

WALTON NEIGHBOURHOOD PLAN

Submission Draft Version

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

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Contents:

	Page
1 Summary	3
2 Introduction	4
3 The Neighbourhood Plan - as a Whole	14
The Neighbourhood Plan - Policies	15
4 Referendum	31
5 Background Documents	32
6 Summary of Recommendation	33

1.0 Summary

- 1.1 The Walton Neighbourhood Plan has been prepared to set out the community's wishes for this parish which contains the village of Walton, part of the Thorp Arch Estate and surrounding countryside.
- 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:
 - Deleting Local Green Space sites LGS2 and LGS3;
 - Revising Policy HG2 to identify the proposed play area and village green as new green space proposals;
 - Deleting Policy HG6, Policy H5, part of Policy T2 and part of Policy BE3;
 - Clarification of the wording of policies and the supporting text; and
 - Improvements to the mapping of 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 Walton Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

Background Context

- 2.1 This report sets out the findings of the examination into the Walton Neighbourhood Plan (referred to as the WNP throughout this report).
- 2.2 Walton Parish lies about two miles to the north-east of Wetherby within the boundary of the Leeds Metropolitan District. It is a rural parish with an historic village at its core containing a conservation area and several listed buildings. The parish also contains about half of the former Royal Ordnance Filling Factory, now the Thorp Arch Estate which is a major employer with large commercial businesses. In 2011 there were 225 people living in Walton in 96 households.

Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination of the Walton Neighbourhood Plan by Leeds City Council with the consent of Walton Parish Council in December 2017. I do not have any interest in any land that may be affected by the WNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute 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.

Role of the Independent Examiner

- 2.4 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 the legislative requirements are met:
- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area); and
 - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.

- 2.5 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)).
- 2.6 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.
- 2.7 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.

- 2.8 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 comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
- 2.9 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. 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.

The Examination Process

- 2.10 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.
- 2.11 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.
- 2.12 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the Walton Neighbourhood Plan 2017 – 2033.
- 2.13 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.
- 2.14 I have undertaken an unaccompanied visit to the Plan area and viewed the sites referred to under the policies in the plan.

Legislative Requirements

Qualifying Body

- 2.15 The neighbourhood plan making process has been led by Walton 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.

- 2.16 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the Town and Country Planning Act (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act) have been met.

The Plan Area

- 2.17 The Neighbourhood Plan area is co-terminus with the parish of Walton prior to the minor amendments to the boundary with Thorp Arch parish undertaken in 2014. The Neighbourhood Area was designated on the 17 September 2012 by Leeds City Council. Paragraph 1.2 of the Neighbourhood Plan incorrectly suggests that the parish boundary review was undertaken in 2015. A modification is recommended to section 1.2 to better explain the review process. The Qualifying Body has confirmed that there are no other neighbourhood plans relating to that area.
- 2.18 This satisfies the requirements of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

Recommendation 1: Revise the second paragraph of section 1.2 to read
“Following a review of the Parish boundary in 2014, the City Council approached both Walton and Thorp Arch Parish Councils in 2015 regarding the potential of changing the boundaries of the Neighbourhood Areas to accord with the revised parish boundaries. Following consideration by both Parish Councils it was agreed that the Neighbourhood Plans should be based on the Neighbourhood Areas as originally designated; the boundary for the Walton Neighbourhood Plan is shown on Map 1.”

Plan Period

- 2.19 A neighbourhood plan must specify the period during which it is to have effect. Paragraph 1.3 of the Basic Conditions states that the lifespan of the Neighbourhood Plan is to extend to the end of 2033 and the front cover of the Neighbourhood Plan shows the date 2017 - 2033.

Excluded Development

- 2.20 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.

Development and use of land

- 2.21 The Neighbourhood Development Plan should only contain policies relating to development and use of land. Subject to the modifications proposed, the

WNP policies would be compliant with this requirement of Section 38B of the Planning and Compulsory Purchase Act 2004 as amended.

- 2.22 The submitted Plan contains a number of non-land use Community Actions and these are clearly distinguished from the land use planning policies. In Recommendation 17 I have proposed a modification to improve the wording of the Plan to explain the role of the Community Actions.
- 2.23 I am satisfied therefore that the Walton Neighbourhood Plan satisfies all the legal requirements set out in paragraph 2.4 above.

The Basic Conditions

Basic Condition 1 – Has regard to National Policy

- 2.24 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”.
- 2.25 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.”
- 2.26 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.”*
- 2.27 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.”*
- 2.28 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.

2.29 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*”.

2.30 I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

Basic Condition 2 - Contributes to sustainable development

2.31 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.

2.32 There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However, good practice suggests that where neighbourhood plans are allocating land for development an appraisal should be carried out.

2.33 Table 3 of the Basic Conditions Statement contains an assessment of the sustainability of the Neighbourhood Plan’s policies in terms of how it will deliver sustainable development with regards to economic, social and environmental aspects. It shows that the Plan’s policies are, in the main, either neutral in effect or will make Walton more sustainable. Further evidence of the sustainability of the Plan is presented in the “Site assessment and Rationale Report for the Walton Neighbourhood Development Plan”. I consider that these documents demonstrate that Basic Condition 2 has been met.

Basic Condition 3 – is in general conformity with strategic policies in the development plan

2.34 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.

