

Councillor Broadbent  
Collingham with Linton Parish Council

**City Development**

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Our ref: L:\FPI\Neighbourhood  
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Dear Councillor Broadbent

**Leeds City Council response to the Pre-Submission Draft Linton Neighbourhood Plan**

Thank you for consulting Leeds City Council on the Pre-Submission Draft Linton Neighbourhood Plan. Firstly may I thank the neighbourhood planning group for all their hard work in drafting this plan and congratulate you on producing a clear and well presented draft plan. Here are the comments the City Council wishes to make on the draft plan at this stage which I hope are useful however please note they are purely advisory and Collingham with Linton Parish Council is under no obligation to take them on board. For ease of understanding, they have been grouped under the following headings:

1. Timing/risks – the risk of proceeding with a neighbourhood plan in the absence of an approved Core Strategy and Site Allocations Plan
2. Basic Conditions – the neighbourhood plan will be assessed against the Basic Conditions at examination
3. Planning policies – more detailed comments on each policy in the draft plan with observations and suggestions for you to consider.
4. General comments – some broad, non-policy specific comments.

**1. Timing/risks**

- It is clear from comments made by NP examiners that the absence of an adopted Core Strategy (CS) and/or Site Allocations Plan (SAP) is not a reason to delay the progress of a neighbourhood plan.
- However the absence of an adopted CS/SAP creates uncertainty in relation to

assessing general conformity.

- Winslow - A developer has tried to legally block the Winslow Neighbourhood Plan Referendum by seeking an injunction from the High Court. One of the arguments put forward was that the document should not be brought into effect in the absence of an up-to-date local plan as there are no strategic policies for the neighbourhood plan to be judged against and that the plan is in compliance with a local plan that was found to be unsound. The hearing took place on 22th July where the application for an injunction was dismissed.
- There is a risk that when higher order plans (CS/SAP) are adopted after a neighbourhood plan is made, elements of that NP could be superseded.
- The least risky approach would be to wait for the CS and SAP to be adopted.

## **2. Basic Conditions**

At examination, a neighbourhood plan will be judged on whether it complies with the Basic Conditions set out in paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990. The following are considered to be relevant to Linton's pre-submission draft neighbourhood plan and comments are made on these in relation to the content of the draft Plan:

### **a) Having regard to national policies and advice contained in guidance issued by the Secretary of State**

The NPPF very much focuses on the production and application of Local Plans, however there is a requirement for neighbourhood plans to have regard to the provisions of the NPPF. Indeed, neighbourhood planning is mentioned explicitly in paras 16, 184 and 185 as set out below:

*16. The application of the presumption (in favour of sustainable development) will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:*

- *develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and*
- *identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.*

*184. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and*

*neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.*

*185. Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.*

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (economic, social and environmental). Furthermore the 'presumption in favour of sustainable development' is the key thread running through the plan-making and decision-taking processes of the planning system. This can be achieved by objectively assessing needs and positively seeking opportunities to meet the development needs of an area

Neighbourhood Plans should have a positive vision and, together with the Local Plan, provide a practical framework within which planning decisions can be made with a high degree of predictability and efficiency. The NPPF states that plans should:

- i) find creative ways of enhancing and improving the places in which people live;
- ii) support and promote sustainable economic development to deliver homes, jobs, infrastructure and thriving local places. Local and Neighbourhood plans should promote a strong rural economy by
  - a. supporting sustainable growth and expansion of businesses
  - b. promoting agriculture and other land based rural businesses
  - c. supporting sustainable tourism and leisure developments in appropriate locations to address unmet needs
  - d. promoting the retention and development of local services and facilities.A wide choice of high quality homes should be delivered to boost supply, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Plans should provide for a mix of housing to meet the needs of different groups in a community and identify size, type, tenure and range of housing required in specific locations ;
- iii) seek high quality design and a good standard of amenity. Local Plans and neighbourhood plans should have robust and comprehensive policies setting out the quality of development expected based on clear objectives for the future of the area and the area's defining characteristics. They should not be unnecessarily prescriptive or detailed and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development. They should not try to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative in an attempt to ensure development conforms to certain development forms or

styles however, seeking to promote or reinforce local distinctiveness is acceptable. Policies and decisions should also address the connections between people and places and the integration of new development into the natural, built and historic environment.

