

Leeds City Council

Decision Statement – Alwoodley 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 Alwoodley 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 Alwoodley Neighbourhood Plan will proceed to referendum based on the Alwoodley Neighbourhood Area as designated by Leeds City Council on 24th February 2014.
- 1.3 This Decision Statement, the examiner's report and the draft Alwoodley 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 Alwoodley Neighbourhood Plan website <https://www.alwoodleyparishcouncil.org/alwoodley-neighbourhood-plan/>
- 1.4 Hard copies of the Decision Statement and the examiner's report are available for inspection at:
- Leeds City Council, City Development Department, The Leonardo Building, 2 Rossington Street, Leeds, LS2 8HD (Mon, Tues, Thurs, Fri 8.30am – 5.00pm, Weds 9.30am – 5.00pm)
 - Moor Allerton Library, Moor Allerton Centre, Kings Lane, Leeds, LS17 5NY (Mon – Weds 9.00 – 19.00, Thurs, Fri 9.00 – 17.00, Sat, Sun 10.00 – 16.00)
 - Alwoodley Community Centre, The Avenue, Alwoodley, Leeds, LS17 7NZ (During opening hours)

2. Decisions and Reasons

- 2.1 The examiner has concluded that subject to the specified modifications being made to the Plan, the Alwoodley 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 decision and reasons.

- 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 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 Alwoodley to help it decide planning applications in the neighbourhood area?” will be held in the Alwoodley Neighbourhood Area.

This Statement is dated 2nd January 2017.

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
Appendices				
M1	Page 42, Appendix 4	Retitle Section 4 of the Neighbourhood Plan as an Appendix	The Guidance states, “ <i>Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.</i> ” I consider the approach adopted in the Neighbourhood Plan of identifying issues raised, and stating how those concerns might be addressed, is wholly appropriate. Having regard for the Guidance I recommend a modification so that Section 4 of the Neighbourhood Plan is retitled as an Appendix to the plan.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
3.2 Countryside and the Natural Environment				
Policy CNE1: Protecting and Enhancing Woodlands				
M2	Page 17, Policy CNE1	<ul style="list-style-type: none"> delete “, managed” delete “multiple” and insert “landscape and recreational amenity” after “provide” insert “unless it is clearly demonstrated that the need for and benefits of development in those locations clearly outweigh the loss” delete “assist in the sustainability of” and insert “conserve or enhance biodiversity in” delete “subject to other policies in the Plan and to normal town planning considerations” 	<p>Planning policy cannot extend to the control of the management of woodland. The term “<i>multiple benefits</i>” is imprecise. A policy should be self-contained. It is unnecessary and confusing for one policy to refer to “<i>other policies in the Plan</i>” as the Neighbourhood Plan should be read as a whole. The terms “<i>that assist in the sustainability of these woodlands</i>” and “<i>normal town planning considerations</i>” are imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>The Framework states development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland should be refused unless the need for, and benefits of, the development in that location clearly outweigh the loss. I have recommended a modification so that the policy has regard for national policy.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations.
Policy CNE2: Street Trees				

M3	Page 18, Policy CNE2	<ul style="list-style-type: none"> replace a) with “Development proposals should include street trees and other green infrastructure within and adjacent to highways, or demonstrate this would not be practicable.” delete “results” and insert “result” in b) delete all text after “Primley Park Road will” and insert “not be supported unless it is clearly demonstrated that the need for and benefits of the development in that location clearly outweigh the loss, and that replacement of felled trees will be made on a like for like basis with the same species or similar.” 	<p>The term “discouraged” does not provide a basis for decision making on planning proposals. I have recommended use of the term “not be supported”. The terms “seek to” and “wherever practicable” are imprecise policy components. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>The Framework states development resulting in the loss of aged or veteran trees found outside ancient woodland should be refused unless the need for, and benefits of, the development in that location clearly outweigh the loss. I have recommended a modification so that the policy has regard for national policy.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations.
Policy CNE3: Respecting and Enhancing Countryside Character				
M4	Page 20, Policy CNE3	<ul style="list-style-type: none"> in a) delete “acceptable substitutes” and insert “alternatives with a similar appearance” in b) delete “Respecting” and insert “Reflecting the defining characteristics of” replace c) with “Utilising Yorkshire gritstone walls or other boundary treatments commonly found in the plan area;” 	<p>The terms “acceptable” and “respecting” and “not interrupting” are imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>The policy seeks to reinforce local distinctiveness whilst avoiding unnecessary prescription referred to in paragraphs 60 and 59 of the Framework. Protected views must be from publically accessible locations as planning policy must relate to the public interest.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations.