- 2.35 Leeds City Council is preparing the Leeds Site Allocations Plan (SAP). It is well advanced and currently at the examination stage with the revised submission draft Plan being submitted to the Secretary of State on 23 March 2018. Whilst there may be some of the evidence base for this plan which has a bearing on my consideration of the basic conditions, it is the Core Strategy and UDP saved policies that currently set out the adopted strategic policies and which must be used in assessing the plan against Basic Condition No 3.
- 2.36 The Council raised no concern over general conformity with the strategic policies of the development plan. I consider in further detail in Section 3 below the matter of general conformity with the strategic policies of the plan.

Basic Condition 4 – Compatible with EU obligations and human rights requirements

- 2.37 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 and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.38 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (Leeds City Council) that the plan is not likely to have “significant effects.”
- 2.39 A screening opinion for the purposes of Strategic Environmental Assessment and Habitats Regulations Assessment was undertaken by Leeds City Council in May 2017. The Screening Report concludes that:

“It is considered that it is unlikely that any significant environmental effects will arise as a result of the draft Walton Neighbourhood Plan. Consequently, the assessment within Table 1 concludes (subject to HRA screening outcome), that an SEA is not required when judged against the application of the SEA Directive criteria.

“No sensitive natural or heritage assets will be significantly affected by proposals contained 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 Development Plan. Finally, none of the environmental consultation bodies raised any concerns regarding any likely significant environmental effects.”

- 2.40 The Neighbourhood Area is in relatively close proximity to the Kirk Deighton Special Area of Conservation (SAC) - the only internationally-designated site within a 15km radius of the Walton Neighbourhood Area boundary. However,

screening has determined that the draft Walton Plan is not likely to cause a 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)).

- 2.41 The statutory environmental bodies: Historic England, Natural England and the Environment Agency were consulted on the screening reports and they concurred that no further assessment was required.
- 2.42 I am satisfied that the SEA and HRA screening opinions have been carried out in accordance with the legal requirements.
- 2.43 The Basic Conditions Statement includes a section on Human Rights and states in paragraph 6.1 that “*The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.*”
- 2.44 However, no assessment has been provided of how the plan has had regard to Human Rights. I have asked the Qualifying Body to confirm the steps they have taken to ensure that the views of all sections of the community including the hard to reach groups have been canvassed and taken into account in preparing the Plan. From the evidence provided, I am satisfied that they have met the requirements of the Human Rights Act. It is, however, recommended that an assessment of how the plan making process has had regard to Human Rights should be included in the Basic Conditions Statement.

Recommendation 2: Include an assessment of how the plan has had regard to the Human Rights Act in the Basic Conditions Statement.

- 2.45 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that subject to the modifications under Recommendation 2, the WNP is compatible with EU obligations and therefore meets Basic Conditions Nos 4 and 5.

Consultation on the Neighbourhood Plan

- 2.46 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.
- 2.47 The Consultation Statement sets out an overview of the various stages on consultation that have been carried out during the preparation of the Walton Neighbourhood Plan. It highlights the aims of each stage of the consultation and the main themes that emerged. Feedback from each stage of the consultation is recorded in the Appendices of the evidence report.
- 2.48 The preparation of the Neighbourhood Plan commenced in 2011 with a series of community engagement activities and events – including letter drops; village meetings; a consultation weekend in April 2012 along with external

stakeholder communication. It led to a draft Plan which was sent to Leeds City Council in 2013 for early comment.

- November 2011 – June 2014, 11 Steering Group meetings were held open to residents of the Parish.
- 28 – 29 April 2012 – weekend village open events, consultation on the emerging Plan.
- October 2012, first draft of the Plan prepared.
- 2013 Draft Plan forwarded to Leeds City Council

2.49 However, following uncertainties around a 2,000 dwelling development proposal in the adjacent parish of Thorp Arch, the Walton Neighbourhood Plan was put on hold in 2014. The work was picked up for a second phase of consultation in January 2016.

- Building the Picture – Initial Consultation (February 2016 – May 2016). This was a period of building on and developing the earlier work of 2012. Developing a future Vision for Walton and the early shaping of the supporting Policies. This culminated in a village workshop on 14 May 2016.
- Themes and Propositions – Testing the Thinking (June 2016 – December 2016). Options for the vision were tested and potential housing sites considered at the two day community consultation events at the village hall in late June 2016.
- Intentions Document was circulated with a questionnaire on 30 September 2016. It comprised a summary view of the revised Vision and the Policy Themes (heritage and green spaces; community facilities; transport; housing and business/employment).
- Letters and meetings with businesses in the parish and those on the nearby Thorp Arch Estate in 2017.
- Consultation with potential housing site owners in 2017.
- Written communication with external interested parties and stakeholders between late 2016 and mid-2017
- Detailed conversations and engagement with key neighbouring parishes took place on from early 2017.

2.50 The draft plan was consulted on under Regulation 14 from 19 August 2017 for six weeks. A copy of a summary document was circulated to every home in the Parish with a questionnaire. Two village meetings were held on 2 and 30 September. Full copies of the plan were available locally. Sixty-five questionnaires were returned from this parish with 96 households. Statutory consultees were informed of the consultation.

2.51 The Regulation 16 consultation on the Submission Draft Plan was undertaken by Leeds City Council between 5 February and 19 March 2018. Twenty-eight representations were received, some making several comments. Fifteen representations gave general support to the proposals of the Neighbourhood Plan or specific support to the proposals for new footpaths, the play area and new housing.

- 2.52 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.
- 2.53 This report is the outcome of my examination of the Submission Draft Version of the Walton Neighbourhood Plan 2017 - 2033. 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.

