

# **CLIFFORD NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

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

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September 2016

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## 1.0 Summary

- 1.1 The Clifford Neighbourhood Plan has been prepared to set out the community's wishes for this parish which contains the village of Clifford.
- 1.3 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that the Plan meet the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.4 The main recommendations concern:
- The deletion of the section on the preferred direction for growth, Policies DEV1 on Protected Areas of Search, and part of Policy GS2 on Trees.
  - The clarification of the wording of other policies.
- 1.5 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Clifford Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The neighbourhood plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

### Legislative Background

- 2.5 I was appointed as an independent examiner to conduct the examination on the Clifford Neighbourhood Plan by Leeds City Council in June 2016. I am a chartered town planner with over 30 years' experience in local authorities preparing Local Plans and associated policies. My appointment was facilitated through the Neighbourhood Planning Independent Examiner Referral Service.
- 2.6 As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
  - (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
  - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;

- (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
- (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.7 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development.
- 2.8 The Neighbourhood Plan area is co-terminus with the parish of Clifford and was designated by Leeds City Council on 17 September 2012 as a Neighbourhood Area. Page 2 of the Basic Conditions statement states that the Plan relates to the Clifford Neighbourhood Area and that there are no other neighbourhood plans relating to that area.
- 2.9 Page 2 of the Basic Conditions states that the lifespan of the Neighbourhood Plan is to be from 2016 to 2031 and this date is shown on the front cover of the Neighbourhood Plan.
- 2.10 The neighbourhood plan making process has been led by Clifford Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group made up of parish councillors and community volunteers.
- 2.11 I am satisfied therefore that the Clifford Neighbourhood Plan satisfies all the requirements set out in paragraph 2.6 above.

### **Conformity with Basic Conditions and other statutory requirements**

- 2.12 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - 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);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
  - 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).

## Policy Background

- 2.13 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”.
- 2.14 Lord Goldsmith has provided guidance that ‘have regard to’ means “such matters should be considered”. The 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.”
- 2.15 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.16 The third basic condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The strategic policies covering the Neighbourhood Plan area are contained in the Leeds Local Development Framework Core Strategy which was adopted on 12th November 2014. Saved policies of the Leeds UDP 2006 are also extant. The Leeds Site Allocations Plan is in the course of preparation and the Publication Draft was the subject of consultation from September to November 2015. Further revisions are being made to the Site Allocations Plan and further consultations are in progress.
- 2.17 The Basic Conditions Statement sets out an assessment of the NPPF Core Principles against Clifford Neighbourhood Plan Planning Policies, compares the sustainability policies of the NPPF (where applicable) with those of the Clifford Neighbourhood Plan and assesses the fit of the policies of Clifford Neighbourhood Plan with Core Strategy Policies.

- 2.18 I have considered the policies of the Neighbourhood Plan against the NPPF and PPG and the strategic policies in the adopted Leeds Core Strategy 2014 and the saved policies of the Leeds UDP. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

### **EU obligations and human rights requirements**

- 2.19 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.20 A screening opinion for the Strategic Environmental Assessment was undertaken on the draft Neighbourhood Plan. The conclusion was that
- “It is unlikely there will be any significant environmental effects arising from the Clifford NP. The Plan is in conformity with the Core Strategy (2014) and the emerging Site Allocations Plan, which have both been subject to a full Sustainability Appraisal, incorporating a SEA, finding no negative significant effects. Due to the nature of the NP, the assessment of the policies identifies no significant negative effects and as such, the NP does not require a full SEA to be undertaken.”*
- 2.21 The Environment Agency, Natural England and English Heritage were consulted on the requirement for a SEA for NP. They support the conclusion that the NP will not result in any likely significant effects upon the environment therefore a SEA is not required
- 2.22 Paragraph 4.2 of the HRA Screening statement confirms that the only relevant European site is the Kirk Deighton SAC which lies approximately 4.5 km distant. Paragraphs 6.1 and 6.2 of the report state: *“The screening assessment in Appendix 3 and the assessment undertaken in Section 5 shows that there would be no likely significant effects on the Kirk Deighton SAC from the policies included in the Clifford NP.”* The screening report confirms that a full HRA of the Neighbourhood Plan is not required as it does not contain any specific development allocations or policies or proposals that would significantly affect any European site alone or in conjunction with other projects or plans.
- 2.23 The Basic Conditions statement includes a section on Human Rights and states that *“the overall purpose of the Neighbourhood Plan is to improve the quality of life for people living and working in the parish. The objectives and policies of the plan have been formulated in response to local people’s views to produce an ‘inclusive’ document that does not have a discriminatory impact on any particular group”*.

