

THORP ARCH NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Leeds City Council
into the examination of the
Thorp Arch Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The Thorp Arch Neighbourhood Plan has been prepared to set out the community's wishes for this parish which contains the village of Thorp Arch, part of the Thorp Arch Estate and Thorp Arch Grange and nearby residential areas on the edge of the village of Walton.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer including improvements to the mapping of sites referred to in policies to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - The deletion of four proposed Local Green Spaces;
 - Updating of Policy H1;
 - The deletion of Policy LE1; and
 - The clarification of the wording and mapping of other policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Thorp Arch Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The neighbourhood plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and the other statutory requirements.

Legislative Background

- 2.4 I was appointed as an independent examiner to conduct the examination on the Thorp Arch Neighbourhood Plan by Leeds City Council in April 2017. I am a chartered town planner with over 30 years' experience in local authorities preparing Local Plans and associated policies. My appointment was facilitated through the Neighbourhood Planning Independent Examiner Referral Service.
- 2.5 As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
 - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
 - (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
 - (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.6 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development.

- 2.7 The Neighbourhood Plan area is co-terminus with the parish of Thorp Arch prior to the minor amendments to the boundary with Walton parish undertaken in 2014. The area was designated by Leeds City Council on 17 September 2012 as a Neighbourhood Area. Page 3 of the Basic Conditions statement states that the Plan relates to the Thorp Arch Neighbourhood Area and that there are no other neighbourhood plans relating to that area.
- 2.8 A representation has been made that the plan should be withdrawn and revised to reflect the revised parish boundary. It is considered that this is not necessary. The Plan relates to the Neighbourhood Area as designated.
- 2.9 Page 1 of the Basic Conditions states that the lifespan of the Neighbourhood Plan is to be from 2017 to 2028 and this date is shown on the front cover of the Neighbourhood Plan.
- 2.10 The neighbourhood plan making process has been led by Thorp Arch Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group made up of parish councillors and community volunteers.
- 2.11 I am satisfied therefore that the Thorp Arch Neighbourhood Plan satisfies all the requirements set out in paragraph 2.5 above.

Conformity with Basic Conditions and other statutory requirements

- 2.12 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:
1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
 3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
 5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
 - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further Basic Condition in addition to those set out in the primary legislation. That the

making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended).

- 2.13 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
- 2.14 A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
- 2.15 It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.16 I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.

Policy Background

- 2.17 The first Basic Condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.18 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.19 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.

- 2.20 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The strategic policies covering the Neighbourhood Plan area are contained in the Leeds Local Development Framework Core Strategy which was adopted on 12th November 2014. Saved policies of the Leeds UDP 2006 are also extant. The Leeds Site Allocations Plan is in the course of preparation and the Publication Draft was submitted to the Secretary of State on 5th May 2017.
- 2.21 The Basic Conditions Statement sets out an assessment of the NPPF Core Principles against Thorp Arch Neighbourhood Plan planning policies, compares the sustainability policies of the NPPF (where applicable) with those of the Thorp Arch Neighbourhood Plan and assesses the fit of the policies of Thorp Arch Neighbourhood Plan with Core Strategy Strategic Themes and Policies.
- 2.22 A representation has been made that the Neighbourhood Plan does not correctly interpret and does not conform with the strategic policies of the development plan and cannot do so until the Site Allocations Plan is adopted. The Plan fails to comply with Core Strategy Policies SP6, SP7 and H1; it is also in conflict with proposed allocation HG2-227.
- 2.23 I have given consideration under section 3 of the examination report to the provision of housing development in the plan and whether the plan can come forward ahead of the emerging Site Allocations Plan. Subject to the modifications proposed to Policy H1 and BE3, I consider that the plan is in general conformity with the policies stated.
- 2.24 I have considered the policies of the Neighbourhood Plan against the NPPF and PPG and the strategic policies in the adopted Leeds Core Strategy 2014 and the saved policies of the Leeds UDP. I have also considered the policies and proposals of the emerging submission draft Site Allocations Plan. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.
- 2.25 I have considered the Neighbourhood Plan as a whole against the NPPF and PPG and the adopted strategic policies. Then I have considered each of the policies to ascertain whether there is any conflict between a particular policy and the NPPF or the strategic policies of the Development Plan. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.
- 2.26 I have also considered whether the Neighbourhood Plan would introduce policies and designations that may constitute blanket restrictions that may restrict future development in the area contrary to the Local Plan strategy. I have considered whether there is robust evidence to support any proposed designations that would introduce such restrictions.

EU obligations and human rights requirements

- 2.27 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.28 A screening opinion for the Strategic Environmental Assessment was undertaken on the draft Neighbourhood Plan. The conclusion was that
- “...it is considered that it is unlikely that any significant environmental effects will arise as a result of the Thorp Arch Neighbourhood Plan. Consequently, the assessment within Table 1 concludes that an SEA is not required when judged against the application of the SEA Directive criteria.*
- “Notably, the draft neighbourhood plan does not propose any allocations. No sensitive natural or heritage assets will also be significantly affected by proposals within the plan. The neighbourhood plan’s policies seek to guide development within the Neighbourhood Area and are required to be in general conformity with those within the Local Plan. It is unlikely that there will be any significant additional environmental effects that have not already been considered and dealt with through a SEA/SA of the Local Plan. Finally, none of the environmental consultation bodies raised any concerns regarding any likely significant environmental effects.”*
- 2.29 The Environment Agency, Natural England and English Heritage were consulted on the requirement for a SEA for the Neighbourhood Plan. They supported the conclusion that the Neighbourhood Plan will not result in any likely significant effects upon the environment therefore a SEA was not required.
- 2.30 A representation has been received that states that the screening opinion has not had regard to all significant environmental effects as it failed to recognise the housing allocation in Policy H1.
- 2.31 The SEA screening opinion states that no sites are allocated in the Neighbourhood Plan. I have commented on the matter further under Policies H1 and recommended modifications to the wording of the policies to clarify their intention. Subject to these modifications, I consider that the screening opinion has satisfied the legal requirements.
- 2.32 Paragraph 6.4 of the HRA Screening statement confirms that the only relevant European site is the Kirk Deighton SAC which lies approximately 2.5 km distant. Paragraph 6.20 state: *“It is therefore considered that the Thorp Arch Neighbourhood Plan is not likely to significant effect Kirk Deighton SAC or on any other European site. Consequently the draft plan is not considered to require further assessment under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).”*