3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires 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. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The Plan is clearly and coherently presented with policies and community actions relating to heritage and green spaces, community facilities, transport, housing, business and employment. Three sites are proposed for allocation for housing development. The Community Actions are distinguished from the planning policies by background shading. However, there is little to distinguish the policies from the supporting text other than the policy heading. It would be helpful to plan users if the policies were set out in bold text or set in a surrounding box.
- 3.5 A Policies Map is included which shows the sites referred to in the Plan. This is barely legible. Map 7 shows clearer maps of the three housing sites; it would be helpful to plan users to include these site plans as inset maps to the main Policies Map to ensure that the boundaries of the sites can be clearly identified.
- 3.6 The key proposals of the Plan are set out in Policy H2. I have concerns that no evidence has been presented with the Submission Plan to demonstrate that the package of proposals is viable and deliverable in accordance with national planning policy requirements. To address my concerns, the Qualifying Body has undertaken an assessment of the viability of the proposals which has demonstrated that the scheme is comfortably viable.

Recommendation 3: Distinguish the Plan’s policies from the supporting text, for example by setting them in boxes. Include more detailed inset maps of the sites on the Policies Map.

The Neighbourhood Plan - Policies

Introduction

- 3.7 The Introductory section of the Plan is well presented and gives a clear and concise overview of the process of preparing the plan including a summary of the consultation process and the site selection process. Section 2 gives a brief history of the village and provides an overview of the community today. It also highlights the history and development of the Thorp Arch Estate.
- 3.8 The Vision and Objectives were developed through community workshops and consultation. The Vision seeks to strike a balance between modernising and safeguarding the important assets. It *“reflects a desire to develop, improve and offer some carefully and sensitively managed modernisation to ensure sustainability and to keep up with the times – but to do so in a way that respects, values and builds on the village’s remarkable historical legacy. It invites a sense of moving forward, but bringing the best of the protected history with us.”*
- 3.9 The Vision is “unpacked” into six objectives which are developed into the five themes of the Plan. The introduction to each section identifies the relevant objectives. Within each of the Policy chapters there is an explanation about what the policies seek to achieve, the relevant Core Strategy policies and evidence that supports them and the associated Community Actions which represent a set of aspirations for the Walton Parish Council.

Heritage and Green Spaces

Policy HG1: Local Green Spaces

- 3.10 The policy proposes the designation of three sites as Local Green Spaces under the provision of paragraph 76 – 77 of the NPPF.
- 3.11 Paragraph 77 sets out the factors to be used in assessing the suitability of sites for designation as Local Green Space. It states *“The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- *where the green space is in reasonably close proximity to the community it serves;*
 - *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - *where the green area concerned is local in character and is not an extensive tract of land.”*

- 3.12 The Appendices includes a brief assessment of how the proposed sites satisfy the factors set out in NPPF paragraph 77. However, I have particular concerns about whether sites LGS2 and LGS3 satisfy the NPPF criteria.
- 3.13 Site LGS2 to the west of the Village Hall is currently part of an agricultural field and there is no public access. The Parish Council is proposing that it should become a new green space with a children's play area. However, the site has not yet been laid out. It is therefore considered that the site does not satisfy the requirements of NPPF paragraph 77 in that it is not possible to demonstrate that the area is a green area that is demonstrably special to the local community and holds a particular local significance. However, as the proposal is well advanced with a planning application under consideration, I consider that it would be appropriate to include the site as a proposed new green space under a revised Policy HG2 to help meet the identified shortfall in the village.
- 3.14 Site LGS3 Ridge and Furrow Field is located at the corner of School Lane and Wetherby Road. It is agricultural land and there is no public access. I have asked the Qualifying Body to provide me with evidence to support the historic significance of the site. They have stated that the ridge and furrow features date from the late 1800s and were intended for drainage purposes. However, the Walton Conservation Area Appraisal does not highlight any historic significance of the field to distinguish it from other areas of agricultural land around the village. The Conservation Area Appraisal notes the medieval ridge and furrow land to the north of the church but makes no reference to site LGS3.
- 3.15 I am not satisfied that the evidence provided demonstrates that the site has particular historic significance to satisfy the requirements of NPPF paragraph 77 in that it is not possible to demonstrate that the area is a green area that is demonstrably special to the local community and holds a particular historic significance.
- 3.16 In order to accord with the guidance in the NPPF on the designation of Local Green Space and to satisfy Basic Condition 1, it is recommended that sites LGS2 and LGS3 should be deleted from Policy HG1 and the sites deleted from the Policies Map.
- 3.17 The wording of the policy is ambiguous and confusing as it combines the designation of the Local Green Spaces and the policy approach to considering development proposals on them. A modification is recommended to clarify the policy wording to ensure it accords with NPPF paragraphs 78 and 87.

Recommendation 4: Revise the wording of Policy HG1 to read:

“The following area is designated as a Local Green Space: LGS1 Churchyard.

“Development on the Local Green Space will not be approved other than in very special circumstances.”

Delete sites LGS2 and LGS3 from Policy HG1 and the Policies Map.