- 2.24 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

### **Contributes to sustainable development**

- 2.25 Section 2 of the Basic Conditions Statement addresses the contribution of the plan to the achievement of sustainable development. This states that the assessment of the policies against the Core Principles of the NPPF gives a clear and comprehensive narrative as to how the Neighbourhood Plan complies with the core principles of the NPPF and by corollary the achievement of sustainable development. The planning policies of the Neighbourhood Plan have also been assessed against the three sustainability dimensions.
- 2.26 I am satisfied that, subject to the modifications proposed, the Clifford Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

### **The Neighbourhood Plan Preparation**

- 2.27 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.
- 2.28 Page 6 of the Neighbourhood Plan sets out an overview of the process of preparing the neighbourhood plan including the stages of consultation. The Consultation Statement sets out the full details of the consultations undertaken on the pre-submission draft plan under Regulation 14. The preparation of the Neighbourhood Plan commenced in autumn 2012 with the establishment of focus groups and a household survey. This was followed up with three open days and surveys of local organisations, businesses, landowners and young parishioners during 2013 – 2014, including a pre-consultation questionnaire.
- 2.29 Consultation on the pre-submission draft plan was undertaken between 1 November and 14 December 2015. Statutory consultees, local businesses and landowners as well as the local community were informed of the consultation.
- 2.30 A comprehensive summary of the issues raised at each stage of pre-submission consultation and the action taken to address them, as appropriate, is included in the Consultation Statement.
- 2.31 Consultation on the submission draft Neighbourhood Plan ran from 25 April 2016 to Monday 6 June 2016. This resulted in 15 representations.
- 2.32 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in the Neighbourhood Planning (General) Regulations 2012.



## The Examination Process

- 2.33 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. I have sought clarification on a number of 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.
- 2.34 I had before me background evidence to the plan which have assisted me in understanding the background to the matters raised in the Neighbourhood Plan.
- 2.35 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.
- 2.36 This report is the outcome of my examination of the Submission Draft Version of the Clifford Neighbourhood Plan March 2016. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by Leeds City Council.
- 2.37 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.
- 2.38 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

- 2.39 I have only recommended modifications to the Neighbourhood Plan where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

### 3.0 Neighbourhood Plan – As a whole

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

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

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

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

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

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

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

- 3.6 The Basic Conditions require that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies.
- 3.7 Before considering the policies individually, I have considered whether the plan as a whole has had regard to national and local strategic planning policies. The plan promotes appropriate housing mix, good quality design in new development, safeguards key community assets, the environment and promotes improved accessibility. The plan does not place blanket restrictions on new development in the area over and above those already in existence through the Green Belt designation. It is considered therefore that the plan as a whole, subject to the modifications proposed, has had regard to national policies and advice contained in guidance issued by the Secretary of State and is in general conformity with the strategic local policies.
- 3.8 The Plan includes a number of maps and appendices. To improve the clarity of the plan for decision makers it is recommended that all maps and appendices are numbered and cross referenced from the relevant policy. The maps should be drawn with sufficient clarity for the boundaries of sites to be clearly identifiable.

**Recommendation 1: Ensure that maps are sufficiently clear so that decision makers can identify the boundaries of sites. Number all maps and cross reference them from the relevant policy. Number the Appendices and cross reference them from the relevant policy.**

## The Neighbourhood Plan - Policies

### Introduction

- 3.9 The introduction to the plan presents a potted history of the parish and some key facts about the parish. The next section sets out the stages that have been undertaken in preparing the Plan. In order to avoid cluttering the plan with procedural details and to provide clarity to the policies themselves, it is recommended that this section be deleted from the final version of the plan or moved to an appendix.

**Recommendation 2: Delete the section headed “The neighbourhood planning process” or move it to an appendix.**

### Vision and Key Objectives

- 3.10 The Plan includes a clear and focused vision statement that has been developed through community consultation. Eight objectives are set out which have been developed into the plan’s policies. Where I make a recommendation in my report to delete a specific policy, this includes a recommendation to delete the relevant objective.

- 3.11 A representation has been received that the plan does not include any policies to provide a range of housing to meet the needs of the local people and that the fifth objective should be deleted. I disagree with this comment as Policy DEV2 supports the delivery of a mix of housing types to meet the needs of different groups in the community.
- 3.12 It is noted that a number of potential community projects have been identified during the preparation of the plan and they have been included as a separate section to the plan as they do not form part of the plan itself. I have not examined these projects. For the sake of clarity, it is recommended that the Community Projects section should be clearly headed “These projects do not form part of the Neighbourhood Development Plan”.