- 2.33 I am satisfied that the SEA and HRA screening opinions have been carried out in accordance with the legal requirements.
- 2.34 The Basic Conditions statement includes a section on Human Rights and states that *“the overall purpose of the Neighbourhood Plan is to improve the quality of life for people living and working in the parish. The objectives and policies of the plan have been formulated in response to local people’s views to produce an ‘inclusive’ document that does not have a discriminatory impact on any particular group”*.
- 2.35 The Basic Conditions Statement comments that *“The Neighbourhood Plan has been produced with wide consultation of residents and stakeholders with no individuals or groups having any less say than any other. It aims to be non-discriminatory in all its aspects and so can be described a plan for the whole community, present and future.”* However no assessment has been included in the report.
- 2.36 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011.
- 2.37 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
- 2.38 Article 14 provides that *“The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”* In the Consultation Statement, the Qualifying Body has provided evidence on how the statutory and non-statutory consultations have been carried out and demonstrated that they were undertaken in such a way that all sections of the local community have been given the opportunity to express their views.
- 2.39 As far as I can ascertain, the policies of the plan and its preparation have taken account of the need to consider human rights.
- 2.40 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

Contributes to sustainable development

- 2.41 Section 2.2 of the Basic Conditions Statement addresses the contribution of the plan to the achievement of sustainable development. This states that the

assessment of the policies against the Core Principles of the NPPF gives a clear and comprehensive narrative as to how the Neighbourhood Plan complies with the core principles of the NPPF and by corollary the achievement of sustainable development. The planning policies of the Neighbourhood Plan have also been assessed against the three sustainability dimensions.

- 2.42 A representation has been made that the plan fails to promote sustainable development as it fails to plan for sufficient housing to meet the needs of present and future generations; and fails to ensure that sufficient employment land of the right type is available.
- 2.43 I have had regard to the policies on housing and employment under Policies H1 and LE1. I am satisfied that, subject to the modifications proposed, the Thorp Arch Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

The Neighbourhood Plan Preparation

- 2.44 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.45 Page 8 of the Neighbourhood Plan sets out an overview of the process of preparing the neighbourhood plan including the stages of consultation. The Consultation Statement sets out the full details of the consultations undertaken on the pre-submission draft plan under Regulation 14.
- 2.46 The preparation of the Neighbourhood Plan commenced in February 2012. Surveys of the village, businesses and consultation with the prison were undertaken between late 2012 and early 2013. This was followed up with exhibitions in December 2014 and March 2015 to explain and seek views on the draft proposals and consultation with local businesses and landowners.
- 2.47 Consultation on the pre-submission draft plan was undertaken in accordance with Regulation 14 between 20 August and 1 October 2016. Statutory consultees, local businesses and landowners as well as the local community were informed of the consultation by a letter from the Parish Council, with a copy of the summary of the draft plan and questionnaire.
- 2.48 A comprehensive summary of the issues raised at each stage of pre-submission consultation and the actions taken to address them, as appropriate, is included in the Consultation Statement and its Appendices.
- 2.49 Consultation on the submission draft Neighbourhood Plan ran from 24 April 2017 to 5 June 2017. This resulted in representations from seven organisations or individuals making a number of comments on the Neighbourhood Plan and three representations in support or making no comments.

- 2.50 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.

The Examination Process

- 2.51 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.52 One representor has requested that a hearing should be held to consider the issues they have raised. However I consider that they have made their case comprehensively through their written representation. I have been able to give adequate examination to the issues raised based on the written submissions of all representors. All parties have had a fair chance to put their case to me. I have addressed all the matters raised in my report.
- 2.53 I have sought clarification on a number of factual matters from the qualifying body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.
- 2.54 I had before me background evidence to the plan which have assisted me in understanding the background to the matters raised in the Neighbourhood Plan.
- 2.55 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening reports for the Strategic Environmental Assessment and Habitats Regulation Assessment. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.
- 2.56 I have undertaken an unaccompanied visit to the Plan area and viewed the sites referred to under the policies in the plan.
- 2.57 This report is the outcome of my examination of the Submission Draft Version of the Thorp Arch Neighbourhood Plan March 2017. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by Leeds City Council.
- 2.58 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
- That the plan should proceed to referendum if modified; or
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

2.59 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

2.60 I have only recommended modifications to the Neighbourhood Plan where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.

3.0 Neighbourhood Plan – As a whole

3.1 Where modifications are recommended, they are highlighted in bold print, with any proposed new wording in italics.

3.2 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”

3.3 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

3.4 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic development needs set out in the Local Plan”* and further states that the neighbourhood plan must address the development and use of land by setting out planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”.

3.5 Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans should support the strategic development needs set out in local plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. PPG guidance under Rural Housing states that *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless they can be supported by robust evidence”*.

3.6 The Basic Conditions require that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies.

- 3.7 Before considering the policies individually, I have considered whether the plan as a whole has had regard to national and local strategic planning policies. The plan promotes good quality design in new development, identifies Local Green Spaces and non designated heritage assets, safeguards environmental assets, promotes improved accessibility, housing mix and supports the development of small scale businesses and farm diversification. The plan sets out aspirational policies to support a housing site and the continued use of the Thorp Arch Estate for employment uses. I have considered whether the environmental policies and the designation of Local Green Spaces would place blanket restrictions on new development in the area.
- 3.8 A representation has been made that the plan fails to support the strategic development needs of the Local Plan; that it fails to plan positively and has not been supported by any analysis of objectively assessed housing need. It should await the adoption of the Leeds Site Allocations Plan.
- 3.9 The PPG states that neighbourhood plans are not obliged to contain policies addressing all types of development. There is no requirement for the plan to allocate land for development to meet the strategic development needs; indeed, that is the role of the Local Plan. Neighbourhood Plans may allocate additional housing sites where this is supported by evidence to demonstrate need above that identified in the Local Plan. No evidence has been put forward to support the allocation of additional land above the strategic requirement.
- 3.10 The PPG advises that neighbourhood plans should not include blanket restrictions on development that may limit the choice of sites in the emerging Local Plan. I have given consideration to this matter is assessing the environmental designations.
- 3.11 There is no reason why the Neighbourhood Plan should await the adoption of the Site Allocations Plan. Case law has made it clear that neighbourhood plans can be made in advance of the emerging Local Plan. These matters are addressed under Policies H1, LE1 and BE3.
- 3.12 It is considered therefore that the plan as a whole, subject to the modifications proposed, has had regard to national policies and advice contained in guidance issued by the Secretary of State and is in general conformity with the strategic local policies.
- 3.13 The Plan includes a number of maps. Some provide background information whilst others are sites and locations referred to under the policies. Map 5 Policies Map shows some of the sites referred to under the policies, although the boundaries of the Local Green Spaces are shown on Maps 7, 7a and 7b. Sites referred to under Policies BE2 on areas outside built up areas, and BE4 on non designated heritage assets are not shown on maps; the key views under Policy CNE1 are shown on Map 2 and ecological sites under policy CNE4 are shown on an unnumbered map on page 22 of the Plan.

- 3.14 To ensure that the policies can be interpreted consistently by decision makers, it is considered that the Policies Map should be revised to include all the sites referred to under the policies with cross references in the key to the more detailed maps and from the Policy or justification.