- iv) promote the vitality of our main urban areas whilst protecting Green Belts and the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Development is inappropriate in the Green Belt, subject to certain exceptions;
- v) consider climate change, the reuse of existing resources, renewable resources/energy and a low carbon future. It is important to adopt a proactive approach to mitigating and adapting to climate change and to support measures to help increase the use and supply of renewable and low carbon energy to achieve a low carbon future. It is the responsibility of all communities to contribute to achieving this. Indeed there is scope for community-led initiatives for renewable and low carbon energy to be taken forward through neighbourhood planning. Issues such as flood risk, water supply and changes to biodiversity and landscape should also be considered;
- vi) contribute to conserving and enhancing the natural environment and reducing pollution. It is important to
  - a. protect and enhance valued landscape, biological conservation interests and soils
  - b. recognise the wider benefits of ecosystem services
  - c. minimise the impact on biodiversity and improve biodiversity where possible
  - d. prevent development contributing to unacceptable levels of soil/air/water/noise pollution
  - e. remediate and mitigate derelict/contaminated land;
- vii) encourage the effective use of land by reusing previously developed land;
- viii) promote mixed use developments and encourage the use of land which will achieve multiple benefits (e.g. for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- ix) conserve heritage assets. Plans should contain a positive strategy for the conservation and enjoyment of the historic environment, including measures to prevent substantial harm by development;
- x) make full use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Sustainable transport modes should be favoured as well as measures to reduce congestion and greenhouse gas emissions and to give people real choice in how they travel. Priority should be given to walking, cycling and public transport; and
- xi) support strategies to improve health, social, recreational and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. It is important to:

- a. plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments;
- b. guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- c. 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; and
- d. ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

The NPPF also promotes high quality infrastructure such as high speed broadband and other communications networks which is essential for sustainable economic growth and is important in enhancing the provision of local community facilities and services. Plans should support the expansion of these technologies

The draft Linton Neighbourhood Plan is considered to generally have regard to the provision of the NPPF. It promotes sustainable development and has the preservation and enhancement of the parish at its heart. It supports local businesses in principle and Policy B1 expresses support for small-scale development which will not extend the built up village envelope into the surrounding countryside however the draft plan does not specifically allocate any sites for new housing development which creates some uncertainty over the extent to which the plan provides real support for growth as promoted in the NPPF. It would be useful to show more clearly how the village envelope could accommodate development and how this could be delivered. There is clearly the desire to return all or part of the PAS site to Green Belt and agricultural use however the Core Strategy refers to the use of PAS and Green Belt for possible development even if specific sites are not identified. Through the public engagement process, some need for housing has been identified, particularly for properties to allow current residents to downsize, but it is not clear whether this will meet all local needs and there is no indication of what size, type or tenure they may be or where they may be located.

The draft plan seeks good quality design and includes some policies with very specific requirements for development and extensions. It is considered these are rather too prescriptive in places, though it is acknowledged that much of the village is a conservation area. Further views on this are contained in the detailed policy section, under Policies A1 and A2. The conservation of heritage assets and the natural environment is covered along with the identification and protection of village facilities, services and greenspaces. Additional greenspaces are proposed to be protected. The plan promotes walking and cycling and requires proposed development to improve footpath and bridleway access when appropriate. There are

a number of projects to improve opportunities for walking and cycling proposed in the plan.

It is felt that the draft plan does not address the issues of climate change, renewable resources and energy and flood risk sufficiently. These are important considerations in the NPPF therefore it would be advisable to consider them through the neighbourhood plan, however if you feel you have nothing to add at the specific local Linton level, then the higher order policies in the Core Strategy are sufficient though these should not be replicated in the neighbourhood plan just for the sake of saying something.

