessary detail that detracts from the clarity of the Neighbourhood Plan. I recommend:

- **The Preparation Process, delete paras 8-12 and Figure 1. (Retain para 13)**

As considered above, a Consultation Statement was submitted to Leeds City Council. Section 4 of the Neighbourhood Plan, Community Consultation, simply repeats a large part of the Consultation Statement. This is entirely unnecessary. It serves to unbalance the Neighbourhood Plan, the main focus of which should be its Policies.

I recommend:

- **Community Consultation, delete all text and replace with “*In line with requirements, a Consultation Statement was submitted to Leeds City Council by Collingham with Linton Parish Council. This sets out in detail the significant consultation that formed the foundation for this Neighbourhood Plan. The Consultation Statement is available, together with a Basic Conditions Statement, on www.lintonvillage.org”***

The next section provides a helpful summary of how the Neighbourhood Plan is structured. I recommend:

- **Delete the final sentence “A Basic...Plan”**

Together, Linton’s Rural Landscape, Early Development of Linton and Linton Today, provide informative and relevant background information, wholly distinctive to the Neighbourhood Area. The information is concise and the accompanying photographs and plans are interesting and helpful. No changes are recommended.

The Vision and Objectives section forms a direct link between the aspirations of the community and the Policies that follow. I recommend:

- **Vision and Objectives, para 55, line 5, add “...agreed *and* underpinned...”**

I have a single criticism regarding the presentation of the Neighbourhood Plan. The Policy section, the most important part of the document, simply follows immediately on, and is barely distinguishable, from the background sections. I recommend:

- **Move Section 10. Planning Policies for Linton, such that it begins from the start of a new page.**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

The introduction to the Policy Section is helpful. Paragraph 56 presents a positive approach, having regard to the Framework’s promotion of sustainable growth. Paragraph 58 points out that the Policies of the Neighbourhood Plan must be taken into account as a whole. This is a neat way of ensuring that there is no temptation to cross-reference Policies within Policies – which can be a mistake often made by plan-makers.

Presentation of the Policy Section has been carefully considered. Each topic area is introduced by Objectives, followed by supporting text in the form of Justification and Evidence and where appropriate, Feedback from the Community and then, the Policy itself. This is followed by a list of Projects, which do not form part of the Policy, but set out specific, relevant local actions.

With particular regard to how it demonstrates the direct link between community aspirations and planning policy, I consider this to comprise an exemplary approach to presenting Policies within a neighbourhood plan.

Policy A1: Design of Development

Good design is recognised by national policy as comprising a key aspect of sustainable development. It is indivisible from good planning. National policy requires good design to contribute positively to making places better for people (National Planning Policy Framework (The Framework) Para 56).

Policy A1 seeks to ensure that design considerations are integral to development in the Neighbourhood Area. In this way, the Policy has regard to national policy and contributes towards the achievement of sustainable development. It is in general conformity with Core Strategy policy P10: Design.

However, there are elements within the detail of Policy A1 that give cause for concern. The opening line of the Policy requires all development to preserve *and* enhance the village of Linton and lists criteria by which this *must* be done. This is an exceptionally onerous requirement and would simply not be possible for all development to achieve. For example, it is not clear how, say, a small household extension to say, a farmhouse could enhance the village of Linton, which may be some distance away; or how a proposal to change glazing within the Conservation Area could appropriately incorporate landscaping.

The overall wording of the Policy is confusing.

I recommend:

- **Policy A1, change opening sentence to “*Where possible and appropriate, development proposals should demonstrate that they:*”**

The first bullet point of the Policy refers to an Appendix. Appendices do not form part of the Neighbourhood Plan and consequently, should not be referred to within its Policies. I recommend:

- **Change a. to “*Recognise and reinforce the distinct local character of Linton, in relation to...*”**

National policy recognises the country’s heritage assets as irreplaceable (Para 126, The Framework). Chapter 12 of the Framework sets out a detailed approach to conserving and enhancing the historic environment. Part b of Policy A1 introduces its own approach to heritage policy, without detailed reasoning to justify failing to have regard to national policy. I recommend:

- **Delete bullet point b.**

- **Change the beginning of bullet points c, d and e to “Protect natural assets and enhance...”, “Consider the visual...and minimise...” and “Incorporate landscaping...”, respectively**
- **Bullet point e, change line two to “to ensure that proposals are in keeping with the existing village context.”**