**Recommendation 3: Add the following to the heading in the Community Projects section “*These projects do not form part of the Neighbourhood Development Plan*”.**

- 3.13 There follows a section together with a map which shows an area on the western side of the village which is considered to be the optimal location for any significant future housing development in the parish. The section also states that the Parish Council will oppose any development in the area outside of the area shown. It is noted in this section that matters relating to site allocations and green belt issues are not within the scope of the neighbourhood plan.
- 3.14 Representations have been made concerning this statement stating that it is considered that the plan is premature and expressing doubts about the deliverability of the proposed development land. Comments state that the area includes land recently developed as green space.
- 3.15 The selection of sites for future housing development in the area around Clifford is a matter for the forthcoming Leeds Sites Allocation Plan as the area lies within the Leeds Green Belt. It is not appropriate for neighbourhood plans to express support for potential directions for growth or allocations where this would involve changes to the Green Belt as this is a strategic matter. It is therefore recommended that the section on the bottom of Page 7 and the associated map be deleted.

**Recommendation 4: Delete the section at the bottom of Page 7 of the Plan and the associated map concerning the future direction for growth.**

**Policy DEV1 – Protected Areas of Search**

- 3.16 This policy seeks to protect two sites from development until their long term future is determined through the Leeds Site Allocation Plan. The sites are included in the SHLAA and were identified and protected under saved Policy N34 of the Leeds UDP as potential development sites outside the Green Belt. Policy DEV1 lends support to and repeats this saved policy. It is considered that it is not necessary to repeat existing UDP policy in a neighbourhood plan

and furthermore as the review of Green Belt boundaries is a strategic matter, it is not an appropriate matter for inclusion in the Neighbourhood Plan. It is therefore recommended that Policy DEV1, its supporting text and the first objective be deleted.

- 3.17 A representation has been made that objects to the policy stating that it is a strategic matter.

**Recommendation 5: Delete Policy DEV1, its supporting text and the first objective.**

**Policy DEV2 – Appropriate Housing Mix**

- 3.18 The policy requires new housing development of more than 3 dwellings to provide smaller dwellings to meet the need demonstrated through the Housing Needs Advice report for smaller households and an ageing population.
- 3.19 The NPPF supports the delivery of a wide choice of high quality homes with the mix based on the local demographics, market trends and the needs of the different groups in the local community.
- 3.20 A representation has been made that the requirement for at least 50% of new developments to be 1 or 2 bedroomed properties and be capable of adaptation to meet the needs of an ageing population is not supported by evidence. The policy should be sufficiently flexible to allow developments to respond to the local housing needs at the time.
- 3.21 The policy is worded as a requirement and it is recommended that some flexibility be included. The policy makes reference to the mix of housing reflecting the latest local housing needs surveys. The requirement for at least 50% of homes to be one or two bedroomed is considered to be overly prescriptive and may become out of date over the lifetime of the plan.

**Recommendation 6: Revise Policy DEV2 as follows:**

**“New housing development *should* provide.....evidence.”**

**Delete first bullet point.**

**Revise second bullet point to read: “*Where feasible*, new homes should be capable ....population.”**

**Policy DEV3 – Design Standards**

- 3.22 The policy aims to secure high standards of design to reflect the distinctive character of Clifford as set out in the character areas appendix. This appendix identifies four areas within the parish and sets out a brief description of each area with limited information about the types of property and the building

materials. It is considered that it does not provide sufficient detail or guidance to help a prospective developer or decision maker to determine what design features are significant in each area.