**b) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development**

- The plan identifies clearly a number of natural and historic features e.g. SSSI, SEGI, archaeological sites, trees etc which it strives to protect and enhance.
- It promotes the management of future development and sensitive development to preserve and enhance the distinctive landscape and built character and appearance of the village.
- It recognises housing development which is tailored to meet local future housing needs however it does not quantify numbers of units or address how development to meet local need could be delivered in the absence of identified sites.
- It promotes the protection of existing greenspace and the creation of new open space and footpaths to improve the quality of life of those living/working/doing business in Linton.
- It promotes the improvement of highways and footways to create safer routes for pedestrians.
- It promotes improvements to the footpath network to create new footpaths and cycleways to improve connectivity and access to the countryside and opportunities for active recreation however there are questions over the ability to deliver these improvements.
- It promotes the protection of important village assets which are valued by local residents and are important to the social health of the village.
- It promotes local business (separate premises and home working) which will support the economic health of the village and potentially reduce travel to work.
- It promotes community cohesion and building on existing community spirit to amongst other things assist in delivery.

Overall, sustainable development is a core theme running throughout the document and this is clearly reflected through many of the policies. The plan does

not identify any sites for new development, instead being focussed on the protection and enhancement of the existing environmental, social and economic characteristics of the village. In general terms, the plan promotes the provision of small scale development focussed particularly on meeting future local housing needs of older residents however it is unclear whether there are real opportunities to deliver this. It also contains specific reference to protecting and improving open space provision, footways, footpaths and cycleways but again there are issues of how this will be delivered. It supports local business and has a clear focus on the importance of community and the social wellbeing of the village.

As outlined previously, it is suggested that the draft plan should consider low carbon energy e.g. wind turbines, solar energy etc and show how these can contribute to sustainability of the village and plan if relevant. Linton does flood at times therefore the plan should address this as well as suggest mitigation measures to reduce the risk of flooding e.g. the use of porous surfaces.

**c) That making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority.**

The policies contained in the draft Linton Neighbourhood Plan should be in conformity with the strategic policies of the Local Plan. Currently the statutory development plan for the Leeds area is the Revised Unitary Development Plan 2006, however the Core Strategy (which will, once adopted, replace the strategic policies of the RUDP) is nearing adoption. The City Council has already had an indication of what modifications the Inspector thinks are necessary to make the plan sound and has recently advertised a second set of such proposed modifications. Once the Core Strategy is amended accordingly, it is hoped that it will progress through the City Council's formal approval process and be officially adopted by the Council before the end of this year. It is therefore highly likely that the Core Strategy will be part of the statutory development plan for Leeds by the time the draft Linton plan progresses to examination and referendum and certainly during the life of the neighbourhood plan, therefore it is appropriate to consider the draft policies in the context of the Core Strategy rather than the RUDP.

Most policies in the Core Strategy that concern a wider area than just the parish might be considered strategic, but the following are considered to be relevant to the draft Linton Neighbourhood Plan.

- **SP1 (location of development), SP2 (hierarchy of centres) and SP 7 (distribution of housing)**

As Linton falls outside the settlement hierarchy, it is not expected to accommodate significant growth. However, Policy SP7 seeks 700 dwellings in 'other rural' locations over the plan period and Linton would be considered as one such location therefore it may need to take a limited role in meeting the needs across the district. The draft plan does not identify any land for housing development. The plan suggests there is a need for properties for people to 'downsize' but is there any other need from within or outside the village e.g. properties for those wanting to get on the property ladder, sheltered accommodation, affordable housing etc? Indeed paras 47 and 54 of the NPPF expect housing need of an area to be clearly planned for. It would be useful to quantify the need and say something on how this could be delivered.