Bullet point f refers to something that is the responsibility of Leeds City Council. It is not the role of neighbourhood plans to impose requirements on other authorities. Furthermore, it sets out a blanket approach to retaining mature trees, regardless of condition. Also, a requirement to replace a mature tree with a tree of similar maturity may be impractical, unviable and potentially impossible. I recommend:

- **Bullet point f, change to “Seek to retain trees of good arboricultural or amenity value, or if their removal is demonstrated to be necessary, replace them in an appropriate location with trees of no less arboricultural or amenity value.”**
- **Bullet point g, change to “Ensure new...”**

Bullet points h and i relate to matters that are either outside the responsibility and control of the Neighbourhood Plan, or already comprise policy requirements.

- **Delete bullet points h and i**

Subject to the above recommendations, Policy A1 meets the basic conditions.

Policy A2: Design of Extensions

I note above that the Neighbourhood Plan makes explicit reference to the fact that all of its Policies should be considered together. However, I note that Policy A2 includes a cross-reference to policy A1.

Policy A2 states that all residential extensions will be supported, subject to matters relating to local character. This Policy promotes development to the extent that it affords insufficient regard to other relevant matters and in so doing, effectively ignores the requirements of national and local strategic policy.

The Framework states that planning should enhance and improve the places in which people live their lives and always seek to secure a good standard of amenity for all existing and future occupants of land and buildings (Para 17).

Policy A2 would allow development regardless of its impact on neighbours. Thus, a residential extension that allowed for direct overlooking, to the detriment of the privacy of neighbours; that was overbearing and harmed the outlook of neighbours;

or that caused undue noise and disturbance, for example a new balcony above a neighbour's garden, would all be acceptable under the terms of Policy A2.

Policy A2 would fail to contribute to the achievement of sustainable development. It does not meet the basic conditions. I recommend:

- **Delete Policy A2 and all related supporting text**

Policy A3: Community Involvement

Policy A3 seeks to encourage community involvement in the planning process. This has regard to national policy, which is explicit in its aspiration of “allowing people and communities back into planning” (Ministerial Introduction, The Framework).

However, as worded, the policy requires any proposal for a change of use, no matter how minor, to be accompanied by a Statement of Community Involvement. This has the potential to impose an unduly onerous requirement on potentially small scale planning applications and may add unnecessarily to the financial burdens on development, without regard to paragraph 153 of the Framework. I am also mindful that, further to changes in national planning policy, many changes of use no longer require planning permission, but fall within Permitted Development Rights.

The Policy also sets a requirement for “an agreed programme for on-going consultation.” Again, this is an unnecessarily burdensome requirement. It is undefined and it is therefore unclear as to what such a programme would need to include, or how long it would need to be in operation; also, no indication is provided as to who will monitor such a programme and what would happen if it were not adhered to – as planning permission would, presumably, have already been granted.

The final sentence of Policy A3 states that development will be supported when it is clear that community feedback “has been taken into account as far as practicable.” It is unclear who determines what is, or is not, “practicable” and under what criteria such a determination would be made. I find that this part of the Policy fails to provide decision makers with a clear indication of how to react to a development proposal, contrary to paragraph 154 of the Framework.

I recommend:

- **Policy A3, change first sentence to “*Planning applications for development of more than one new property shall be accompanied by...*”**
- **Delete bullet point e**
- **Delete final sentence “Development...practicable.”**

Subject to the above, Policy A3 has regard to the Framework and meets the basic conditions.

New Housing Development

Policy B1: Small Scale Development

Policy B1 addresses the location and type of residential development in the Neighbourhood Area.

As worded, the Policy introduces conflict within the Neighbourhood Plan itself. It supports the addition of “a number of smaller dwellings on an existing plot.” However, Policy A1 specifically seeks to protect Linton’s existing character. The supporting text to Policy A3 states that garden areas make an important contribution to character and goes on to state that Policy A1 will be rigorously applied in this regard.

Thus, whilst I acknowledge that there is some demand for smaller, “downsizer-homes” in Linton, the approach to achieving the delivery of these appears to be in direct conflict with the aim of preserving those things that the local community considers worthy of keeping.