		<ul style="list-style-type: none"> in d) delete “interrupting” and insert “significantly adversely affecting”, and after “landscape” insert “when viewed from locations that are freely accessible to members of the general public” 		
3.3 The Built Environment				
Policy BE1: Local Green Spaces				
M5	Page 24, Policy BE1	<ul style="list-style-type: none"> after “Spaces” insert “where new development is ruled out other than in very special circumstances:” delete “Development will not be permitted which may harm these areas:” <p>Maps of the areas of land designated as Local Green Space should be included in the Neighbourhood Plan at a scale sufficient to identify precise boundaries.</p> <p>Adel Woods (Part) site reference G18 should be deleted from Appendix 2 - Local Green Space assessment.</p>	<p>At the fact checking stage of the preparation of my report the Parish Council, through the City Council, has advised that Policy BE1 should have included an additional Local Green Space proposal in respect of “Adel Woods (part) – LCC ref G18”. Regulation 16 publicity has been undertaken in respect of the Submission Neighbourhood Plan in which Policy BE1 does not include Adel Woods (part). Appendix 2 does list Adel Woods (part), however, the purpose of Appendix 2 is to provide evidence to support Policy BE1. Appendix 2 is subservient to Policy BE1. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Whilst I am able to recommend modification of the Neighbourhood Plan in order to correct errors I consider a modification to designate an additional area of land as Local Green Space represents a significant change to the Submission Plan, that has not been subject to Regulation 16 publicity, and would be beyond my role to determine whether or not the Neighbourhood Plan meets the basic conditions and other requirements I have identified. If I had decided to recommend Adel Woods (part) should be included in the list of areas of land to be designated as Local Green Space in Policy BE1 then I would have had to assess Adel Woods (part) against the criteria for designation set out in the Framework, and in particular whether a proposed designation of 48.28 hectares of land is “<i>not an extensive tract of land</i>”. In recommending Adel Woods (Part) site reference G18 should be deleted from Appendix 2 - Local Green Space assessment I am mindful of the fact Adel Woods is subject to Policy CNE1 of the</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations, provide detailed maps of the Local Green Spaces and remove reference to Adel Woods (G18) from Appendix 2.</p>

			<p>Neighbourhood Plan; is located within Green Belt; and is identified for protection in the emerging Leeds City Council Draft Site Allocations Development Plan Document – Submission Draft Plan submitted to the Secretary of State 5 May 2017.</p> <p>The wording of the policy does not reflect the terms of the designation of Local Green Spaces set out in paragraph 76 of the Framework where it is stated communities will be able to rule out development other than in very special circumstances. It is not appropriate for the Policy to seek to establish an alternative description of the designation. I have recommended a modification in this respect.</p> <p>Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Map 4 in the Neighbourhood Plan at a scale that is insufficient to identify the precise boundaries of each Local Green Space proposed for designation. Normally this would be a fatal flaw such that the designations should not proceed at this time as consultation has been undertaken on an imprecise basis. However, both Map 4 and Appendix 2 include Leeds City Council site reference numbers. Using these reference numbers, it is possible to access maps identifying the sites in the emerging Site Allocations Plan Green Spaces Background Paper Publication Draft September 2015. As these maps are available in digital form on the City Council website it is possible to enlarge them sufficiently so that individual properties are identifiable. On this basis I consider the areas of land concerned have been adequately identified. I recommend a modification so that maps of the areas of land designated as Local Green Space are included in the Neighbourhood Plan at a scale sufficient to identify precise boundaries.</p>	
Policy BE2: Green Spaces Within Residential Areas				
M6	Page 25, Policy BE2	Delete Policy BE2	Map 5 includes 15 star-shaped symbols on a background street map presented at such a scale that individual properties cannot be	Agree to modify the text as indicated to comply