Recommendation 1: Show all the site specific policies on the Policies Map cross referenced to more detailed maps, where appropriate.

- 3.15 There are a number of references under the evidence sections of the policies to the content of the first draft Neighbourhood Plan. These should be reviewed and updated or deleted as appropriate.

The Neighbourhood Plan - Policies

Introduction

- 3.16 The introduction to the plan sets out the stages that have been undertaken in preparing the Plan and presents a history of the parish.

Vision and Key Objectives

- 3.17 The Plan includes a clear and focused vision statement that has been developed through community consultation. Six objectives are set out which have been developed into the plan's policies.
- 3.18 Representations have been made that the vision and objectives are insular and unduly negative and fail to address the issues set out in the evidence. Revisions are proposed that would place greater emphasis on residential development with supporting community facilities. The term "small scale residential development" is not defined.
- 3.19 Apart from the final point, I do not agree with these comments and find that the vision and objectives are worded positively to maintain and enhance the important environmental assets and to provide for an appropriate level of residential and business development that reflects the views expressed by the community.
- 3.20 Objective iii) aims to identify an area (or areas) for appropriate small scale residential development. However the Plan has not allocated an area for residential development and as a consequence of my recommendation on Policy H1 it is recommended that objective iii) should be revised to underpin the remaining policy elements of Policies H1 and H2 without making reference to "small scale" development.

Recommendation 2: Revise objective iii) to read: *"To provide new residential development that is well designed and that delivers housing that meets the needs and aspirations of the local community, with adequate parking and open spaces."*

Built Environment

Policy BE1: Design and Development in the Conservation Area

- 3.21 The policy sets out design guidance for development proposals in the conservation area. It has been developed from the guidance set out in the Thorp Arch Conservation Area Appraisal and Management Plan 2009. It will support the NPPF objective to conserve the historic environment and to promote better design, and Leeds Core Strategy Policies P10 on Design, P11 on Conservation and P12 on Landscape.
- 3.22 Representations have been made that the policy should avoid duplicating the material in the Conservation Area Appraisal and Management Plan and that the policy could be worded more positively by promoting good design rather than protecting and preserving.
- 3.23 The policy is focused on development in the conservation area and it is considered that its wording reflects national guidance and is appropriate. The policy draws on the information and guidance set out in the Conservation Area Appraisal and Management Plan. It is considered that the Policy satisfies the Basic Conditions and no modifications are proposed.

Policy BE2: Design and Development outside the Conservation Area

- 3.24 The policy sets out three factors to be considered in the design of new development outside the conservation area. It is not clear whether the policy applies to all areas outside the conservation area which would include the Thorp Arch Estate and the Prison or only to the residential areas referred to in the justification. In response to my questions the Qualifying Body has confirmed that it is intended that this should apply to all the plan area outside the conservation area. A revision is recommended to make the policy more explicit on this matter.
- 3.25 Criterion a) of the policy states that the development should “*respect the surrounding and adjacent built form, where appropriate, so that new development does not overwhelm neighbouring buildings and reflects and complements local style in neighbouring buildings.*”
- 3.26 It is unclear how the term “overwhelm neighbouring buildings” is to be interpreted by decision makers. I have asked the Qualifying Body to explain their intentions and they have stated that this term relates to the height and massing of buildings. To clarify the interpretation of the policy I have recommended a modification to this effect.
- 3.27 Representations have been made that the policy should include opportunities for the use of more modern design and technology where this may be economically viable and achieves high levels of sustainability. The NPPF

paragraph 66 states that policies should not stifle innovation although it is proper to reinforce local distinctiveness. As there are areas of large scale non residential development in the plan area I consider that it would be appropriate to make provision for innovative building designs where appropriate. The Qualifying Body has confirmed their acceptance of this suggestion.

- 3.28 The policy will support the NPPF objective to promote better design and Leeds Core Strategy Policies P10 on Design and P12 on Landscape. It is considered that subject to the modifications, the Policy satisfies the Basic Conditions.

Recommendation 3: Revise Policy BE2 as follows:

Revise the first line of Policy BE2 to read “*Throughout the Plan area outside the Thorp Arch Conservation Area*”

Revise criterion a) to read: “...so that *the height and massing of new development does not overwhelm.....*”

Add an additional criterion “*d) Innovative building designs will be encouraged, where appropriate.*”

Policy BE3: Local Green Spaces

- 3.29 The policy proposes 12 sites for designation as Local Green Spaces in accordance with NPPF paragraphs 76 – 77. Appendix 4 describes each green space and gives its location, proximity to the community and its local significance. The boundaries of the sites are shown on Map 7.
- 3.30 I have visited each of the sites and considered how they meet the guidance in the PPG on the types of sites that may be considered for Local Green Space and factors set out in NPPF paragraph 77. I have also taken account of the views of landowners expressed through representations.
- 3.31 A representation has been made by the landowner that site C the cricket pitch should not be designated as it is a private facility and there is no right of access to the field by the public. The club considers that the present ground and facilities are limited and are looking to relocate or improve the facility and that the designation of the current pitch as a Local Green Space would stymie options for the cricket club to improve facilities on site or more comprehensive relocation options.
- 3.32 The PPG states that Local Green Space does not need to be in public ownership and designation does not confer any rights of public access. However, designation would mean that it would be protected in the same way as Green Belts in that land should be kept permanently open unless there are very special circumstances to justify the development.

- 3.33 Proposals for the future re-development of the cricket club for housing were discussed during the preparation of the plan and rejected by the community. The Projects section of the plan sets out an aspiration for the parish to purchase the land to secure its use for sport and community use in perpetuity.
- 3.34 However the club has aspirations to improve its facilities either on or off site which the designation of the site as a Local Green Space may jeopardise. Paragraph 76 of the NPPF states that Local Green Space designation should be consistent with planning of sustainable development and investment in homes, jobs and essential services.
- 3.35 The cricket ground has been subject to safeguarding under the Leeds UDP Saved Policy N6. Core Strategy Policy G6 protects green space from development unless the exceptional circumstances are satisfied. The emerging Site Allocations Local Plan continues to safeguard the cricket ground.
- 3.36 In the circumstances, it is considered that the cricket pitch is suitably safeguarded by the Local Plan policies and its designation as a Local Green Space may prevent the enhancement of the built facilities on the site. It is recommended therefore that it should not be designated as a Local Green Space and reference should be made in the Neighbourhood Plan to it being safeguarded under Local Plan Policies.
- 3.37 A representation has been received about Site D from the owner of the adjacent land stating that it is unclear whether the site extends over land in their ownership or whether it is owned by the Parish Council. It states that it is considered that the designation is superfluous and unnecessary.
- 3.38 Site D TABS North Entrance is a small area of highway verge. The assessment states that it has historic value. I have asked the Qualifying Body to explain this further. They have stated that the Parish Council is in the process of acquiring the site. They consider that it has historic importance as it forms part of the North Lodge entrance to Thorp Arch Hall. I am not convinced that there is sufficient robust evidence to justify designating this small area of highway verge as a Local Green Space. It is therefore recommended that it should be deleted.
- 3.39 A representation has been received about Site E the tennis court. This is a well maintained private facility.
- 3.40 As stated above, the PPG states that Local Green Space does not need to be in public ownership and it confers no rights of access. I am satisfied that the site meets the conditions set out in NPPF paragraph 77: it has recreational value, is close to the community and is local in character. The site is not currently safeguarded through the UDP Saved Policy N6 although it is proposed to safeguard it in the emerging Site Allocations Plan and to include it in the Green Belt. As the site is not currently safeguarded and is a sports ground well used by members of the public, albeit it as members of a club, I consider that it merits designation as a Local Green Space.