- 3.23 The appendix also includes a section on non-designated areas which covers the countryside outside the settlements. This section reiterates support for “*the preservation of the green spaces demarking the separation between the village of Clifford and both settlements of Boston Spa and Bramham*” and goes on to state that “*should any development gain approval within the Protected Areas of Search or Green Belt sites, this should conform to the design standards set out at the start of this section*”. It is recommended that this section on non-designated areas should be deleted as it does not set out any design guidance relevant to the policy and includes statements concerning the safeguarding of land between Clifford and neighbouring settlements which are not appropriate for inclusion in the Neighbourhood Plan.
- 3.24 The factors in the reasoning / justification section of Policies DEV3 and BE2 includes a number of factors from the Conservation Area Appraisal and Management Plan which it states may be applicable to varying extents across the whole parish, although no further advice is provided on how these should be interpreted outside the conservation area. The bullet points set out matters that are included in the actions in the Conservation Area Appraisal that reflect the distinctive character of the conservation area and could usefully be included in the Policy DEV3 to improve the clarity of its interpretation.
- 3.25 Local Core Strategy Policy P10 sets out a comprehensive design policy applicable throughout the Leeds area.
- 3.26 Whilst the aim of the policy is clear – to promote well designed development that reflects the distinctive local character of the area, it is considered that neither the policy itself nor the character area appraisals in the appendix provide sufficient detail to aid decision makers in determining how this is to be delivered. The Conservation Area Appraisal and Management Plan is more informative and the Leeds Core Strategy Policy P10 sets out principles to be considered in achieving good design. It is recommended that the policy is revised to refer to these documents to help clarify the requirements.

**Recommendation 7: Revise Policy DEV3 by adding the following at the end of the policy:**

***“Developments should be designed to take account of the design principles set out in Leeds Core Strategy Policy P10 and the Clifford Conservation Area Appraisal and Management Plan. Within the conservation area and its setting the following design principles should be taken into account:”*** add relevant bullet points from the ***Conservation Area Appraisal and Management Plan***.

**Delete the bullet points from the reasoning section and revise the bullet point concerning the Conservation Area Appraisal and Management**



**Plan to read: “The Clifford Conservation Area Appraisal and Management Plan includes a character analysis of the Conservation Area and a number of actions that would help to promote well thought out design in the conservation area and its setting.”**

**Delete the section on non-designated areas in the Character Areas Appendix.**

### **Policy DEV4 – Parking**

- 3.27 Policy DEV4 proposes that any development within the centre of Clifford including infills, extensions and changes of use should not result in development having parking spaces below the standards set by Leeds City Council for new development and that parking should be accommodated within the curtilage of the site.
- 3.28 Core Strategy Policy T2 states that parking provision will be required for cars, motorcycles and cycles in accordance with current guidelines. These are set out in the Street Design SPD 2009. Paragraph 3.180 of the SPD states “Car parking provision should be based on expected car ownership and the need to cater for visitors, and should be provided to suit the nature and location of the development. As a general rule the City Council will seek to ensure car parking provision is at an appropriate level, taking into account both the potential impact on the surrounding area, and the availability of public transport in the vicinity. Two methods are provided to work out an appropriate level of parking. The Leeds Parking SPD 2016 provides flexibility for other forms of development to allow the level of provision to reflect local circumstances.
- 3.29 Leeds City Council has not raised any concerns about possible conflict between this policy and these SPDs. It would be helpful to users of the Neighbourhood Plan to include a reference to the relevant SPDs.

**Recommendation 8: No change to Policy DEV4.**

### **Policy DEV5 St John’s Site**

- 3.30 St John’s School is a long standing school specialising in the education of children who are deaf and hearing impaired. There are currently no proposals to close or relocate the school although numbers of children on the school roll is falling. The policy has been included in the plan as a “*contingency policy to cover the unlikely event of future major changes in the use of this highly significant site within the parish – e.g. in the event that changes be forced by factors such as changes in public funding policies*”.

- 3.31 Discussions have taken place between the Neighbourhood Plan Group and representatives of the school to ensure that the wording of the policy is appropriate. The school has not submitted representations to the policy.
- 3.32 To aid decision makers it would be helpful to include a map showing the boundaries of the site, the green space and the façade buildings referred to in the policy.

**Recommendation 9: Include a map showing the boundary of the site and the green space and the façade buildings referred to in the policy.**