Policy HG2: New Green Spaces

- 3.18 The policy seeks to secure new greenspace provision through new housing development to address the deficits in the parish which are set out in Table 1. This table shows that there is an overall surplus of green space in the parish largely as a consequence of the location of the cricket pitch in the village. The Parish Council is proposing to develop a children’s play area on land adjacent to the village hall to address the deficit in play facilities. The proposals for the housing development at the site off Spring Lane specify that 40% of the site should be retained as open space for a village green which will help meet the deficit for amenity and natural green space.
- 3.19 Other development opportunities, including the other site allocations, are likely to be small scale and are unlikely to be able to accommodate publicly accessible green space within the site. Where CIL payments are made, the Qualifying Body has confirmed that they will be used to deliver community objectives including the provision of green space.
- 3.20 As worded Policy HG2 does not make it clear what types of open space are required, where they are to be provided or how they are to be delivered. However, it is acknowledged that the two proposals in the plan for a play area and village green will help to meet the parish’s need for additional green space.
- 3.21 NPPF paragraph 204 sets out the tests for the acceptability of planning obligations including that planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. They should not be used to remedy a deficit.
- 3.22 It is recommended that this policy should be revised to set out clearly how developers of other housing sites should contribute towards the provision of the new green space to meet the needs of their new development where this cannot be provided on site, for example through Community Infrastructure Levy.
- 3.23 Criterion b) of the policy states that new green spaces should be well connected to residential areas and other community facilities. This is a matter that should have been taken into account in the choice of the proposed sites for new green space and there is no need to include it in the policy. I have concerns that there is no footpath access to the proposed village green and it is only accessible by road. However, the development proposals include a new footpath link and improvements to the highway. There is also a Community Action to improve the rights of way network in the parish.

- 3.24 It is considered that the policy does not accord with national planning policy as it is not clearly and unambiguously worded so that it could be applied consistently by decision makers and therefore does not satisfy Basic Condition 1. The recommendation proposes modifications to overcome this by allocating the green space proposed in the Plan: the children’s play area which is proposed to be deleted from Policy HG1 and the proposed village green included in the proposals under Policy H2. Additional text should be added to the justification to explain how the new green spaces are to be delivered, for example, through Community Infrastructure Levy and other sources of funding.

Recommendation 5: Revise Policy HG2 as follows:

“New green space shall be provided to meet the identified shortfall in the parish and the needs of new housing development at:

- A) Land to the west of the village hall (site NGS1) is allocated for a children’s play area.***
- B) Land to the west of Springs Lane (site NGS2) is allocated as a village green.”***

Add text in the justification to explain how the green spaces will be delivered eg through CIL payments. Show sites on Policies Map.

Policy HG3: Local non-designated heritage assets

- 3.25 The policy proposes the designation of 5 structures as non-designated heritage features. Appendix 3 provides a brief description of each structure. The location of each is shown on the Policies map. Photographs of some of the structures are included within the text of the justification.
- 3.26 Although the policy is headed “Local Non-designated heritage assets”, the policy is not explicit about the status of the designation and is worded that the assets are identified for conservation. To improve the clarity of the policy, a modification is recommended to designate the structures as “non-designated heritage assets”.
- 3.27 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.
- 3.28 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.

- 3.29 It would be helpful to plan users to include a fuller description of the significance of each structure that is designated under this policy with photographs and detailed location plan in the Appendix.
- 3.30 I have considered the merits of each building and from the limited information available have no reason to question the merits of the World War II assets identified on the Thorp Arch Estate. The direction pointers of the West Riding signpost have unfortunately been replaced by modern pointers and it has as a consequence lost its integrity. The Rudgate Roman Road is a tarmacked road with an extension into the industrial estate. The description in Appendix 3 states that it is “Believed to follow the course of the Roman Road”. It is considered that its historic significance is not clearly justified, and it should not therefore be included in the policy.
- 3.31 Policy HG3 states that development proposals should have regard to how it might impact on the “sustainability” of the heritage asset. It is not clear how this is to be interpreted. It is recommended that the terminology be revised to accord with that of the NPPF and Core Strategy.

Recommendation 6: Revise Policy HG3 as follows:

Revise the first sentence of the policy to read: “The following assets have been *designated as non-designated heritage assets.*”

Delete the West Riding road sign post and the Rudgate-Roman Road from the policy, the Policies Map and supporting documentation.

Revise the second sentence of the policy to read “*Development proposals affecting these assets should demonstrate how they will contribute to the conservation and enhancement of these non-designated heritage assets.*”

Include fuller descriptions of the significance of the structures identified as *non-designated heritage assets* with photographs in the Appendix together with more detailed maps to show the structures and their curtilages.

Policy HG4: Design in the Village Centre

- 3.32 The policy sets out a number of factors to be considered in the design of new development. The policy is headed “in the Village Centre”, however, the area to which the policy is to be applied is not shown on the Policies Map. A recommendation is made to clarify the interpretation of the policy that the boundary of the area to which the policy applies should be shown on the Policies Map.
- 3.33 Paragraph 58 of the NPPF sets out the national planning policy approach to promoting good design in development. It is considered that Policy HG4 will contribute to the conservation of the historic environment and landscape

setting of the historic village which is designated as a conservation area in accordance with national and local strategic policies.

- 3.34 Subject to the modification it is considered that the policy meets the Basic Conditions 1 and 3.

Recommendation 7: Show the boundary of the area to which Policy HG4 applies on the Policies Map.

Policy HG5 Key Views

- 3.35 The policy states that development proposals should respect and maintain 16 key views in order to maintain the character and appearance of the village. The views include five from the approach roads into the village where the church can be seen which are identified in the Walton Conservation Area Appraisal. The remainder are views along the roads in the village and from the rear of the church to the surrounding countryside.
- 3.36 I have considered whether the policy would give rise to a blanket restriction on development around the village contrary to national policy. I consider that the policy is worded with sufficient flexibility so as not to place a blanket restriction on development around the village. The policy will contribute to the conservation of the setting of the historic church and conservation area in accordance with Core Strategy Policy P11.
- 3.37 It is considered that Policy HG5 meets Basic Conditions 1 and 3.

