

Leeds City Council

Decision Statement – Walton Neighbourhood Development Plan

Planning & Compulsory Purchase Act 2004 The Neighbourhood Planning (General) Regulations 2012

Regulation 18 Decision Statement

1. Summary

- 1.1 Following an independent examination, Leeds City Council now confirms that it is making modifications to the Walton Neighbourhood Plan as set out in Table 1 below. The Plan will then proceed to a Neighbourhood Planning Referendum.
- 1.2 In accordance with the independent examiner's recommendations, the Walton Neighbourhood Plan will proceed to referendum based on the Walton Neighbourhood Area as designated by Leeds City Council on 17th September 2012.
- 1.3 This Decision Statement, the examiner's report and the draft Walton Neighbourhood Plan and supporting documentation are available on the Council's website: <http://www.leeds.gov.uk/council/Pages/Neighbourhood-planning.aspx>. They are also on the Walton Neighbourhood Plan website <http://www.walton-pc.gov.uk/neighbourhood-plan/>
- 1.4 Hard copies of the Decision Statement and the examiner's report are available for inspection at:
 - Leeds City Council, City Centre One Stop Centre, Merrion House, 110 Merrion Centre, Leeds, LS2 8BB (Mon, Tues, Thurs, Fri 8.30 – 17.30, Weds 9.30 – 17.30)
 - Wetherby Library, 17 Westgate, Wetherby, LS22 6LL (Mon 10.00 – 17.00, Tues 09.00 – 19.00, Weds, Thurs, Fri 9.00 – 17.00, Sat 10.00 – 16.00)
 - Boston Spa Library, High Street, Boston Spa, LS23 6BH (Mon, Fri, Sat 9.00 – 12.00, Weds 10.00 – 17.00)

2. Decisions and Reasons

- 2.1 The examiner has concluded that subject to the specified modifications being made to the Plan, the Walton Neighbourhood Plan meets the Basic Conditions stated and other relevant legal requirements.

- 2.2 The Council accepts all of the modifications and the reasons put forward by the examiner for them. The examiner's reasons and recommended modifications are set out in Table 1, followed by the Council's decisions.
- 2.3 The Council is satisfied that subject to the modifications specified in Table 1 below the Plan meets the relevant Basic Conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under s38A and s.38B of the Planning & Compulsory Purchase Act 2004
- 2.4 In addition to those modifications put forward by the examiner, the Council is proposing 3 further modifications to the Plan to correct grammatical and map referencing errors. These modifications are detailed at the end of Table 1 and are highlighted in blue.
- 2.5 To meet the requirements of the Localism Act 2011, a referendum which poses the question "Do you want Leeds City Council to use the Neighbourhood Plan for Walton to help it decide planning applications in the neighbourhood area?" will be held in the Walton Neighbourhood Area.

TABLE 1 Schedule of Modifications Recommended in the Examiner’s Report

Modification Number	Page/Part of the Plan	Examiner’s recommended changes	Examiner’s reason	Leeds City Council’s decision
Introduction				
M1 - Recommendation 1	Para 1.2, page 6.	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.”	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 the explain the review process. The Qualifying Body has confirmed that there are no other neighbourhood plans relating to that area.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
Basic Conditions Statement				
M2 – Recommendation 2	Basic Conditions Statement, para 6.1, page 34.	Include an assessment of how the plan has had regard to the Human Rights Act in the Basic Conditions Statement.	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.” 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	Agree to include an assessment as indicated to comply with the examiner’s recommendations.

			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.	
Plan Policies and Maps				
M3 – Recommendation 3	Throughout the Plan. Policies Map, page 43.	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 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. 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.	Agree to modify the formatting of the Policies and provide more detailed maps as indicated to comply with the examiner’s recommendations.
Heritage and Green Spaces (HG)				
HG1: Local Green Spaces				
M4 – Recommendation 4	Policy HG1, page 22. Map 5, LGS3. Policies Map, page 43.	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.	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.	Agree to modify the text and maps as indicated to comply with the examiner’s recommendations.

			<p>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.</p> <p>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.</p> <p>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. 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.</p>	
HG2: New Green Spaces				
M5 – Recommendation 5	Policy HG2, page 23. Para 4.1.3, page 19.	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:	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.	Agree to modify the text and maps as indicated to comply with the examiner’s recommendations.

	<p>Policies Map, page 43.</p>	<p>A) Land to the west of the village hall (site NGS1) is allocated for a children’s play area.</p> <p>B) Land to the west of Springs Lane (site NGS2) is allocated as a village green.”</p> <p>Add text in the justification to explain how the green spaces will be delivered eg through CIL payments. Show sites on Policies Map.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p>HG3: Local Non-Designated Heritage Assets</p>				