- 3.41 A representation has been received about Site F Middle Meadow stating that the designation of the site as a Local Green Space is superfluous and unnecessary.
- 3.42 The site is a small field to the east of the tennis court. There is a well used public footpath along the southern side of the field leading to the church. Apart from this there is no public access to the remainder of the field. The Qualifying Body argues that the meadow has been uncultivated for many years. On my site visit I could not distinguish any discernible difference between this field and other meadows adjacent that would make it more special than other nearby fields to justify its designation. I am not satisfied that the site meets the criteria of NPPF paragraph 77 and therefore recommend that Site F be deleted.
- 3.43 I have concerns about the Map for sites G and H which appear to be incorrectly drawn and omit small areas of land. The Qualifying Body has explained that there are proposals to improve the access way to the church on land adjacent to site H. They confirm that the maps should be revised to include these small areas of land. I have recommended modifications to correct the maps in this respect.
- 3.44 Site K Walton Road Sport Pitches (part) is a former sports ground between the prison and Rudgate Park. The area is a safeguarded playing field under UDP Saved Policy N6. However, it is no longer in community use and the owners have posted signs on the site stating "Private No Public Access". There appears to be an unofficial footpath around the site. The site is part of a larger housing allocation for 142 houses in the Submission Draft Site Allocations Plan. The assessment in Appendix 4 of the Neighbourhood Plan states that there are community aspirations to establish a football pitch and allotments on the site as well as a footpath.
- 3.45 In response to my question about whether the designation of site K would place a blanket restriction on the site that would affect its potential in the emerging Site Allocations Local Plan, the Local Authority has commented that *"The proposed housing allocation indicates that the site has a capacity of 142 units. The proposed local green space designation would significantly restrict the potential capacity of the site and consequently the housing needs for the wider area (Outer North East HMCA) would not be met to the detriment of achieving sustainable development. The proposed Local Green Space designation is therefore not supported."*
- "The Council feels that blanket designation of the whole of site K as Local Green Space would not be compatible with the development of the site for housing but an amended Neighbourhood Plan policy could set out a greenspace site requirement for that site in the event that it is allocated through the Site Allocations Plan."*
- 3.46 The Green Space Background Paper which forms part of the evidence base to the submission draft Site Allocations Plan identifies that the Outer North

East housing market area and Wetherby ward specifically are deficient of a number of green space typologies (parks and gardens, allotments and natural green space). 71% of the green space sites in the Outer North East area are below the required quality score, which indicates that there is a marked issue of substandard green space provision across the housing market area. It is noted that onsite green space provision calculated in accordance with Policy G4 of the Core Strategy would result in 1.14 ha of green space.

- 3.47 I can understand the Parish Council's wish to retain the site of the former playing pitch and appreciate its aspirations to improve the green space facilities for the community. However the PPG is clear that neighbourhood plans should avoid placing blanket restrictions on sites that would prevent them being considered for housing development unless they are supported by robust evidence. NPPF paragraph 76 states that the designation of sites as Local Green Space should be consistent with the local planning of sustainable development and investment in sufficient homes.
- 3.48 Site K is part of a site that has been included in the Submission draft Site Allocations Plan for housing development to meet the strategic needs of outer north east Leeds. It is considered that its designation as a Local Green Space does not have regard to national policy and would not meet the Basic Conditions.
- 3.49 If the site is allocated for housing development in the Site Allocations Plan there will be a need to include some greenspace within the site. It is suggested that the Neighbourhood Plan policy could include an additional item to guide the type of green space to be provided on the site, subject to further consultation.
- 3.50 The final part of the policy refers to the extent of the Local Green Spaces being "illustrated" on the Policies Map where the sites are marked with a symbol. To ensure that the policy is clear and unambiguous, the key to the Policies Map should be cross referenced to the more detailed maps showing site boundaries in Maps 7, 7a) and 7b) as set out in Recommendation 1.
- 3.51 Policy BE3 designates the areas as Local Green Space, however it does not include a planning policy to consider any development proposals on the sites. It is recommended that a policy statement on development on the sites should be included in the policy in accordance with NPPF paragraph 78.
- 3.52 I am satisfied that sites A1, A2, B, E, G, H, I, and J satisfy the NPPF criteria for designation. It is considered that subject to the modifications, the Policy satisfies the Basic Conditions.

Recommendation 4: Revise Policy BE3 as follows:

Revise the Policy Title to "Green Spaces"

Revise the first paragraph to read: ***“The following sites shown on the Policies Map and Map 7 are designated as Local Green Spaces:”*** and delete the final paragraph.

Add the following after the first paragraph: ***“Proposals for development on these Local Green Spaces will only be permitted in very special circumstances in accordance with national policy on Green Belts.”***

Delete sites C, D, F and K and remove from the Policies Map and Map 7.

Correct the boundaries shown on Map 7 for sites G and H to include the small area at its south west corner.

Show the cricket pitch with a different notation on the Policies Map and Map 7 as a Safeguarded Pitch and include the following policy to safeguard the cricket pitch:

“The cricket ground is a safeguarded playing pitch under Core Strategy Policy G6.”

Revise the supporting text in the justification to explain how this aspect of the policy is to be interpreted. ***“The Core Strategy policy safeguards the cricket pitch but includes some flexibility to consider any future proposals for the improvement of the facilities on the site. Any proposals for the re-use of the existing sports ground should demonstrate that reasonable efforts have been made to secure its continued use as a cricket pitch or other form of green space and/or alternative green space provision is made in an accessible location in the plan area.”***

Add the following additional text to the justification: ***“If the housing site north of the prison is allocated for housing development in the Site Allocations Plan, green space shall be provided on the site in accordance with locally identified needs [or specific proposal such as a football pitch or allotments].”***

Policy BE4: Protecting Non-Designated Heritage Features

- 3.53 The policy proposes the designation of 9 buildings and structures as non-designated heritage features. Appendix 3 provides a brief description of each building or structure. No map has been included in the plan to show the location or curtilages of the features. Photographs of some of the buildings / structures are included within the text of the justification.
- 3.54 NPPF paragraph 135 advises that the effect of development proposals on the significance of a non-designated heritage asset should be taken into account in determining the application. Core Strategy Policy P11 supports the conservation of locally significant undesignated heritage assets.