### **Policy BE1 – Enhance Village Hall and Grounds Facilities**

- 3.33 This policy proposes that the village hall and the Millennium Gardens should be enhanced through proceeds from the development of the village green on Willow Lane for housing.
- 3.34 It is noted that the Willow Lane village green is owned by Leeds City Council and that no agreement has been reached about the proposals. In response to a question to the Council and the Qualifying Body, it has been confirmed that there has been excellent collaboration between the Qualifying Body and the City Council on this matter. The Council's Planning and Asset Management Services have agreed in principle that a proportion of the proceeds from the development will help to deliver the enhanced open space. The land owner of the proposed extension to the Millennium Gardens has agreed to the proposal subject to commercial agreement.
- 3.35 A representation has been received that highlights the conflict of the proposal for new homes on the village green and the proposals to designate the land as a Local Green Space under Policy GS1.
- 3.36 Saved Leeds UDP Policy N1 protects greenspace unless the need in the locality for greenspace is already met and a suitable alternative site can be identified and laid out as greenspace in an area of identified shortfall. As it is proposed to extend the Millennium Gardens as part of these proposals, the development of the Willow Lane village green may be considered to be in accordance with Policy N1.
- 3.37 Negotiations are taking place between the Qualifying Body and the City Council and landowner of the proposed extension to the Millennium Gardens. As worded the policy relies solely on the success of these negotiations. The recommendation is made to provide for the circumstances should additional or alternative sources of funding be required.
- 3.38 Stage B of the policy refers to the "enhancement of the Millennium Garden" whereas the map shows a proposed extension. A recommendation is made to make it explicit that the adjacent site is allocated for the extension of the Millennium Gardens. This section refers to an enhanced "village centre". It may be more appropriate to revise this to refer to "village hall".



**Recommendation 10: Revise Policy BE1 to read:**

**“The enhancement of the Millennium Gardens and Village Hall facilities will be supported. Land to the west of the existing Millennium Garden shown on the map is allocated for the extension of the Millennium Garden.”**

**Revise Stage B to read “...village hall and to extend and improve the Millennium Garden to provide an enhanced village hall and village green.”**

**Revise the second sentence of the explanation to the policy to read: “*Negotiations are taking place with Leeds City Council to seek to secure a contribution from the sale of the Willow Lane Village Green for housing development to fund the improvements. Should these negotiations not be successful or not secure sufficient funds then alternative sources of funding will be sought.*” Delete the final two sentences “Work ... own).”**

**Policy BE2 Conserve Heritage Assets**

- 3.39 Policy BE2 supports development that conserves and/or enhances heritage assets and their settings subject to it meeting other Neighbourhood Plan Policies. It goes on to state that heritage assets include listed buildings and locally identified non-designated heritage assets included in the schedule in the appendix. The second part of the policy requires archaeological evaluation and excavation prior to development being undertaken.
- 3.40 There are a number of policies on heritage and conservation in the UDP (saved Policies N14 – 17, 18A, 18B, 19, 20 and 29) and Core Strategy Policy P11 which set out detailed requirements for the conservation and enhancement of heritage assets, including locally designated assets and archaeological evaluation and excavation.
- 3.41 The PPG states that “*Local lists incorporated into Local Plans can be a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability of the potential for sustainable development*”. (Reference ID: 18a-041-20140306)
- 3.42 “Local Heritage Listing Historic England Advice Note 7” (2016) sets out Historic England’s guidance on local listing of heritage assets. (This guidance supersedes the Good Practice Guide used by the community in preparing its local list.) This advises that communities can play a key role as a Neighbourhood Plan may indicate buildings and sites which merit inclusion on the local list. However the guidance explains that identifying potential properties is only the first stage of the process of preparing the local list. Identified sites then have to be assessed and ratified by the local authority

following consultation with property owners and the local community before the list is published.

- 3.43 The appendix to the Neighbourhood Plan includes a schedule of over 40 properties which have been identified in conjunction with the West Yorkshire Archaeological Advisory Service taking account of the Good Practice Guide for Local Heritage Listing. It is noted that this is an ongoing process. It is also noted that there is evidence to support the presence of the significant likelihood of archaeological features.
- 3.44 It is considered that Policy BE2 provides a very simple aspirational policy framework for dealing with proposals affecting heritage assets; it does not however, address many aspects included in UDP and Core Strategy Policies. Whilst there is clearly no need for policies in neighbourhood plans to repeat strategic policies; ideally they should set out a locally specific approach to aid the interpretation of strategic policies. Reference to proposals having to meet “other Neighbourhood Plan policies” is incorrect. Decisions on planning applications have to take into account the policies of the development plan (which includes the Leeds UDP and LDF as well as the neighbourhood plan) national planning policies and other material considerations. It is recommended that the first paragraph be revised to read “development plan policies”. There is no need to include reference to the explanation panel from the policy itself.
- 3.45 The status of the locally identified heritage assets should be clarified and the process to achieving their ratification should be explained.
- 3.46 It is suggested that the heading of the appendix on page 37 be revised to read “Potential non-statutory heritage assets in Clifford parish – this list is not exhaustive”. The map on page 16 should be cross referenced from the Appendix. It would be advisable to review the revised guidance from Historic England on the subject to ensure consistency.
- 3.47 The justification section includes an extract of factors from the Clifford Conservation Area Appraisal and Management Plan which it is stated could apply to the whole parish. These appear to be policy statements and are not therefore considered to be appropriate for inclusion in the justification to the policy. A clearer explanation of the role and purpose of the Conservation Area Appraisal and Management Plan should be included to aid decision makers.