<p>M6 – Recommendation 6</p>	<p>Policy HG3, page 23.</p> <p>Policies Map, page 43.</p> <p>Appendix 3.</p>	<p>Revise Policy HG3 as follows:</p> <p>Revise the first sentence of the policy to read: “The following assets have been designated as non-designated heritage assets.”</p> <p>Delete the West Riding road sign post and the Rudgate-Roman Road from the policy, the Policies Map and supporting documentation.</p> <p>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.”</p> <p>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.</p>	<p>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”.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Agree to modify the text and maps as indicated to comply with the examiner’s recommendations.</p> <p>Agree to provide fuller descriptions and photographs in the Appendix as indicated to comply with the examiner’s recommendations.</p>
<p>HG4: Design in the Village Centre</p>				
<p>M7 - Recommendation 7</p>	<p>Policies Map, page 43.</p>	<p>Show the boundary of the area to which Policy HG4 applies on the Policies Map.</p>	<p>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</p>	<p>Agree to modify the map as indicated to comply with the examiner’s recommendations.</p>

			area to which the policy applies should be shown on the Policies Map.	
HG5: Key Views				
M8 – Recommendation 8	Policy HG6, page 24. Business and Employment Section, page 42.	Delete Policy HG6. Include the aspiration as a Community Action within the Business and Employment Section.	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. 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.	Agree to modify the text as indicated to comply with the examiner's recommendations.
Community Facilities (CF)				
CF1: Protecting Existing Community Assets				
M9 – Recommendation 9	Policy CF1, page 27. Para 4.2.3, page 26.	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.	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. 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. It would be helpful to plan users to include an explanation in the justification about what measures will be expected to	Agree to modify the text as indicated to comply with the examiner's recommendations.

			demonstrate that reasonable efforts have been made to secure their continued use.	
Transport				
T2: Public Rights of Way				
M10 – Recommendation 10	Policy T2, page 31.	Delete the second part of Policy T2 and criteria a) to c).	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. 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	Agree to modify the text as indicated to comply with the examiner’s recommendations.
Housing				
M11 – Recommendation 11	Table 2, page 35. Site Assessment and Rationale Report, page 11.	Delete “sustainability” from the title and heading to Table 2 in the WNP and Sites Assessment Document.	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.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
H1: Sites for New Homes				
M12 – Recommendation 12	Policy H1, page 36 Para 4.4.4, pages 34 – 36. Evidence Base documents.	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	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. The second paragraph is not clearly worded and a revision is proposed to allocate the sites for “housing”. 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	Agree to modify the text as indicated to comply with the examiner’s recommendations.

		revised, as appropriate, to be consistent with the wording of the policy.	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.	
H2: Land West of Springs Lane/Cricket Pitch, H3: Land South of Main Street (Coal Yard), H4: Land North of Hall Park Road.				
M13 – Recommendation 13	<p>Policy H2, page 37.</p> <p>Policy H3, page 38.</p> <p>Policy H4, page 39.</p> <p>Para 4.4.4, page 36.</p>	<p>Revise the first paragraph of Policies H2, H3 and H4 to read:</p> <p>"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:"</p> <p>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."</p>	<p>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".</p> <p>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.</p>	Agree to modify the text as indicated to comply with the examiner's recommendations.
H5: Residential Car Parking				
M14 – Recommendation 14	<p>Policy H5, page 39.</p> <p>Para 4.4.4, page 36.</p>	<p>Delete Policy H5.</p> <p>Add the following to the introduction to the Housing section: "Parking provision should be made in accordance with the Leeds City Council Parking Standards."</p>	<p>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.</p> <p>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.</p>	Agree to modify the text as indicated to comply with the examiner's recommendations.

			Reference to the need for housing development to comply with the Leeds parking standards could be included in the introduction to the housing section.	
Business and Employment				
BE2: Supporting Employment and Enterprise				
M15 – Recommendation 15	Policy BE2, page 42. Policies Map, page 43.	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.	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. 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. 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. 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. 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.	Agree to modify the text and map as indicated to comply with the examiner’s recommendations.
BE3: Thorp Arch Estate				
M16 – Recommendation 16	Policy BE3, page 42.	Delete The first paragraph and criteria (a) and (b) of Policy BE3.	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	Agree to modify the text and map as indicated to comply with the

			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.	examiner's recommendations.
Key Community Actions				
M17 – Recommendation 17	Key Community Actions, throughout the Plan. Para 1.1, page 6.	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”.	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.	Agree to modify the text and map as indicated to comply with the examiner’s recommendations.
Additional Modifications				
Modification Number	Page/Part of the Plan	Leeds City Council’s Modification	Leeds City Council’s Reason	Leeds City Council’s Decision
N/A	All of the Plan	Conduct a spelling and grammar check of the whole Plan document. Correct any grammatical, typographical or formatting errors.	To improve the clarity of the Plan.	Correct all grammatical, typographical, or formatting errors in the Plan.
N/A	Map 5, page 22	Change the title of Map 5 (LGS2) to “NGS1”	The examiner has recommended the deletion of proposed Local Green Space 2 (LGS2). The examiner has also recommended the allocation of this site as New Green Space (NGS1). The title of Map 5 should be amended accordingly.	Change the reference as stated.

N/A	Map 5, page 22	Provide a site map of NGS2 alongside existing Maps 5.	The examiner has recommended the allocation of part of the site West of Springs Lane as New Green Space (NGS2). For consistency, a map of this site should be provided as part of Map 5.	Provide a map of site NGS2.
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