Policy HG6 Former Thorp Arch Royal Ordnance Filling Factory

- 3.38 This policy proposes that a design code and design parameters should be developed for the Thorp Arch Estate in partnership between Leeds City Council, Walton Parish Council, the owners of the Estate and Historic England in order to provide a robust framework for bringing forward the detailed aspects of any future development and securing the heritage significance of the site.
- 3.39 It is considered that this is an aspiration for a Community Action and not a land use planning policy and therefore does not meet Basic Condition 1. It is recommended that it should be deleted and revised to form a Community Action.
- 3.40 Policy BE3(c) sets out a requirement for development proposals in the boundaries of the ROFF to take place within the context of an agreed design code. The new Community Action could be placed in the Business and Employment Section alongside Policy BE3 as revised.

Recommendation 8: Delete Policy HG6. Include the aspiration as a Community Action within the Business and Employment Section.

Community Facilities

Policy CF1: Protecting existing community assets

- 3.41 This policy proposes firstly that the church, village hall and public house are to be nominated as assets of community value. Secondly it proposes that reasonable efforts should be made to secure their continued use for their current use and/or alternative provision is made.
- 3.42 The nomination of assets of community value is a matter for the local community and is not a land use planning matter. The first part of the policy does not therefore accord with national policy and should be deleted and rephrased as a Community Action.
- 3.43 The Neighbourhood Plan policies cannot indicate whether planning permission should be permitted for a particular form of development. NPPF paragraph 2 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan consists of the Local Plan as well as the Neighbourhood Plan and there may be other matters that have to be considered before granting planning permission. Modifications are proposed to these policies to avoid this form of wording to take account of national policy.
- 3.44 It would be helpful to plan users to include an explanation in the justification about what measures will be expected to demonstrate that reasonable efforts have been made to secure their continued use.

Recommendation 9: Revise Policy CF1 as follows:

Delete the first sentence.

Revise the second sentence to read: “*Proposals for the change of use of a community facility listed below shall demonstrate that reasonable efforts have been made to*”

Include an explanation in the justification about what measures will be expected to be undertaken to demonstrate that reasonable efforts have been made to secure their continued use.

Policy CF2: New and improved community facilities

- 3.45 The policy sets out criteria to be used in considering new or improved community recreational facilities. It is considered that the policy accords with Core Strategy Policy P9 and satisfies the Basic Conditions.

Transport

Policy T1: Traffic Management

- 3.46 The policy requires contributions towards traffic calming and control measures from development proposals that directly access the main routes through the village. These are to be proportional to the size and development and anticipated traffic flows.
- 3.47 Leeds City Council has confirmed that traffic calming and control measures are not on the Regulation 123 list, so it would not be unreasonable to request Section 106 funding if they were required. Alternatively, the Parish Council could propose that their preferred traffic calming scheme be funded from their own CIL monies.
- 3.48 It is considered that the Policy meets Basic Conditions 1 and 3.

Policy T2: Public Rights of Way

- 3.49 The first part of the policy asks that where feasible all new housing developments should provide safe pedestrian access to existing footpaths. It is considered that this is deliverable and includes a measure of flexibility.
- 3.50 The second part of the policy sets out a more wide ranging and onerous requirement that “any new development” should demonstrate how it improves off road and non motorised routes that link the village together and to the surrounding countryside and nearby communities and facilities.
- 3.51 The Plan includes details of aspirational off road routes and includes a Community Action to create a more extensive network of paths within the parish. The proposals under Policy H2 seek to improve the connectivity of the site through a pedestrian footway to the village. The other housing allocations do not include any requirements on improved pedestrian routes.
- 3.52 As worded, the second part of Policy T2 could be applied to all forms of development and does not set out clear and deliverable requirements as to how development proposals are to contribute to the footpath improvements in the parish.
- 3.53 It is therefore considered that the second part of Policy T2 does not accord with national policy as it is not deliverable and is not clear and unambiguous.

Recommendation 10: Delete the second part of Policy T2 and criteria a) to c).

Housing

- 3.54 Walton is a small village in the rural area in the Outer North East Housing Market Characteristic Area where only limited housing development has been envisaged in the Leeds UDP and Core Strategy. Core Strategy Policy H2 sets

out the principles to be considered in assessing the suitability of small scale windfall sites. Factors to be considered include

- the capacity of transport, educational and health infrastructure;
- for developments of 5 or more dwellings the location should accord with the plan's Accessibility Standards;
- a site should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area.

3.55 The UDP identified the countryside around the village as Rural Land. The emerging SAP proposes that this area of countryside should become Green Belt. The City Council and Parish Council has prepared a Statement of Common Ground which states that:

"It is agreed that it was not the intention of the Council's Green Belt proposals to seek to prevent any locally-led small-scale housing proposals being brought forward through a Neighbourhood Plan, where appropriate.

"It is agreed that should the housing allocations within the NP form part of the Made NP that the Council will notify the SAP Inspectors and seek to make minor changes to proposed new SAP Green Belt boundary to exclude the housing sites (if deemed necessary)."

3.56 Consultations with the community have sought views on the scale of development in the plan in terms of "up to 20 dwellings" and "over 20 dwellings" and have considered the suitability of 7 sites of varying sizes around the village which were selected in discussion with the Local Planning Authority. The site assessment criteria have been developed from the plan's objectives.

3.57 The Sites Assessment Document includes a description of the sites and an assessment of the seven sites against the assessment criteria. Table 2 in this document which is also included in the NP as Table 2 incorrectly refers to these as "Sustainability Objectives". I have proposed a modification to correct this by deleting the word "sustainability" from the title to Table 2 in the NP and Sites Assessment Document.