Consequently, the first part of Policy B1 leads the Neighbourhood Plan to fail to provide a decision maker with a clear indication of how to react to a development proposal. In this regard, I am also mindful that whilst Policy B1 refers to “the village built area” this is an unclear geographical reference and the phrase “village built area” is not defined in the Neighbourhood Plan. It is therefore unclear how this part of the Policy can be controlled.

In addition to the above, Policy B1 goes on to support the development of less than 10 dwellings anywhere in the Neighbourhood Area. This would effectively allow development in the Neighbourhood Area’s countryside, albeit subject to the local character-related requirements of Policy A1. Much of the Neighbourhood Area is located in the Green Belt, within which the residential development of up to ten dwellings would comprise inappropriate development (Para 89, The Framework), subject to a small number of exceptions, none of which are met by Policy B1. Thus, Policy B1 fails to have regard to national policy.

I find that, whilst Policy B1 is worded as a negative policy, “Development will only be supported where...”, it actually supports building more houses on what are currently single plots in Linton and generally supports the development of less than ten houses anywhere in the Neighbourhood Area. This adds to the confusing nature of Policy B1.

I note that Policy B1 also refers to land allocated by Leeds City Council. However, there is no evidence that any such allocations exist. Simply, and without getting unduly philosophical, it is not possible for a Policy to apply to something that does not exist.

Given all of the above, I recommend:

- **Policy B1, change the policy to read “*Developments of less than ten dwellings will be allowed within the built-up part of Linton, outside the Green Belt, subject to respecting and where possible, enhancing local character and maintaining residential amenity.*”**

Subject to the above, Policy B1 supports sustainable growth and meets the basic conditions.

Policy B2: PAS Site (The Ridge)

Policy B2 seeks to protect a site named in Leeds City Council’s Strategic Housing Land Availability Assessment (SHLAA), The Ridge, from development, until its longer term allocation has been determined via the Local Plan Sites Allocation Plan and following a Green Belt review.

Policy B2 clearly relates to matters under the consideration of Leeds City Council. The Local Plan Sites Allocation Plan does not form part of the Neighbourhood Plan and Green Belt Review is a strategic matter, rather than a neighbourhood planning matter. In addition, The Ridge is already subject to Leeds UDP saved policy N34. It is not the role of neighbourhood plans to simply repeat existing policy.

I recommend:

- **Delete Policy B2 and all associated text**

Policy B3: Access to Facilities

Policy B3 seeks to encourage sustainable patterns of movement. This has regard to paragraph 29 of the Framework, which seeks to balance the transport system in favour of sustainable transport modes, giving people a real choice about how they travel.

However, the Policy only applies to developments of less than 5 dwellings. This appears to be an entirely arbitrary number – not least given that Policy B1 refers explicitly to supporting developments of up to 10 homes. No evidence is provided to support the contention in the supporting text that “it is likely that new developments will be fewer than 5 homes.” Indeed, if this was the case, it would be unusual for Policy B1 to seek to support development for up to 10 homes.

Also, it is unclear how the Neighbourhood Plan will “encourage opportunities to walk safely.” No information is provided as to how a land use planning policy can achieve such an aspiration.

I recommend:

- **Policy B3, change to “*New development of less than 10 dwellings should...bus stop.*” (delete remaining Policy text)**

Policy B4: Development Criteria - Highways

Policy B4 states that development that is “sympathetic” to the character of the Conservation Area and provides improved highway safety at two specific junctions will be supported. It goes on to state what would “not constitute an acceptable improvement.”

It is not clear as to precisely what kind of development Policy B4 is referring to. In particular, it is unclear as to how, or whether, such development would meet the requirements for planning obligations. Planning obligations must be directly related to the development, be fairly and reasonably related in scale and kind to the development, and be necessary to make the development acceptable in planning terms (Para 204, The Framework).

In addition, being “sympathetic” to the character of a Conservation Area is a very broad term that fails to have regard to national policy’s detailed approach to protecting heritage assets, as set out in Chapter 12 of the Framework.

Consequently, Policy B4 fails to have regard to the Framework and does not meet the basic conditions. I recommend:

- **Delete Policy B4 and all related text**

Policy B5: Housing Type

In promoting the delivery of a wide choice of high quality homes, the Framework supports planning for a mix of housing based on current and future demographic and market trends, and the needs of different groups in the community (Chapter 6, The Framework).