- 3.55 Representations have been received stating that the policy is not clear how different scales of development proposals will need to address this policy. I consider that the final paragraph of the policy in conjunction with national guidance in NPPF paragraphs 131 and 135 provides adequate guidance on how planning applications affecting these assets are to be considered.
- 3.56 It would be helpful to plan users to include a map linked to the Policies Map showing the locations and curtilages of the buildings and structures together with photographs of each property with its description in an Appendix.
- 3.57 I have considered the merits of each building and from the limited information available have no reason to question the merits of the assets identified. However, the Mill weir and railway bridge are partly outside the plan area and consequently only those parts in the plan area are identified through this policy.
- 3.58 The Qualifying Body has confirmed that the owners of all the buildings or structures have been consulted except for those of the old railway bridge where adjacent landowners were consulted.
- 3.59 The policy refers to non-designated heritage “features”. The terminology used in both the NPPF and Core Strategy is “assets” and it is recommended that this word is used in the policy and justification to ensure consistency.
- 3.60 The opening paragraph of the policy should be worded more clearly to state that the assets are identified as non-designated heritage assets.

Recommendation 5: revise the title and first paragraph of Policy BE4 to read:

“Protecting Non-Designated Heritage Assets: The following have been identified as non-designated heritage assets:”

Revise the Policy and justification to refer to “assets” instead of “features.”

After a) the old railway bridge and d) Thorp Arch Mill weir add “(part within Thorp Arch parish)”

Show the buildings and features and their curtilages on the Policies Map linked to more detailed maps showing the location and curtilages. Include descriptions and photographs of each property in an Appendix.

Countryside and the Natural Environment

Policy CNE1: Protecting countryside character

- 3.61 This policy seeks to ensure that development beyond the existing built up area recognises the characteristics of the countryside, including protecting key views, reducing visual impact and making use of existing landscape

features to reduce the impact of development and integrate green infrastructure in development.

- 3.62 The policy is supported by the Landscape Assessment in Appendix 1 and the Character Area Assessment in Appendix 2. The Character Areas map makes no distinction between the built up areas and the countryside. In response to my request for clarification on the extent of the area to be covered by this policy, the Qualifying Body has supplied me with a map showing the boundaries of the built up area of Thorp Arch village and the residential area to the north and north west of the prison, the prison and Thorp Arch Estate.
- 3.63 To ensure that the policy can be interpreted consistently by decision makers, the boundaries of the built up area should be shown on the Policies Map. As the policy refers to the countryside outside the built up areas, it is recommended that the built up areas should include Thorp Arch village, the housing areas, the prison and Thorp Arch Estate.
- 3.64 Thirteen viewpoints are identified on Map 2. Those within Thorp Arch village are similar to those identified in the Thorp Arch Conservation Area Appraisal. Those to the north of the former rail line are of Thorp Arch Grange and Walton Church. In accordance with Recommendation 1, Map 2 should be linked to the Policies Map.
- 3.65 Core Strategy Policy G1 seeks to enhance and extend green infrastructure. Policy P10 on Design seeks to protect and enhance important views.
- 3.66 Representations have been made that state that the policy replicates Local Plan policy. I consider that as the policy identifies key viewpoints and draws on other locally specific information, it adds more local detail to the strategic policies.
- 3.67 Subject to the modifications, it is considered that the policy meets the Basic Conditions.

Recommendation 6: Revise Policy CNE1 as follows:

Revise the first paragraph of Policy CNE1 to read: “Proposals for development *outside* the built up areas *shown on the Policies Map* should.....”

Show the boundaries of the built up areas on the Policies Map which should include Thorp Arch village, the housing areas, the prison and Thorp Arch Estate.

Link the map of key viewpoints to the Policies Map.

Policy CNE2: Green Corridors

- 3.68 The policy aims to protect local green corridors along the Wharfe Valley and the former Tadcaster – Wetherby rail line and encourages new links to the corridors for example through new rights of way.
- 3.69 The extent of the green corridors is shown on Map 5 Policies Map. It may be helpful to include a reference to the map in the justification.
- 3.70 The policy will support the delivery of Core Strategy Policy G1 which seeks to protect and improve green infrastructure and corridors. The Yorkshire and Humber Green Infrastructure Mapping Project identified almost all the plan area as within the strategically important green corridor of the River Wharfe valley.
- 3.71 Representations have been made that state that the policy replicates Local Plan policy. I consider that as the policy identifies local green corridors, it adds more local detail to the strategic policies.
- 3.72 It is considered that the policy meets the Basic Conditions.

Policy CNE3: Public Rights of Way

- 3.73 The policy encourages the provision of new cycle routes and footpaths to improve connectivity throughout the parish and to neighbouring parishes where practical. Proposals are included in the projects section. The policy also seeks to ensure that development proposals should where appropriate provide links to rights of way and enhance any rights of way that may be affected by the development.
- 3.74 The policy will support the delivery of Core Strategy Policy G1 which states that opportunities are taken to protect and enhance the Public Rights of Way (PROW) network through avoiding unnecessary diversions and by adding new links.
- 3.75 Representations have been made that support the desire to improve connectivity across the parish and to adjoining communities but state that the improvements and the means of delivery should be identified.
- 3.76 A representation has been made by Highways England to support the retention and enhancement of cycleways and pathways and would welcome efforts to improve public transport links to contribute towards reducing the impact on the strategic road network.
- 3.77 I have noted that proposed route improvements are set out in the Projects section of the plan. It is considered that the policy provides a degree of flexibility and meets the Basic Conditions. No modifications are recommended.

Policy CNE4: Enhancing biodiversity

- 3.78 The policy seeks to enhance locally important biodiversity sites by identifying important features of a site for nature conservation and ensuring where practicable, that development provide positive benefits. Where a development is shown to have a potentially negative impact on biodiversity, to put in place measures to enhance biodiversity locally.
- 3.79 The justification to the policy refers to areas of historic parkland and hedgerows and woodland as well as locally important Sites of Ecological and Geological Importance. However, the policy does not address the enhancement of landscape features. In response to my question on the matter, the Qualifying Body has confirmed that Policy CNE4 should only refer to biodiversity.
- 3.80 To improve the clarification of the justification, it is recommended that the fourth paragraph of the Issues section concerning the historic parkland is deleted.
- 3.81 Sites of Ecological and Geological Importance / Local Wildlife Sites are shown on an unnumbered map on page 22 of the plan. The map also shows qualifying SEGI/LWS and sites lost to development. It would be helpful to decision makers to include a map showing only those sites to which this policy applies linked to the Policies Map and referred to in the justification.
- 3.82 Representations have been made that state that the policy will provide an onerous burden as there is no distinction between different scales of development.
- 3.83 The policy will support the delivery of national policy on enhancing biodiversity and Core Strategy Policies G1 and G9 which seek to enhance biodiversity. There is no need to distinguish between different scales of development.
- 3.84 Subject to the modifications, it is considered that the policy meets the Basic Conditions.