3.58 The introduction to the Housing section of the Plan sets out a succinct summary of the background evidence, including the process of site selection, prepared to justify the housing site allocations.

3.59 The identification of potential sites commenced with a discussion with senior planning officers from Leeds City Council who were asked to give an independent assessment of the neighbourhood area to indicate all potential sites that they deemed suitable for residential development. They were informed of the villagers strongly expressed aspiration to protect views of the church from all approach roads into the village. In addition, sites known to have been previously considered and land that had previously been subject to

planning applications were discussed. As a result of this assessment, a total of seven sites were identified as potentially suitable and sustainable.

- 3.60 The PPG states that “*A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.*” I am satisfied that an assessment of potential sites has been carried out as required by national planning policy and consulted on with the community.
- 3.61 In order to understand the housing need of the area, the Walton and Thorp Arch Housing Market Assessment (HMA) was produced on behalf of Leeds City Council by Re’New (January 2016). It assessed housing market conditions of both Walton and the adjacent village of Thorp Arch and projected anticipated additional demand. The breakdown of anticipated demand demonstrated that there ought to be a focus on provision of smaller “starter homes” and opportunities for the elderly seeking to downsize in new housing development.
- 3.62 The Housing Market Assessment also demonstrated that beyond local identified need in Walton, there is evidenced local demand arising from the surrounding area (Wetherby) potentially expressing demand in the Walton / Thorp Arch area.
- 3.63 The Sites Assessment report includes an evaluation of the changing population and housing trends from Census data.
- 3.64 A representation has been made putting forward an alternative site. The Qualifying Body has stated that the site was only brought to their attention at the Regulation 14 (pre-Submission Plan stage). As the site was a small infill site in the Conservation Area there were concerns about the possible impact of development proposals on the Conservation Area which could only be assessed through the consideration of detailed proposals set out in a planning application. I agree with the Qualifying Body that although the site has not been considered as an option in the plan, the proposed development of the site could be considered through a planning application as an infill site.
- 3.65 It is evident that the plan makers are seeking to deliver a housing development that would include additional open space to meet the deficit identified under the Green Spaces section and to deliver a suitable mix of housing including affordable social housing, starter homes, family homes and homes suitable for older people wishing to downsize. The sites included in the assessment, however, are limited in that only one site was included in the assessment that was large enough to accommodate sufficient homes to provide a reasonable mix of housing and the open space.

Recommendation 11: Delete “sustainability” from the title and heading to Table 2 in the WNP and Sites Assessment Document.

Policy H1: Sites for new homes

- 3.66 The policy allocates three sites for housing development and sets out eight design principles. The first paragraph of the policy refers to Policy HG4 and repeats the last paragraph in the justification. It is considered to be unnecessary repetition and I recommend that it be deleted.
- 3.67 The second paragraph is not clearly worded and a revision is proposed to allocate the sites for “housing”.
- 3.68 The policy is worded that “approximately 20 new homes” are to be provided and this gives an indication of the amount of new development envisaged without setting a limit or target. However, some of the background evidence reports refer to “up to 20 homes”. It is recommended that the justification and background evidence reports are reviewed to ensure that, as appropriate, they are consistent with the wording of the policy.

Recommendation 12: Revise Policy H1 as follows:

Delete the first paragraph of the policy referring to Policy HG4.

Revise the second paragraph to read: “...are allocated for *housing to provide* approximately 20 new homes within the plan period.”

The justification to the policy and background evidence should be revised, as appropriate, to be consistent with the wording of the policy.

Policy H2: Land west of Springs Lane / Walton Cricket Pitch

- 3.69 Site H2 at Springs Lane is the main allocation in the Plan. The Concept Statement in Appendix 4 includes a proposal for a mixed development of 14 dwellings, including affordable homes, a new village green, boundary landscaping, a footpath link to the village and improvements to the highway.
- 3.70 The site is detached from the built up area of the village and approached by a narrow lane that lacks any footways. It is a greenfield site and part of a larger arable field. The justification for the site refers to it helping to “integrate the cricket ground into the village”. I consider that this statement is somewhat optimistic and the likelihood is that the development will result in a small development of houses detached from the main village.
- 3.71 Six representations have been made questioning the suitability of the site at Springs Lane. Comments were made on its location well outside the village meaning that it would not be suitable for starter homes or homes for older people. They proposed that other infill sites should have been considered.
- 3.72 The viability of the proposal has been questioned. I have asked the Qualifying Body whether they have undertaken an assessment of the viability and

deliverability of the proposed development. They have stated that they have worked with the landowner on establishing the key principles of the development.

- 3.73 The PPG states that *“If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”*
- 3.74 As this site is a key proposal of the Plan, I have asked the Qualifying Body to demonstrate that the housing development proposed in Policy H2 and the linked package of proposals is viable. A Viability Assessment has been undertaken which has demonstrated that the scheme is comfortably viable. The design principles have taken account of and build on those set out in the NPPF and Core Strategy Policy P10. It is considered that subject to the modifications set out in Recommendation 13, Policy H2 satisfies Basic Conditions 1 and 3.

Policy H3: Land south of Main Street (Coal Yard)

Policy H4: Land north of Hall Park Road

- 3.75 These policies set out further detailed considerations for each site allocation. The first paragraph of each policy states that development proposals *“should accord with the recommendations and conditions stipulated in H1 and the Concept Statement at Appendix 4, including”*.
- 3.76 The Concept Statement in Appendix 4 sets out supplementary advice in the form of site opportunities and considerations, an indicative layout for each site and general design principles. These principles have been included in the criteria of Policy H1. It is recommended that to avoid the repetition of this paragraph in each policy, it should be included as the final paragraph in the introductory text.
- 3.77 The design principles have taken account of and build on those set out in the NPPF and Core Strategy Policy P10. It is considered that subject to the modifications recommended these policies satisfy Basic Conditions 1 and 3.