Policy B5 promotes the delivery of a mix of dwelling types with specific regard to meeting the changing needs of an ageing population. It contributes to the achievement of sustainable development and meets the basic conditions.

Policy C1: Village Facilities and Services

The supporting text for Policy C1 describes and lists a number of “Assets of Community Value.” No evidence has been provided to demonstrate that these have been accepted and listed by Leeds City Council as Assets of Community Value, as is required by legislation. Consequently, these do not comprise registered Assets of Community Value and the text is misleading.

I also note that paragraph 138 refers to matters under the control of Leeds City Council. I recommend:

- **Page 33, para 136, delete the last sentence**
- **Page 33, delete para 138**
- **Delete table and adjacent text box on page 34**
- **Page 34, delete para 139**

Policy C1 seeks to protect community facilities and services. This has regard to Chapter 8 of the Framework, Promoting Healthy Communities, which requires plans to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs (Para 70, The Framework). In this way, the Policy contributes to the achievement of sustainable development.

However, I note that a number of the facilities listed comprise privately owned businesses. Commercial viability is fundamental to a successful business and I note that an unviable business cannot be forced to continue.

The Policy goes on to support “Any measure” which is a rather broad and sweeping policy approach. It might, for example, support the building of a nuclear power station or an international airport within the Neighbourhood Area, so long as the listed facilities and services were improved.

Taking these factors into account, I recommend:

- **Policy C1, add “...facilities and services, *unless it can be demonstrated, further to a period of marketing, that the existing use is no longer viable:*”**
- **Change last sentence to “*The improvement of these facilities...supported.*”**

Subject to the above, Policy C1 meets the basic conditions.

Footways and Public Rights of Way

Policy D1: Footways and Public Rights of Way

This Policy requires any development to take all reasonable opportunities to improve “footway and bridle” access. This imposes an onerous burden on development and would be an unreasonable requirement for many small development proposals, for example a household extension.

The final part of the Policy requires developments to take into consideration the possibility of future footpaths and links not directly provided by the development. Such an approach enters so far into the realms of crystal ball gazing that it is inappropriate for inclusion in a land use plan.

The phrase “new safe alternatives to existing routes in line with the route network” makes little sense. Map 7 shows existing and proposed routes and consequently, as worded, Policy D1 does not link particularly well with this Map.

There is no evidence that the Policy requirement for new routes to take advantage of good views and amenity areas, and to provide planting, is either viable or implementable. Given this, it may mean that any such requirement would prevent, rather than result in the delivery of, new footpaths or bridleways.

Taking all of the above into account, I recommend:

- **Policy D1, change to “*The improvement of footpath and bridleway access and the facilitating of new circular walks and routes will be supported.*”(delete all other Policy text)**

Subject to the above, Policy D1 seeks to enhance public rights of way and access. This has regard to paragraph 75 of the Framework. It contributes to the achievement of sustainable development and meets the basic conditions.

Green Space

Policy E1: Local Green Space

Policy E1 designates Local Green Space. The Local Green Space designation is an important one. It affords protection consistent with policy for Green Belts (Para 78, The Framework).

There is a useful Map provided on page 42, showing the areas of Local Green Space relative to Linton and to each other. However, this fails to provide sufficient detail – I note for example, that the precise boundaries of proposed designation 3 are entirely unclear. In addition, the Map is wrongly titled “Proposed additional amenity space.” I recommend:

- **Provide additional plans, at a clearer scale, showing the precise boundaries of each area of Local Green Space**
- **Change the title of Map 8 to “*Local Green Space*”**

Policy E1 seeks to introduce its own version of Local Green Space policy. This is highly inappropriate. National policy is explicitly clear with regards Local Green Space policy. It is not the role of neighbourhood plans to designate Local Green Space and then apply a completely different policy regime to that set out in the Framework. I recommend:

- **Policy E1, change wording to “...Local Green Space, where new development is ruled out other than in very special circumstances.”**

Taking the above into account, I am satisfied that Policy E1 has regard to national policy and contributes to the achievement of sustainable development. It meets the basic conditions.

Policy E2: Additional Open Space

This Policy refers specifically to Core Strategy policy G3. It relates to matters outside the control of the Neighbourhood Plan. I note that the supporting text simply refers to the Core Strategy. For reference, I also note that Policy E2 refers to “normal town planning considerations.” There is no definition or indication as to what “normal town planning considerations” are, or might comprise.