- **H2 (Housing Development on non-allocated sites), H3 (Housing Density), H4 (Housing Mix), H5 (Affordable Housing), H7 (Gypsies and Traveller accommodation), H8 (Housing for Independent Living)**

It is important that neighbourhood plan policies are consistent with these policies. Policy B3 needs to be consistent with H2 and Policy B5 consistent with H4 and H8. The draft neighbourhood plan makes reference a number of times to new development being at a low density however Policy H3 allows a much higher minimum density of 30 dwellings per hectare (net). The neighbourhood plan should therefore set out the circumstances where higher densities will or won't be acceptable and provide evidence and reasons why higher densities won't be acceptable.

- **SP8 (Economic development priorities)**

This policy supports the growth and diversification of the rural economy within the context of the settlement hierarchy and the protection and enhancement of a high quality rural environment. It also reflects para 28 of the NPPF. The draft Linton Neighbourhood Plan is considered to be in general conformity with this.

- **EC2 (Office development), EC3 (Safeguarding existing employment)**

Policy EC2 allows office development up to 500sqm in places outside the settlement hierarchy like Linton without sequential or need tests. You may consider it sensible for the neighbourhood plan to comment on how such proposals would be viewed by Linton. Policy EC3 notes there may be a case to retain business premises in areas of shortfall (including Outer North East Leeds). Does Linton have any small businesses and business premises? If so, the neighbourhood plan should set out its position regarding future loss or retention of such premises.



- **P4 (Stand-alone food stores), P9 (Community Facilities)**

Policies P4 and P9 are considered to be strategic policies and as such it would be useful for retail provision to be considered by the Linton neighbourhood plan group. Policy P4 is generally permissive of small retail outlets e.g. a supermarket up to 372 sqm so is there anything you would like to say in the plan in relation to such proposals in the Linton context? There is no requirement to explicitly address this if there is nothing 'Linton-specific' you would like to add. Policies C1 and E2 of the draft neighbourhood plan are supportive of community facilities but may be they could be strengthened to seek protection if a need could be demonstrated.

- **T2 (Accessibility and new development)**

Policy B3 of the draft neighbourhood plan deals with this but doesn't have the detailed criteria set out in T2. T2 should not be replicated but may be it could inform any revisions to this policy.

- **SP13 Strategic Green Infrastructure, G1 (Enhancing and extending Green Infrastructure), G2 (Tree Cover), G3 (Open space standards), G4 (New Greenspace) G6 (Protection of Greenspace), G7 (Cemeteries), G8 (Protection of habitats), G9 (Biodiversity improvements)**

Green infrastructure is very important, especially as Linton lies within the Wharfe Valley. The draft neighbourhood plan generally promotes the maintenance and enhancement/extension of these elements though may be more could be said on biodiversity improvements and how local green infrastructure could be better connected and enhanced. The designation of greenspace is broadly in accordance with these policies.

- **EN1 (Climate Change), EN2 (Sustainable design and construction), EN3 (Low carbon energy), EN5 (Flood Risk)**

As mentioned previously, the neighbourhood plan should consider the issues dealt with in these policies if there is something specifically relevant to Linton you would like to include. Parts of Linton lie within the River Wharfe's floodplain therefore it is suggested that flooding should be addressed.

The Natural Resources and Waste Development Plan Document is part of the Local Development Framework. The plan sets out where land is needed to enable us to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help us use our natural resources in a more efficient way. There are no waste or mineral allocations or safeguarded sites in the Linton Neighbourhood Area. There could be sand and gravel deposits in the Wharfe Valley, however Policy Mineral 6 states that it is unlikely that

proposals for the extraction of sand and gravel within the area to the East of Pool in the Wharfe Valley will be supported.

**d) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.**

The key EU obligations to consider are considered to be:

- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (Strategic Environmental Impact Directive).
- Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (Environmental Impact Assessment Directive)
- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora
- Directive 2009/147/EC on the conservation of wild birds.

You will receive a formal response from the City Council on the need for any assessments in relation to these European Directives, however following consultation with the Environment Agency, English Heritage, Natural England and the Council's Nature Conservation Officer, the general view is that the policies and proposals in the draft Linton Neighbourhood Plan would not have a significant effect on the environment, habitats or birds of the area and therefore formal assessments will not be required.