**Recommendation 11: Revise Policy BE2 as follows:**

**Revise the first bullet point of Policy BE2 to read “...subject to it meeting other *development* plan policies. *These assets include nationally designated listed buildings, archaeological remains, the conservation area and locally important heritage and archaeological assets.*”**

**Delete “see the explanation panel below” from the second bullet point.**

**Include the following text at the end of the second paragraph of the explanation “*The list of potential non-statutory heritage assets is included in the appendix.*” Explain the process to be followed to ratify the local list of heritage assets.**

**Delete the second sentence under the Conservation Area Appraisal and Management Plan in the explanation. Replace with text to here or in the justification section to explain the purpose of the Conservation Area Appraisal and Management Plan such as “*This sets out a character appraisal of the conservation area and guidance on enhancing its character.*”**

**Delete the bullet points in the justification under the Conservation Area Appraisal and Management Plan.**

**Revise the text above the map and the heading of the appendix on page 37 to read “*Potential non-statutory heritage assets in Clifford parish – this list is not exhaustive*”.**

### **Policy BE3 – Protect and Enhance Built Community Facilities**

- 3.48 Policy BE3 supports improvements to built community facilities and seeks to resist their loss. The third part of the policy states that consideration should be given to the special needs of the elderly and other vulnerable groups. The policy refers to a list of 15 facilities set out in the explanation to the policy; these include community halls, places of worship, public houses, sports pavilions, schools and the hospice. It identifies those that have the potential to be an Asset of Community Value.
- 3.49 Core Strategy Policy P9 covers the provision of new community facilities and their safeguarding.
- 3.50 The policy refers to development proposals meeting other Neighbourhood Plan policies. Decisions on planning applications have to take into account the policies of the development plan (which includes the Leeds UDP and LDF as well as the neighbourhood plan) national planning policies and other material considerations. It is recommended that the first paragraph be revised to read “development plan policies”.
- 3.51 The second paragraph refers to a replacement facility being introduced elsewhere. This is considered to be vague and open to interpretation. To improve the clarity of the second paragraph, it is recommended that it be revised to read “or that a replacement facility can be provided in a suitable location accessible to the community”.
- 3.52 The third paragraph refers to consideration being given to the special needs of elderly and other vulnerable groups. It is not clear when and how this should be applied. A recommendation is made to improve the clarity of the policy in this respect.

**Recommendation 12: Revise Policy BE3 as follows:**

**Revise the first paragraph to read “other *development* plan policies”.**

**Revise the second paragraph to read ...or that a replacement facility can be *provided in a suitable location accessible to the community*”.**

**Revise the final paragraph to read: “The special needs of older people and other vulnerable groups should be considered *in the provision of new and improved community facilities*.”**

**Policy GS1 – Protect and Enhance Green Spaces**

- 3.53 The policy seeks to designate 12 areas as Local Green Space. These are shown on a map and listed in a table. The policy sets out the requirement that development on these spaces will not be permitted other than in very special circumstances. Further it requires that any development on them compensates the community with an equivalent or superior replacement green space or funding of an alternative community facility.
- 3.54 There is no single national definition of green space; it can include a wide range of land including public parks, sports and recreational areas, allotments, cemeteries and areas with nature conservation importance. National guidance and Local Plan policies seek to protect and enhance green infrastructure to support healthy lifestyles and to enhance the local environment. The NPPF provides local communities the opportunity to designate areas that are locally important as Local Green Space.
- 3.55 NPPF paragraph 76 enables local communities to designate Local Green Spaces in neighbourhood plans for special protection which will rule out new development on them other than in very special circumstances. Paragraph 78 states that the local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.
- 3.56 Paragraph 77 states that Local Green Space designation will not be appropriate for most green areas or open spaces. The designation should only be used where:
- *“the green space is in reasonably close proximity to the community it serves;*
  - *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”.*