Recommendation 7: Include the Sites of Ecological and Geological Importance and any other biodiversity sites relevant to Policy CNE4 on a Map linked to the Policies Map and cross reference it from the justification.

Housing

Policy H1: Residential development

- 3.85 The first part of the policy states that the Plan supports the development of the former social club site for housing development of between 20 and 30 dwellings. The Qualifying Body has informed me that outline planning permission was granted in June 2017 for 23 dwellings on the site.

- 3.86 The SEA screening report makes it clear that this is not a housing allocation. An assessment of 12 sites included in the Strategic Housing Land Availability Assessment has been undertaken by the Qualifying Body in the course of preparing the Neighbourhood Plan.
- 3.87 The site is part of a larger strategic site of 6.3ha that is included in the submission draft Leeds Site Allocations Plan for 142 dwellings. The background text to Policy H1 has been superseded by the submission of the Site Allocations Plan. The Site Allocations Plan is undergoing examination at present and the site has not yet been allocated. It would be helpful to Plan users to update the introduction to Policy H1 to include reference to the housing allocation proposed in the Site Allocations Plan.
- 3.88 National planning policy is that neighbourhood plans should support the development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its policies (NPPF paragraphs 16 and 184). Neighbourhood plan policies should not be used to constrain the delivery of sites in emerging Local Plans.
- 3.89 The neighbourhood plan has to be in general conformity with the strategic policies of the development plan in force at the time in order to meet the Basic Conditions. However the PPG advises that the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the Basic Conditions. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan.
- 3.90 I have already considered the potential of the designation of the land at Walton Road (Site K) as a Local Green Space under Policy BE3 to constrain the delivery of the proposed site allocation in the emerging Local Plan.
- 3.91 Site 4079 has been cleared and unless other uses are proposed, it has the potential to be redeveloped for housing. Housing development on the site would not constrain the delivery of the larger site, provided that it was appropriately designed and laid out. However, the statement of support for this site in the policy is an aspiration and not an allocation and its purpose is unclear. In view of the planning permission granted for the site, it is recommended that the first part of Policy H1 should be revised to refer to the housing development on the site as a commitment.
- 3.92 The second part of the policy sets out four matters to be incorporated into the design of new residential development. These address the provision of or access to green spaces and recreational facilities, good design and adequate parking provision.
- 3.93 Representations have been made that the policy seeks to identify less development than put forward in the Leeds Site Allocations Plan and is not supported by robust evidence. It is suggested that the Neighbourhood Plan should identify further sites for housing development and recognise the role of the Site Allocations Plan in allocating housing development. The deletion of

references to large scale housing development being unacceptable because of traffic in paragraph 3.4.1 is suggested.

- 3.94 The concerns about traffic in the parish are matters that were raised in the consultations on the Plan. It is appropriate that they should be included in the section on the issues raised.
- 3.95 A representation states that the second part of the policy repeats the Local Plan policy and needs to consider how the matters will be measured or achieved.
- 3.96 There is no requirement in national policy for neighbourhood plans to allocate sites for housing development. The second part of the policy is considered to be appropriate as it sets out locally specific design requirements that would apply to new housing development throughout the parish and would be used in assessing planning applications.
- 3.97 A representation has been made that the evidence base for the Neighbourhood Plan in respect of housing need is ambiguous and not supported by any robust and independently commissioned evidence. It is requested that references to the plan meeting housing need should be deleted. The representation requests that Policy H1 should be deleted if the SEA screening opinion is not to be revisited.
- 3.98 The evidence section of the justification to Policy H1 refers to a Housing Market and Needs Assessment which was prepared for the parish and published in May 2016. This analyses the responses received to a questionnaire survey of parish residents. It provides evidence of the quantum and type of housing required by local residents at the time of the survey. Leeds City Council has also published a Strategic Housing Market Assessment which sets out the housing requirement for the wider housing market area including the parish. The findings of the Strategic Housing Market Assessment will underpin the allocation of strategic housing sites in the Site Allocations Plan.
- 3.99 A representation has been made promoting the allocation of part of the Thorp Arch Estate for 874 homes, a care home, a primary school, a local centre, open space and biodiversity enhancements. It is considered that the proposed development is a strategic proposal and as such should be considered through the Leeds Site Allocations Plan.
- 3.100 A representation has been made promoting the site of a major proposal on land adjacent to the western boundary of the Thorp Arch plan area for 1300 dwellings, new primary and secondary schools and community facilities. The site is wholly outside the Thorp Arch Neighbourhood Plan area and as a strategic proposal it will be considered through the Leeds Site Allocations Plan.
- 3.101 Subject to the modifications, it is considered that the policy meets the Basic Conditions.

Recommendation 8: revise Policy H1 as follows:

Delete the first and second paragraphs of Policy H1: “Development of the site of the former Social Club..... nearby Walton Chase.” and replace with “*The site of the former social club is a housing commitment.*” Include the details of the planning permission in the justification.

Revise the last two sentences of the final paragraph of section ii) Evidence of the introduction to the policy to read: “*The site of the former prison social club (SHLAA site 4079) is considered to be suitable for housing development. The Council resolved to approve outline planning permission in June 2017 for 23 dwellings on the site subject to the approval of reserved matters and a Section 106 Agreement.*”

Update the introduction to Policy H1 to include reference to the proposed strategic housing allocation in the Site Allocations Plan. Correct the typographical error in the final paragraph of the Issues section.

Policy H2: Housing type and mix

- 3.102 The policy states that the size of new housing should be based on the most contemporary housing needs assessment and should provide homes suitable for smaller families and for older people seeking to downsize.
- 3.103 Leeds Core Strategy Policy H4 requires developers of sites with over 50 units in or adjoining Smaller Settlements to submit a Housing Needs Assessment addressing all tenures so that the needs of the locality can be taken into account at the time of development.
- 3.104 The policy provides guidance on the type and mix of housing required in the parish. This will be supplemented by a Housing Needs Assessment for any significant developments.
- 3.105 A representation has been made that the policy must take into account market dynamics and seek to ensure that such dwellings are provided as part of a wider mix and in locations where people wish to live.
- 3.106 It is considered that the policy is clear in that it sets out the particular types and sizes of dwellings that have been identified as priorities through the consultation to be built as part of the development of a range of house sizes. The policy does not determine the location of new housing development.
- 3.107 There is a typographical error in line 2 of the policy (the word “on” is repeated).
- 3.108 It is considered that the policy meets the Basic Conditions and no modifications are proposed.