Recommendation 13: Revise the first paragraph of Policies H2, H3 and H4 to read:

“In addition to taking account of the criteria set out in Policies HG4 and H1, proposals for developing this site should be designed and laid out to:”

Add the following to the end of the Introduction immediately before Policy H1: *“Appendix 4 sets out the Concept Statement for Housing*

Development in the Walton Plan area. The Concept Statement includes matters to be considered by developers of each site when preparing their proposals including indicative site layouts.”

Policy H5: Residential car parking

- 3.78 This policy is negatively worded and is unclear; it states that development proposals should not result in any development having spaces below the standards set by the City Council. The second sentence refers to “parking site” being accommodated within the curtilage of the development site.
- 3.79 It is considered that the policy is unclear and unnecessary as it adds no locally specific details to the Leeds City Council parking standards and therefore does not accord with national planning policy.
- 3.80 Reference to the need for housing development to comply with the Leeds parking standards could be included in the introduction to the housing section.

Recommendation 14: Delete Policy H5.

Add the following to the introduction to the Housing section: “Parking provision should be made in accordance with the Leeds City Council Parking Standards.”

Business and employment

Policy BE1: Information and Communications Technology

- 3.81 I make no comments on this policy that seeks to improve technology infrastructure.

Policy BE2: Supporting employment and enterprise

- 3.82 This policy supports the development of small scale enterprises including the diversification of land based businesses that meet the needs of and are compatible with the rural character of the parish. The policy cites live-work units as an example of how the policy may be applied.
- 3.83 The policy does not state where it will be applied: whether it is to the whole parish, the village or Thorp Arch Estate. I have asked the Qualifying Body where they intend this policy to be applied. They have stated that it is to be applied throughout the Parish. I consider that the policy is not appropriate for considering proposals on the Thorp Arch estate where large and medium scale development may be feasible. It would be helpful to plan users if the Policy wording or Policies Map showed that it applied to the parish outside the Thorp Arch Estate.

- 3.84 The Qualifying Body has confirmed that the reference to live-work units is intended to show support for those in the village who want to run a business from home and may need ancillary office accommodation which would require a change of use.
- 3.85 It is considered that the example of “live-work” units as a type of development that would be acceptable under this policy could be interpreted as support for new housing with an office or workshop in the countryside outside the village and may not be in accordance with NPPF paragraph 55.
- 3.86 Generally the extension of an existing dwelling to provide ancillary office or other business accommodation would be considered on its merits. The reference to it as an example is ambiguous and adds nothing to this policy. It is recommended that it be deleted.
- 3.87 The policy is considered to be wide ranging and it would be helpful to plan users to explain that development proposals in the countryside should comply with national and strategic policies on development in the countryside.

Recommendation 15: Revise Policy BE2 to read:

“Within the Plan area outside the Thorp Arch Estate.....diversification of land based businesses, that satisfy national and local strategic planning policies, that meet the needs of and are compatible with the rural character of the parish, will be supported provided that they:...”

Show the area to which this policy applies on the Policies Map.

Policy BE3: Thorp Arch estate

- 3.88 The policy sets out general support for the continued growth of small and medium sized enterprises on the Thorp Arch Estate subject to three criteria. The third criterion refers to development taking account of the parameters of an agreed design code for the Estate.
- 3.89 My recommendation on Policy HG6 is that the preparation of the design code should be made a community aspiration.
- 3.90 A representation has been made questioning why the policy is restricted to “small and medium sized enterprises”. It also suggests that a consistent approach should be adopted in planning policy across the Thorp Arch Estate.
- 3.91 Thorp Arch Estate is an important employment area that is safeguarded under Leeds Core Strategy Policy EC3 with existing site allocations carried forward under Policy EC1. The Site Allocations Plan Policy EG1 is proposing to allocate various vacant parcels of land within the 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 Thorp Arch parish.

- 3.92 The policy sets out three matters that development proposals within the Walton parish part of the Thorp Arch Estate should satisfy: that it is not intensively developed and retains its parkland style, traffic impact, pollution prevention and development being in accordance with the context and parameters of an agreed design code.
- 3.93 Core Strategy Policy T2 addresses traffic impacts. Policy G8 and to some extent Policy G9 address the impact on environmentally protected areas. The objectives of the Core Strategy address environmental safeguarding matters such as pollution prevention. The Estate is a general employment area and no evidence has been submitted to justify limiting employment development to small and medium enterprises.
- 3.94 Previous planning applications for the area have included a Design Code. However, the applications have been withdrawn and the Design Code has no status. Leeds City Council has indicated that they would support the implementation of criterion (c) for new development proposals.
- 3.95 It is considered that, apart from criterion (c), 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 first paragraph and criteria (a) and (b) of the policy should 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.

Recommendation 16: Delete The first paragraph and criteria (a) and (b) of Policy BE3.

Community Actions

- 3.96 A number of Community Actions are included within the Neighbourhood Plan; these are described as “projects”. The Foreword explains that the work of developing these projects will fall to the community to progress, led and managed by the Parish Council.
- 3.97 To explain how the Community Action is to be progressed, it would be helpful to word them as follows: “*The Parish Council in partnership with XYZ will develop.....*”. Section 1.1 should include a statement to the effect that only the Planning Policies will form part of the Development Plan to be used in determining planning applications. It should make it clear that the Community Actions do not form part of the Neighbourhood Development Plan.