- 3.57 PPG advises that where land is already protected by a designation, such as Green Belt, consideration should be given as to whether any additional local benefit would be gained by designation as Local Green Space.
- 3.58 The table on page 21 of the Neighbourhood Plan sets out an assessment of the proposed Local Green Space against the criteria set out in NPPF paragraph 77.
- 3.59 I have visited the sites and recommend that the following sites be not designated:
- Site D Woodland Walk is a tree belt on the western side of the playing field. It is not part of the recreation ground and it would be more appropriate to protect it under legislation for Tree Preservation Orders. The site lies within the Green Belt, designation as a Local Green Space would not afford any additional protection.
  - Site F The Village Green is already designated as a village green. It is the subject of a proposal under Policy BE1 for housing development. It is considered that this conflicts with the proposed designation of the site as a Local Green Space.
  - Site I Mill Pond is privately owned land and is not publically accessible. The trees are protected under Tree Preservation Orders. Representations have been received from the owners of site objecting to its designation as Local Green Space. Part of the site lies outside the boundary of the Neighbourhood Plan. The site lies within the Green Belt, designation as a Local Green Space would not afford any additional protection.
  - Site L Former Springfield Grounds is privately owned land with occasional public access at the invitation of the owners. It is considered that it is agricultural land and not Green Space. The trees are protected by Tree Preservation Orders. The view across the site is addressed in Policy GS2. The site lies within the Green Belt, designation as a Local Green Space would not afford any additional protection.
- 3.60 It is unclear from the map provided whether the northern part of site J overlaps with PAS site 1167. The Qualifying Body has confirmed that there is no overlap and that there is a clearly defined boundary between the two. To ensure clarity, the text and map should be revised to confirm that the site is outside the PAS site.
- 3.61 Leeds Core Strategy Policy G6 sets out the strategic policy on the protection and redevelopment of existing green space. It is considered that the second part of Policy GS1 is in general conformity with this policy.
- 3.62 To improve the clarity of the policy, it is recommended that the policy refers to the sites shown on the map.

**Recommendation 13: Revise the first sentence of Policy GS1 to read:**

**“The areas shown on Map X and listed in Table X are designated...**

**Delete the following sites from the Map and Table:**

- **D Woodland Walk**
- **F Village Green**
- **I Mill Pond Area**
- **L Former Springfield Grounds**

**Revise the boundary on the map of site J to exclude land within PAS site 1167 and revise text to confirm the boundary.**

### **Policy GS2 Protect Mature Trees and Views**

- 3.63 Policy GS2 aims to protect mature trees and key views. A map and schedule of mature trees has been included in the plan. Some of these trees are protected by Tree Preservation Orders or are within the Clifford Conservation Area and are therefore already protected.
- 3.64 As there are alternative legislative mechanisms for protecting trees it is recommended that this part of the policy be deleted. The protection of additional trees should be sought through tree preservation orders and it is suggested that the proposal to seek further tree preservation orders could be added to the community projects.
- 3.65 A representation has been received stating that the plan does not appear to be accurate and appears to designate notable trees without a tree survey or other evidence or justification. It is stated that the policy goes beyond the Core Strategy Policy.
- 3.66 The second part of the policy seeks to ensure that the development proposals take account of their visual impact on short and long range views around the village. A map shows the views. The short range views are along the roads in the older part of the village which is designated a conservation area and the main entrance roads into village. The long range views are of St Edward's church tower from points outside the village and across the Springfield Grounds.
- 3.67 The tower of St Edward's church is a significant landmark in Clifford and it is considered appropriate that views of it should be taken in account when designing developments in and around the village. In view of the Green Belt status of land around the village it is unlikely that the policy would amount to a blanket restriction on new development. It is considered that the second part of the policy has had regard to national policy and is in general conformity with local strategic policy.

#### Recommendation 14:

**Delete the first part of Policy GS2 on the protection of trees, the associated text and map of Mature Trees.**

**Revise the title of Policy GS2 to “*Safeguarding Important Views*”.**

**Revise the objective to “*Maintain the local distinctive character of the parish*”.**

#### **Policy TR1 Cycleways, Footpaths and Bridleways**

- 3.68 This policy supports development that improves the network of cycleways, bridleways and footpaths subject to their meeting other Neighbourhood Plan policies. Maps of proposed routes and those that need improvement are included in the justification to the policy, although the policy itself does not mention these routes.
- 3.69 The second part of the policy states that the loss of a route will generally be resisted. This is considered to be imprecise and does not take account of proposals to divert routes.
- 3.70 NPPF paragraph 75 advises that public rights of way should be protected and enhanced. Saved UDP Policy T7 supports the improvement of cycle routes. It is considered that the policy has had regard to the national policy and is in general conformity with the strategic policy.
- 3.71 The recommendation is made to improve the clarity of the policy by supporting the improvement of the routes themselves and not development that would improve them, to refer to the routes shown on the maps and to route diversions.