Community and Recreational Facilities

Policy CF1: Retention and provision of community and recreational facilities

- 3.109 The policy has three strands: supporting the ongoing maintenance and viability of existing facilities; controlling the change of use of existing facilities; and supporting proposals for new facilities.
- 3.110 The PPG states that neighbourhood plans are to be used to set policies to be used in determining planning applications. It is considered that support for the ongoing maintenance and viability of a community facility is a community aspiration rather than a matter to be considered in determining planning applications and as such should be included in the community projects section of the plan.
- 3.111 A representation has been made that supports the policy but notes that it duplicates other policies. As the policy and its justification identify local facilities it is considered that the policy is appropriate.
- 3.112 Subject to the modifications, it is considered that the policy meets the Basic Conditions.

Recommendation 9: Delete the first paragraph from Policy CF1.

Supporting the Local Economy

Policy LE1: Thorp Arch Estate (TATE)

- 3.113 The policy includes an aspiration that the Employment Zone defined in the 2006 Leeds UDP should remain as a mixed use employment zone. The second part of the policy supports the development of existing businesses in current use classes subject to consideration of the impact on traffic, the environment and demonstrating that the proposals offers new employment opportunities.
- 3.114 Thorp Arch Estate is an important employment area that is safeguarded under Leeds Core Strategy Policy EC3 and existing site allocations which are carried forward under Policy EC1. The Site Allocations Plan Policy EG1 is proposing to allocate various vacant parcels of land within the Trading Estate that were previously allocated in the Leeds UDP for employment use or mixed use. Only part of the estate lies within the Neighbourhood Plan area, the remainder is within Walton parish.
- 3.115 The first part of Policy LE1 is an aspiration of the Neighbourhood Plan and not an allocation. The SEA screening states that the Neighbourhood Plan does not include any allocations. As such the statements in the policy simply reflect the views expressed by the community through consultation on the

Neighbourhood Plan. It is not written in a manner that would enable it to be used in the consideration of planning applications. It is therefore considered to be unclear and superfluous.

- 3.116 In any case the Thorp Arch Estate is an important employment site crossing the boundary of the two parishes. NPPF paragraph 22 states that “*Planning policies should avoid the long term protection of sites for employment use where there is no reasonable prospect of a site being used for that purpose.*” No evidence has been provided to support the Neighbourhood Plan proposals to demonstrate the long term viability of the site for employment use. It is considered that the first part of the policy is aspirational and not supported by robust evidence. It is recommended therefore that the first part of Policy LE1 be deleted.
- 3.117 The second part of the policy sets out three matters that development proposals within the Thorp Arch Estate should satisfy: traffic impact, the impact of the development on environmental areas and development offering employment opportunities. Core Strategy Policy T2 addresses traffic impacts. Policy G8 and to some extent Policy G9 address the impact on environmentally protected areas. Only criterion c) that requires new development to demonstrate that it provides new employment opportunities is not addressed by a strategic policy.
- 3.118 It would be usual to expect that mixed use developments seeking to develop or expand on an employment area would provide employment opportunities; therefore, it is not considered necessary to make this a policy requirement.
- 3.119 It is considered that this part of the policy is superfluous as these matters are factors that are covered by policies in the Core Strategy and the policy adds no matters of local significance. It is recommended therefore that the second part of the policy be deleted. In order to ensure that there is a consistent policy approach to the whole employment area which crosses parish boundaries, it would be appropriate for the policy covering future development proposals to be set out in the Local Plan.
- 3.120 It is appreciated that the community has expressed support for the retention of the Trading Estate as a location for mixed use employment and this approach has been agreed with Walton Parish Council. It is considered that it may be appropriate for this aspiration to be expressed as a community aspiration within Section 4 of the Plan.
- 3.121 A representation has been made that states that Policy LE1 and all supporting text should be deleted as it is not supported by robust evidence and there is no reasonable prospect of the most contaminated parts of the estate being used for employment development. Its safeguarding for employment uses would be contrary to NPPF paragraph 22. The site is strategic and should be considered as part of the Site Allocations Plan.

- 3.122 Historic England has made a representation stating that a policy requiring a design code and design parameters for the Thorp Arch Ordnance Filling Factory should be drawn up and agreed by all parties.
- 3.123 There is no requirement for the plan to include design guidance on this significant site and no modification is proposed in this respect. In view of the scale of the area and the fact that it covers more than one parish, it may be more appropriate for the matters raised to be addressed by the Local Planning Authority.

Recommendation 10: Delete Policy LE1 and the supporting text under paragraph 3.6.1.

Add a community aspiration to Section 4 along the lines of “*The Parish Council will support the retention / allocation of the Thorp Arch Estate for mixed use employment.*” Move the relevant background text to Section 4.

Policy LE2: Supporting Small Scale Business Growth

- 3.124 Policy LE2 supports the development of new and expanded small businesses within the plan area outside the Trading Estate and sets out factors to be taken into account in the consideration of such proposals.
- 3.125 NPPF paragraph 28 supports the development of prosperous rural areas. Leeds Core Strategy does not include a specific policy on the development of small businesses in rural areas.
- 3.126 The policy wording is considered to be imprecise and unclear and modifications are proposed to ensure that it can be used consistently by decision makers.
- 3.127 Subject to the modifications, it is considered that the policy meets the Basic Conditions.

Recommendation 11: Revise Policy LE2 to read:

“The development of new and *the extension of existing businesses should be of a scale that is appropriate to the location and should not:*

- a) *give rise to an increase in traffic movements or the use of heavy goods vehicles that would have an unacceptable impact on the local road network; or***
- b) *have an unacceptable impact on residential amenity in terms of noise or light pollution.*”**

Policy LE3: Farm Diversification

- 3.128 The policy sets out matters to be considered in proposals for farm diversification.
- 3.128 NPPF paragraph 28 supports the development of prosperous rural areas. Leeds Core Strategy does not include a specific policy on the development of small businesses in rural areas.
- 3.129 The policy wording is considered to be imprecise and unclear and modifications are proposed to ensure that it can be used consistently by decision makers.
- 3.130 Subject to the modifications, it is considered that the policy meets the Basic Conditions.