I recommend:

- **Delete Policy E2 and all related text**

Local Economy

Policy F1: Local Business Support

Policy F1 is confusingly worded.

Development that provides support and encouragement to existing businesses and ensures that the viability of the business is maintained and strengthened, is supported by Policy F1. It is unclear as to how, or if, development can provide support, encouragement and ensure that the viability of a business is maintained and strengthened. No evidence has been presented in this regard. Furthermore, there is no indication of how any such Policy could be measured, implemented or controlled.

Consequently, as worded, Policy F1 does not have regard to the Framework as it fails to provide a decision maker with an indication of how to react to a development proposal and provides applicants with little clarity or relevant guidance.

The Policy also appears to introduce non-land use planning matters. To demonstrate that a proposal would ensure that maintaining and strengthening of the viability of a business would rely on the production and analysis of evidence, presumably in the form of a business plan. There is no indication that there are alternative means of demonstrating this, that would be appropriate within a land use planning context.

Policy F1 goes on to prevent any major change in the character or size of a business with consequential increases in traffic or noise. "Major change in the character" is undefined, as is "a major change in size." Consequently, this part of the Policy is entirely unclear. Furthermore, no indication is provided as to what a "consequential increase in traffic or noise" would comprise. I also note that national policy is clear in establishing that

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development area severe." (Para 32, The Framework)

Policy F1 fails to have regard to this.

What if a "consequential increase" did not lead to undue harm? What if there were significant sustainable development benefits that vastly outweighed any harm that did arise? In this regard, national policy is clear – it requires development that is sustainable to go ahead, without delay (Ministerial Foreword, The Framework). Policy F1 could prevent sustainable development from taking place.

Whilst it may or may not be possible to strengthen a business without any "consequential" increase in noise or traffic I am mindful that no substantive evidence has been produced in relation to the aspirations of the Policy. Also, I note

that the deletion of Policy F1 would not prevent appropriate business growth in the Neighbourhood Area.

Taking all of the above into account, Policy F1 does not meet the basic conditions. Given the confusing nature of the Policy, I am unable to recommend changes that would result in the Policy meeting the basic conditions. I recommend:

- **Policy F1, delete Policy and all related text**

Policy F2: Broadband/Connectivity

Chapter 5 of the Framework supports the development of high quality communications infrastructure and recognises that this is essential for sustainable economic growth.

Consequently, as worded, Policy F2 would support any type of development, so long as it had a positive impact on an internet connection. By definition, internet connectivity simply relates to connecting to the internet. This occurs between a device and a server. It is not a land use planning matter.

As worded, Policy F2 does not make any sense.

However, the supporting text to Policy F2 makes it clear that the Neighbourhood Plan supports the expansion of high quality telecommunications infrastructure. Policy F2 could be re-worded to reflect the supporting text and have regard to national policy. I recommend:

- **Policy F2, re-word “The development of broadband and communications technology will be supported.”**

Subject to the above, Policy F2 contributes to the achievement of sustainable development and meets the basic conditions.

Neighbourhood Plan – Other Matters

I note that the Community Infrastructure Levy and Projects for Linton sections provide helpful background information.

The High, Medium and Low Priority Lists simply set out the aspirations of Collingham with Linton Parish Council. These are not Policy matters. I recommend:

- **Delete the Policy Number column of each table**

I note that the changes to the Neighbourhood Plan need not impact on the Priority Lists, as the Lists simply reflect actions that Collingham with Linton Parish Council would like to progress.

I note that it is intended to establish a Delivery Committee to monitor the Neighbourhood Plan. This is to be welcomed and will help inform any future Neighbourhood Plans.

Pages 51-59 inclusive comprise Appendices. These do not form part of the Neighbourhood Plan. I recommend:

- **Delete the Appendices**

I note that the final part of the Neighbourhood Plan provides a helpful explanation of abbreviations used in the document.

8. Summary

I have recommended a number of modifications further to consideration of the Linton Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Linton Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Linton Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Leeds City Council that, subject to the modifications proposed, the **Linton Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Linton Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Linton Neighbourhood Area as approved by Leeds City Council on 17 September 2012.

Nigel McGurk, August 2015
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