			<p>identified. This does not constitute adequate identification of the green spaces to which the policy should apply. On my visit to the Plan area I could not in all cases identify, with certainty, the precise areas of land that it is intended the policy should apply to. This is an impediment to the policy becoming part of the Development Plan for the area.</p> <p>The layout of parts of Alwoodley, as originally developed, included a considerable number of open areas, some grassed, and others with trees or other planting. The Plan documents and supporting evidence do not explain why some areas have been included in the policy and others not. Those areas that appear to have been included in the policy vary in nature. Some appear to function as extended highway verges and others function as more substantial open areas that could be used for informal relaxation or as play areas. These communal areas, not included within the curtilage of adjacent properties, and which appear to consistently be well maintained, are an essential part of the attractive character of the parish. It is understandable that local people value these open spaces and wish to see them retained. Policy BE2 is, however, seeking to establish a regime that is more restrictive in respect of development than Local Green Space, without even establishing that the criteria for designation as Local Green Space are met. The Framework has introduced the ability to designate Local Green Space and sets out clear guidance when such designation would be appropriate. It is not within the remit of a Neighbourhood Plan to introduce a new category of Local Green Space. Indeed, to do so would not have sufficient regard for national policy.</p> <p>The policy is not in general conformity with Core Strategy Policy G6 and does not have sufficient regard to the components of the Framework concerned with promoting healthy communities. This policy does not meet the Basic Conditions.</p>	with the examiner's recommendations.
Policy BE3: Local Character and Design				
M7	Page 28, Policy BE3	<ul style="list-style-type: none"> replace "In general, development proposals should follow" with 	The terms " <i>In general</i> ", " <i>should follow the following</i> ", " <i>should be avoided</i> " and " <i>adequate provision</i> " are imprecise. There will be	Agree to modify the text as indicated to comply

		<p>“To be supported, development proposals must demonstrate how they incorporate”</p> <ul style="list-style-type: none"> • replace part c) with “Proposals for conversion or replacement of single storey homes on Buckstone Avenue, Buckstone Close, Buckstone View, Primley Park Avenue, Primley Park Grove, and Primley Park Lane must demonstrate how they retain the significance of single storey buildings in the streetscape” • replace part e) with “Proposed development must be no more than three storeys high, and demonstrate on-site car parking provision is adequate to avoid on-street car parking in normal usage” • replace f) with “Side extensions of properties must not create a terracing effect.” 	<p>instances where the location or design are such that a side extension to a property will be acceptable and not create a terracing effect. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>Part c) of the Policy seeks to identify streets where domestic properties should remain single storey in order “<i>to preserve the existing character on the Primleys and Buckstone Estate</i>”. Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) as amended. Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission. An Article 4 Direction is a mechanism whereby a Local Planning Authority can exceptionally modify permitted development rights however no such Direction is in place in the plan area. Policy BE3 would only apply to development proposals that are not permitted development.</p> <p>I consider insufficient evidence has been provided to justify the degree of prescription implicit in “<i>protection from conversion or replacement by multi-storey houses</i>” which would not have sufficient regard for paragraph 59 of the Framework. I do however consider sufficient case has been produced to require demonstration that proposals retain local distinctiveness. Whilst there is a degree of overlap between parts c) and d) of the Policy this is not sufficient to prevent the policy from meeting the Basic Conditions.</p>	with the examiner’s recommendations.
Policy BE4: Reducing On Street Congestion				
M8	Page 29, Policy BE4	Replace Policy BE4 with: “Development proposals that demonstrate they will result in	The terms “ <i>where necessary</i> ”, “ <i>overwhelming the street scene</i> ” and “ <i>promote</i> ” are imprecise. I have recommended a modification so that the policy provides a practical framework within which	Agree to modify the text as indicated to comply

		increased walking, cycling, or use of public transport will be supported. To be supported development proposals must also demonstrate they will not result in additional onstreet parking.”	decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The provision of on-road parking bays within a proposed road layout for an area of land would be subject to the agreement of the relevant Highway Authority. Provision would not be within an applicant’s control and therefore not have sufficient regard for paragraph 173 of the Framework which requires Plans to be deliverable.	with the examiner’s recommendations.
3.4 Community and Recreational Facilities				
Policy CRF1: Protecting and Improving Existing Community Facilities				
M9	Page 32, Policy CRF1	In Policy CRF1 delete “protect and/or” and after the list of facilities insert “Proposals that would result in the loss, or partial loss, of these facilities will only be supported where it can be clearly demonstrated that the facility to be lost is no longer required and that the premises have been marketed without success for a period of no less than six months, or that the proposals will result in equivalent or improved facilities in no less convenient a location for users.”	The term “ <i>protect</i> ” is imprecise. The Framework states planning policies should “ <i>guard against unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs</i> ” and “ <i>ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.</i> ” I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
Policy CRF2: Sport and Recreational Facilities				
M10	Page 33, Policy CRF2	<ul style="list-style-type: none"> • in a) delete “encouraged and” • in b) delete “will be encouraged to contribute to the provision of such” and insert “must contribute to such provision in order to meet the up-to-date assessment of need.” 	The term “ <i>will be encouraged</i> ” is used in both parts a) and b) of the policy. Encouragement does not provide a basis for decision making on development proposals. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations.