Recommendation 12: Revise Policy LE3 to read:

“Development proposals for the diversification of farms *should*:

- a) not have a significant negative effect upon the landscape;**
- b) manage any significant increases in traffic arising from the diversification so as to minimise its impact *on the local road network; and***
- c) help to sustain local employment.”**

Projects and Aspirations

- 3.131 This section sets out a number of projects that the Parish Council wishes to pursue to support the delivery of the policies of the Neighbourhood Plan. They will be funded through Community Infrastructure Levy and other sources. It is noted that the projects include the provision of playing fields, allotments and a footpath on land proposed as a housing allocation in the Leeds Site Allocations Plan. As this is an aspirational project, there is no reason why this should be removed from this section of the Plan as it would not place a restriction on the development of the land for housing if the site were to be allocated in the Site Allocations Plan. Indeed, it serves to flag up the locally identified needs for additional open space.
- 3.132 A representation has been made concerning the identification of projects on the land proposed in the Leeds Site Allocations Plan for housing. The representation also notes that the Cricket Club is considering their options for the improvement of the club’s ground and facilities to meet their aspirations.
- 3.133 Two representations have been received about the use of the field at Thorp Arch Grange for an equipped children’s play area. As this is a project proposed by the Parish Council and is not a policy of the Neighbourhood Plan, I have no comments to make on the proposal.

3.134 This section does not include any development policies and paragraph 4.1 states that it does not form part of the policy framework of the plan. No modifications are proposed to the Projects and Aspirations section of the plan.

4.0 Referendum

- 4.1 The Thorp Arch Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- 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 contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Leeds City Council that the Thorp Arch Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I have considered the proximity of the Neighbourhood Plan area to the villages of Boston Spa and Walton, in all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by the Leeds City Council on 17 September 2012.

5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- Thorp Arch Neighbourhood Plan Submission Draft Version March 2017
- Thorp Arch Neighbourhood Plan Basic Conditions Statement
- Thorp Arch Neighbourhood Plan SEA / HRA Screening Report
- Thorp Arch Neighbourhood Plan Consultation Statement
- Thorp Arch Site Assessments
- Thorp Arch Housing Market and Needs Assessment
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Leeds Local Development Framework Core Strategy adopted 12th November 2014
- Leeds UDP 2006 Saved Policies
- Leeds Site Allocations Plan Submission Draft 2017
- Thorp Arch Conservation Area Appraisal and Management Plan 2009.

6.0 Summary of Recommendations

Recommendation 1: Show all the site specific policies on the Policies Map cross referenced to more detailed maps, where appropriate.

Recommendation 2: Revise objective iii) to read: “*To provide new residential development that is well designed and that delivers housing that meets the needs and aspirations of the local community, with adequate parking and open spaces.*”

Recommendation 3: Revise Policy BE2 as follows:

Revise the first line of Policy BE2 to read “*Throughout the Plan area outside the Thorp Arch Conservation Area*”

Revise criterion a) to read: “*...so that the height and massing of new development does not overwhelm.....*”

Add an additional criterion “*d) Innovative building designs will be encouraged, where appropriate.*”

Recommendation 4: Revise Policy BE3 as follows:

Revise the Policy Title to “Green Spaces”

Revise the first paragraph to read: “*The following sites shown on the Proposals /Inset Maps are designated as Local Green Spaces:*” and delete the final paragraph.

Add the following after the first paragraph: “*Proposals for development on these Local Green Spaces will only be permitted in very special circumstances in accordance with national policy on Green Belts.*”

Delete sites C, D, F and K and remove from the Policies Map and Map 7.

Correct the boundaries shown on the Map for sites G and H to include the small area at its south west corner.

Show the cricket pitch with a different notation on the Policies Map as a Safeguarded Pitch and include the following policy to safeguard the cricket pitch:

“*The cricket ground is a safeguarded playing pitch under Core Strategy Policy G6.*”

Revise the supporting text in the justification to explain how this aspect of the policy is to be interpreted. “*The Core Strategy policy safeguards the cricket pitch but includes some flexibility to consider any future proposals for the improvement of the facilities on the site. Any proposals for the re-use of the existing sports ground should demonstrate that reasonable efforts have been made to secure its*

continued use as a cricket pitch or other form of green space and/or alternative green space provision is made in an accessible location in the plan area.”

Add the following additional text to the justification: *“If the housing site north of the prison is allocated for housing development in the Site Allocations Plan, green space shall be provided on the site in accordance with locally identified needs or a football pitch.”*

Recommendation 5: revise the title and first paragraph of Policy BE4 to read:

“Protecting Non-Designated Heritage Assets: The following have been identified as non-designated heritage assets:”

Revise the Policy and justification to refer to “assets” instead of “features.”

After a) the old railway bridge and d) Thorp Arch Mill weir add “(part within Thorp Arch parish)”

Show the buildings and features and their curtilages on the Policies Map linked to more detailed maps showing the location and curtilages. Include descriptions and photographs of each property in an Appendix.

Recommendation 6: Revise Policy CNE1 as follows.

Revise the first paragraph of Policy CNE1 to read: “Proposals for development *outside* the built up areas *shown on the Policies Map* should.....”

Show the boundaries of the built up areas on the Policies Map which should include Thorp Arch village, the housing areas, the prison and Thorp Arch Estate.

Link the map of key viewpoints to the Policies Map.

Recommendation 7: Include the Sites of Ecological and Geological Importance and any other biodiversity sites relevant to Policy CNE4 on a Map linked to the Policies Map and cross reference it from the justification.

Recommendation 8: revise Policy H1 as follows:

Delete the first and second paragraphs of Policy H1: “Development of the site of the former Social Club..... nearby Walton Chase.” and replace with “*The site of the former social club is a housing commitment.*” Include the details of the planning permission in the justification.

Revise the last two sentences of the final paragraph of section ii) Evidence of the introduction to the policy to read: “*The site of the former prison social club (SHLAA site 4079) is considered to be suitable for housing development. The Council resolved to approve outline*

planning permission in June 2017 for 23 dwellings on the site subject to the approval of reserved matters and a Section 106 Agreement.”

Update the introduction to Policy H1 to include reference to the proposed strategic housing allocation in the Site Allocations Plan. Correct the typographical error in the final paragraph of the Issues section.

Recommendation 9: Delete the first paragraph from Policy CF1.

Recommendation 10: Delete Policy LE1 and the supporting text under paragraph 3.6.1.

Add a community aspiration to Section 4 along the lines of *“The Parish Council will support the retention / allocation of the Thorp Arch Estate for mixed use employment.”* Move the relevant background text to Section 4.

Recommendation 11: Revise Policy LE2 to read:

“The development of new and the extension of existing businesses should be of a scale that is appropriate to the location and should not:

- c) give rise to an increase in traffic movements or the use of heavy goods vehicles that would have an unacceptable impact on the local road network; or***
- d) have an unacceptable impact on residential amenity in terms of noise or light pollution.”***

Recommendation 12: Revise Policy LE3 to read:

“Development proposals for the diversification of farms should:

- a) not have a significant negative effect upon the landscape;***
- b) manage any significant increases in traffic arising from the diversification so as to minimise its impact on the local road network; and***
- c) help to sustain local employment.”***