### **3. Planning Policies**

#### **Policy A1**

***New development must preserve and enhance the village of Linton by:***

- ***Recognising and contributing to the distinct rural feel of Linton.***
- ***Respecting the local character, historic and natural assets of the surrounding area, in particular the Conservation Area, and taking every opportunity, through design and materials, to reinforce local distinctiveness and a strong sense of place.***
- ***Ensuring that developments outside the Conservation Area do not adversely affect the character and appearance of the Conservation Area.***
- ***Maintaining space and proportion of building plots.***
- ***Ensuring that new structures do not dominate the streetscape. Linton Neighbourhood Plan - Draft for Pre-submission Consultation 19***
- ***Respecting local landscape quality ensuring that views and vistas are maintained. The visual impact should be considered both from local impact and from longer distance views. The preservation of undeveloped wooded hillsides and ridgelines and open country***

***views, is a key material consideration in respect of any future development. Development which adversely impacts on the views indicated on Map 5 will not be permitted.***

- Incorporating landscaping to mitigate the impact of development. Planting programmes for new development should incorporate native arboreal species local to the area.***
- Prohibiting the removal of any trees that have a significant amenity value, without the support of an arboriculture report by a reputable company.***
- Using regularly coursed millstone grit/sandstone as the dominant construction material for new buildings and boundary walls.***
- Maintaining the consistent two-storey eaves height found throughout the Conservation Area.***
- Continuing to use rural and vernacular detailing on new build structures to ensure that the rural and historic character is retained.***
- Accommodating footways and also grass strips in verges.***
- Providing pitched roofs and regularly spaced windows that do not dominate the street scene.***
- Minimising the use of street furniture and signage to preserve rural character***
- Not installing street lights.***

### **General comments**

The intentions behind this policy are honourable and clear however the requirements put on new development particularly to preserve and enhance the whole village of Linton are very stringent. It is suggested that with some rewording, the intention of the policy can still be kept but the detail could be more appropriate. The key factors to consider are size, scale, form and style.

### **Specific comments**

- It is suggested that some of Linton has a rural feel, whilst other sections have a more built up and 'suburban' feel;
- A clearer definition of what is meant by the 'space and proportion of a building plot' would be useful and clarity on how the Local Planning Authority (LPA) would actually assess this. You may like to consider some words which refer to respecting the spatial character around a planning application site;
- Respecting local landscape quality will be a material consideration in some circumstances, though not in all planning applications. Current planning legislation does not attach much importance to the preservation of views therefore it would be difficult to refuse an application due to its impact on views. There is a potential conflict between the preservation of views and support for development which should

be balanced through a carefully worded policy. It would be useful to have more explanation of the blue areas on Map (page 17), particularly when the red arrows do not point towards an identified area:

- You may want to consider softening the language in respect of landscape schemes, may be to something like 'Where appropriate landscaping schemes should seek to include native species'. It will not always be appropriate or necessary to incorporate native species;
- The LPA cannot prevent the removal of trees unless they are protected by TPO or conservation area. It would be useful to include a definition of 'trees that have a significant amenity value.' Furthermore, the LPA cannot judge whether a company is 'reputable' or not;
- It would be difficult to insist that all new development be in millstone grit or sandstone, though certainly there are more controls over materials within the conservation area. The use of materials that respect and reflect the predominant ones in the village today can be encouraged through policy or may be millstone grit or sandstone could be encouraged where appropriate;
- Furthermore, it would be difficult to stipulate that development must be two storey in height, however again there is scope to encourage and highlight that development proposals will be considered against existing building heights and scale and that they must respect the character and scale of the area;
- A similar approach is suggested in respect of the issues of vernacular style, pitched roofs and regularly spaced windows, particularly outside the conservation area. Clarity on what 'regular spaced windows' are would be welcome;

## **Policy A2**

***In addition to the requirements of Policy A1 the following shall apply to the design of extensions:***

- ***Extensions, including garages, should not cause the property to dominate its neighbourhood and street scene, and space will be retained between buildings and the street similar to the space between neighbouring properties.***
- ***Extensions will be in materials to complement the existing or neighbouring houses.***
- ***Original character features should be retained and replicated in the extension.***
- ***Dormer windows shall be avoided on front elevations. They should be set back from the eaves, side/party walls and set down from ridgelines.***
- ***Door architraves, window styles and frames should closely reflect the style of the original building.***

## **General comments**

This policy should be considered in the context of permitted development rights. Again, the key factors to consider are size, scale, form and style.