Recommendation 17: revise the Community Actions to read “*The Parish Council in partnership with XYZ will develop.....*”.

Revise the first sentence of paragraph 1.1 to read “...Development Plan for Leeds *and the Neighbourhood Plan’s planning policies* will be used.....”

Add at the end of paragraph 1.1. “*The Community Actions are not planning policies and do not form part of the Neighbourhood Development Plan*”.

4.0 Referendum

- 4.1 The Walton 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 Walton 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 Thorp Arch, 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

- Walton Neighbourhood Plan Submission Draft Version 2017 – 2033
- Walton Neighbourhood Plan Appendices
- Walton Neighbourhood Plan Basic Conditions Statement
- Walton Neighbourhood Plan SEA / HRA Screening Report
- Walton Neighbourhood Plan Consultation Statement
- Walton Site Assessments
- Walton 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 Revised Submission Draft 2017
- Walton Conservation Area Appraisal and Management Plan 2010
- Leeds City Council Parking Standards

6.0 Summary of Recommendations

Recommendation 1: Revise the second paragraph of section 1.2 to read
“Following a review of the Parish boundary in 2014, the City Council approached both Walton and Thorp Arch Parish Councils in 2015 regarding the potential of changing the boundaries of the Neighbourhood Areas to accord with the revised parish boundaries. Following consideration by both Parish Councils it was agreed that the Neighbourhood Plans should be based on the Neighbourhood Areas as originally designated; the boundary for the Walton Neighbourhood Plan is shown on Map 1.”

Recommendation 2: Include an assessment of how the plan has had regard to the Human Rights Act in the Basic Conditions Statement.

Recommendation 3: Distinguish the Plan’s policies from the supporting text, for example by setting them in boxes. Include more detailed inset maps of the sites on the Policies Map.

Recommendation 4: Revise the wording of Policy HG1 to read:

“The following area is designated as a Local Green Space: LGS1 Churchyard.

“Development on the Local Green Space will not be approved other than in very special circumstances.”

Delete sites LGS2 and LGS3 from Policy HG1 and the Policies Map.

Recommendation 5: Revise Policy HG2 as follows:

“New green space shall be provided to meet the identified shortfall in the parish and the needs of new housing development at:

C) Land to the west of the village hall (site NGS1) is allocated for a children’s play area.

D) Land to the west of Springs Lane (site NGS2) is allocated as a village green.”

Add text in the justification to explain how the green spaces will be delivered eg through CIL payments. Show sites on Policies Map.

Recommendation 6: Revise Policy HG3 as follows:

Revise the first sentence of the policy to read: *“The following assets have been designated as non-designated heritage assets.”*

Delete the West Riding road sign post and the Rudgate-Roman Road from the policy, the Policies Map and supporting documentation.

Revise the second sentence of the policy to read *“Development proposals affecting these assets should demonstrate how they will*

contribute to the conservation and enhancement of these non-designated heritage assets.”

Include fuller descriptions of the significance of the structures identified as *non-designated heritage assets* with photographs in the Appendix together with more detailed maps to show the structures and their curtilages.

Recommendation 7: Show the boundary of the area to which Policy HG4 applies on the Policies Map.

Recommendation 8: Delete Policy HG6. Include the aspiration as a Community Action within the Business and Employment Section.

Recommendation 9: Revise Policy CF1 as follows:

Delete the first sentence.

Revise the second sentence to read: “*Proposals for the change of use of a community facility listed below shall demonstrate that reasonable efforts have been made to*”

Include an explanation in the justification about what measures will be expected to be undertaken to demonstrate that reasonable efforts have been made to secure their continued use.

Recommendation 10: Delete the second part of Policy T2 and criteria a) to c).

Recommendation 11: Delete “sustainability” from the title and heading to Table 2 in the WNP and Sites Assessment Document.

Recommendation 12: Revise Policy H1 as follows:

Delete the first paragraph of the policy referring to Policy HG4.

Revise the second paragraph to read: “...are allocated for *housing to provide* approximately 20 new homes within the plan period.”

The justification to the policy and background evidence should be revised, as appropriate, to be consistent with the wording of the policy.

Recommendation 13: Revise the first paragraph of Policies H2, H3 and H4 to read:

“In addition to taking account of the criteria set out in Policies HG4 and H1, proposals for developing this site should be designed and laid out to:”

Add the following to the end of the Introduction immediately before Policy H1: “*Appendix 4 sets out the Concept Statement for Housing Development in the Walton Plan area. The Concept Statement includes matters to be considered by developers of each site when preparing their proposals including indicative site layouts.*”

Recommendation 14: Delete Policy H5.

Add the following to the introduction to the Housing section: “*Parking provision should be made in accordance with the Leeds City Council Parking Standards.*”

Recommendation 15: Revise Policy BE2 to read:

“*Within the Plan area outside the Thorp Arch Estate.....diversification of land based businesses, that satisfy national and local strategic planning policies, that meet the needs of and are compatible with the rural character of the parish, will be supported provided that they:...*”

Show the area to which this policy applies on the Policies Map.

Recommendation 16: Delete The first paragraph and criteria (a) and (b) of Policy BE3.

Recommendation 17: revise the Community Actions to read “*The Parish Council in partnership with XYZ will develop.....*”.

Revise the first sentence of paragraph 1.1 to read “*....Development Plan for Leeds and the Neighbourhood Plan’s planning policies will be used.....*”

Add at the end of paragraph 1.1. “*The Community Actions are not planning policies and do not form part of the Neighbourhood Development Plan*”.