3.5 Economy and Business				
Policy EB1: Neighbourhood Shopping Centres				
M11	Page 35, Policy EB1	<ul style="list-style-type: none"> • in a) after “marketing” insert “for a period of no less than six months” • in b) delete “The retention” and insert “Proposals that will result in the loss” and • in b) delete “be encouraged” and insert “not be supported” 	The term “ <i>extensive marketing</i> ” is imprecise and encouragement does not provide a basis for decision making on development proposals. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
Policy EB2: Support for Small Business				
M12	Page 36, Policy EB2	<ul style="list-style-type: none"> • after “scale” delete “appropriate to the location” and insert “that is in keeping with its surroundings, whether located within the residential suburban built-up area or the adjacent rural area;” • delete the sub-headings a) and b), and the text of b) 	The term “ <i>appropriate to the location</i> ” is imprecise. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
3.6 Housing				
Policy H1: Responding to Local Needs				
M13	Page 38, Policy H1	<ul style="list-style-type: none"> • delete “where appropriate” and insert “meet the following development principles unless it is clearly demonstrated that they are not appropriate” • in e) delete “where possible” and insert “unless it is clearly demonstrated that this is not possible” 	The Neighbourhood Planning Act establishes a duty for Government to produce guidance on how local development documents should meet the needs of older and disabled people. This guidance is currently being drafted but not yet published. Paragraph 50 of the Framework refers to the need to plan for a mix of housing based on current and future demographic trends, market trends, and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes). I recommend use of the term ‘homes’ rather than ‘ <i>housing</i> ’ so that the policy relates to the full range of dwelling types suitable for the elderly. The development principles stated may not be appropriate	Agree to modify the text as indicated to comply with the examiner’s recommendations

		<ul style="list-style-type: none"> in the policy title insert “housing” after “local” 	<p>for all housing developments. Provision of housing for the elderly, including sheltered accommodation, would, for example, not be appropriate in respect of a proposal for one or two dwellings. The term “<i>where appropriate</i>” is however imprecise. I have recommended a modification in this respect and in respect of a second imprecise term “<i>where possible</i>” so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p>	
Policy H2: Design of New Housing Developments – Site HG2-36				
M14	Page 40, Policy H2	<ul style="list-style-type: none"> replace provision d with “An assessment of landscape features should be undertaken and any feature found to make a significant positive landscape contribution shall be retained” in provision f delete “. Retention of” and insert “and retain the” replace provision i with “Proposals should include dedicated active travel routes within the development and which link to other parts of Alwoodley” Delete provision j <p>In Appendix 1 replace the heading “Recommendations” with “Conclusions” and delete the concluding section commencing “If development is to take place”</p>	<p>The term “<i>retention of stone gateway sign</i>” is merely a statement and the term “<i>existing landscape features are retained</i>” is imprecise. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>The policy includes requirements relating to green technology and surface water run-off. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: “<i>From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings</i>”. Whilst the Ministerial Statement only applies to new dwellings these are likely to be the most common form of development proposal occurring with respect to Site HG2-36 during the Plan period. The terms “<i>green technology</i>” and “<i>sustainable drainage techniques</i>”, are in any case imprecise. I have recommended a modification in these respects.</p> <p>The Submission Neighbourhood Plan includes “Appendix 1: Site Brief for Policy H2: Location of new homes - Alwoodley Lane”. Policy H2</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations

			<p>does not include any reference to this Appendix however the supporting evidence at 3.6.2 does state <i>“The Parish Council recognises the need for new homes and welcomes the opportunity to have an input into the nature and design of this development. The site brief at Appendix 1 provides an outline of how site HG2-36 should be developed.”</i> There is a degree of overlap between Policy H2 and Appendix 1. Recommendations 1,2,3,4,6, and 7 of Appendix 1 reflect parts f, c, g, b, h and i of Policy H2 although terminology is not precisely the same in all cases. This loose overlap does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I recommend the concluding part of the text of Appendix 1 commencing <i>“If development is to take place”</i> is deleted and point 5 is transferred to be included in Policy H2.</p>	
Throughout the Plan				
M15	Throughout	Modification of general text will be necessary to achieve consistency with the modified policies, and to correct identified errors including those arising from updates.	A number of consequential modifications to the general text, and in particular the justification of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.	Agree to modify the text as indicated to comply with the examiner’s recommendations