#### **Recommendation 15: Revise Policy TR1 as follows:**

**“The improvement of the network of cycleways, bridleways and footpaths will be supported to improve the connections for residents to the village facilities and to the countryside. *Proposals for route improvements are shown on Map X.*”**

**“*The closure of a route will be resisted unless a satisfactory alternative route is provided.*”**

#### **Policy TR2 Public Transport**

- 3.71 The policy supports development that would enhance public transport service routes, frequencies and facilities subject to it meeting other policies of the Neighbourhood Plan.

- 3.72 Saved UDP Policy T9 encourages and supports an effective public transport service. It is considered that the policy is in general conformity with this strategic policy.
- 3.73 The recommendation is made to improve the clarity of the policy by supporting the improvement of the public transport services themselves, rather than development that would enhance them.

**Recommendation 16: Revise Policy TR2 to read:**

**“The enhancement of public transport service routes, frequencies and facilities in line with the needs of the local community will be supported.”**



## 4.0 Referendum

- 4.1 The Clifford 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 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 Clifford 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 village of Boston Spa, 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 defined by the Leeds City Council on 8 January 2013.

## 5.0 Background Documents

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

- Clifford Neighbourhood Plan Submission Draft Version March 2016
- Clifford Neighbourhood Plan Basic Conditions Statement
- Clifford Neighbourhood Plan SEA Screening Report
- Clifford Neighbourhood Plan Consultation Statement
- 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
- Clifford Conservation Area Appraisal and Management Plan May 2010.
- Leeds Parking SPD January 2016
- Leeds Street Design Guide SPD 2009
- Local Heritage Listing Historic England Advice Note 7" (2016)

## 6.0 Summary of Recommendations

**Recommendation 1:** Ensure that maps are sufficiently clear so that decision makers can identify the boundaries of sites. Number all maps and cross reference them from the relevant policy. Number the Appendices and cross reference them from the relevant policy.

**Recommendation 2:** Delete the section headed “The neighbourhood planning process” or move it to an appendix.

**Recommendation 3:** Add the following to the heading in the Community Projects section “*These projects do not form part of the Neighbourhood Development Plan*”.

**Recommendation 4:** Delete the section at the bottom of Page 7 of the Plan and the associated map concerning the future direction for growth.

**Recommendation 5:** Delete Policy DEV1, its supporting text and the first objective.

**Recommendation 6:** Revise Policy DEV2 as follows:

“New housing development *should* provide.....evidence.”

Delete first bullet point.

Revise second bullet point to read: “*Where feasible*, new homes should be capable ....population.”

**Recommendation 7:** Revise Policy DEV3 by adding the following at the end of the policy:

“*Developments should be designed to take account of the design principles set out in Leeds Core Strategy Policy P10 and the Clifford Conservation Area Appraisal and Management Plan. Within the conservation area and its setting the following design principles should be taken into account:*” add relevant bullet points from the *Conservation Area Appraisal and Management Plan*.

Delete the bullet points from the reasoning section and revise the bullet point concerning the Conservation Area Appraisal and Management Plan to read: “*The Clifford Conservation Area Appraisal and Management Plan includes a character analysis of the Conservation Area and a number of actions that would help to promote well thought out design in the conservation area and its setting.*”

Delete the section on non-designated areas in the Character Areas Appendix.

**Recommendation 8:** No change to Policy DEV4.

**Recommendation 9: Include a map showing the boundary of the site and the green space and the façade buildings referred to in the policy.**

**Recommendation 10: Revise Policy BE1 to read:**

**“The enhancement of the Millennium Gardens and Village Hall facilities will be supported. Land to the west of the existing Millennium Garden shown on the map is allocated for the extension of the Millennium Garden.”**

**Revise Stage B to read “...village hall and extend and improve the Millennium Garden to provide an enhanced village hall and village green.”**

**Revise the second sentence of the explanation to the policy to read: “*Negotiations are taking place with Leeds City Council to seek to secure a contribution from the sale of the Willow Lane Village Green for housing development to fund the improvements. Should these negotiations not be successful or not secure sufficient funds then alternative sources of funding will be sought.*” Delete the final two sentence “Work ... own).”**

**Recommendation 11: Revise Policy BE2 as follows:**

**Revise the first bullet point of Policy BE2 to read “...subject to it meeting other *development* plan policies. *These assets include nationally designated listed buildings, archaeological remains, the conservation area and locally important heritage and archaeological assets.*”**

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