### **Specific comments**

- It would be difficult to insist that spaces are retained between buildings but there would be scope for a requirement for extensions to respect the architectural and spatial character of the streetscene;
- It would be more important that extensions complement the existing property than neighbouring properties;
- Again it would be difficult for the LPA to refuse dormers on the front elevation; There are some such dormers in Linton already and additional ones have been approved recently;
- The LPA would seek to ensure that the detail of extensions mirrors that of the main dwelling outside a Conservation Area.

### **Policy A3**

***To involve residents in an on-going basis in the process of decision-making for planning applications for new dwellings. Any planning application must be accompanied by a Statement of Community Involvement. This statement must include:***

- ***An explanation of how the community has been consulted about the proposals;***
- ***A demonstration that a range of means has been used to engage with local people;***
- ***A record of the views expressed by local people;***
- ***An explanation of how the proposals have responded to local people's views; Linton Neighbourhood Plan - Draft for Pre-submission Consultation 21***
- ***An agreed programme for on-going consultation.***

***Any subsequent application will only be supported if it is clear the feedback from the community has been taken into account as far as practicable.***

### **General comments**

This is rather an onerous requirement which is significantly over and above the requirements of the Core Strategy and the NPPF and whilst it is reasonable to encourage applicants to engage in consultation, the Council cannot refuse an application which does not or ignores the views of residents but is compliant with national and local development plan policies. Indeed, the Council's own Statement of Community Involvement cannot enforce public consultation rather it highlights the risk if consultation is not undertaken.

### **Policy B1**

***Development will be supported where it is small-scale and does not extend the village into the surrounding countryside.***

### **General comments**

There may be cases where development which extends the village into the countryside is deemed acceptable against other planning policies e.g. Green Belt or the Site Allocations Plan may actually allocate land for development. Nevertheless, Green Belt policy in the UDP/Core Strategy will be relevant and prevent sprawl into the surrounding countryside.

It would be useful to define the terms 'small scale' and 'countryside'.

It is suggested that more work should be done in relation to housing need (downsizing and other need) and where this could be located. Para 88 states the residents of Linton are not anti-development and there will be more housing but it leaves the identification of possible sites down to Leeds City Council and the Planning Inspectorate after having ruled out all the SHLAA sites.

### **Policy B2**

***SHLAA 2136, The Ridge, Linton will continue to be protected from development until its longer term allocation has been determined via the Local Plan Sites Allocation Plan, following a comprehensive Green Belt review, housing needs and sites assessments.***

### **General comments**

No decision has been made on the future of the PAS site as this will be made through the Site Allocations Plan process and as such there is a risk this policy will become out of date very quickly subject to the SAP being adopted. A comprehensive Green Belt review is not being undertaken, rather a selective review in relation to the allocation of sites for housing, employment, retail and greenspace.

### **Policy B3**

***New development should be located within 5 minutes' walk / 400 metres of a bus stop, and will encourage opportunities to walk safely to local facilities such as Linton Memorial Hall and to services available in Collingham and Wetherby.***

### **General comments**

This appears broadly compatible with the aims of sustainable development and its aims to facilitate walking and the use of public transport is highly commended. However it would be interesting to know which areas of the village would be beyond the distance threshold. If there is a lot of housing in these outer areas, it would be difficult to refuse another house in a residential area for this reason.

This repeats much of the Core Strategy accessibility standards and therefore it is questionable whether the policy is necessary.

## **Policy B4**

***No development will be permitted that increases turning traffic at the Trip Lane/Main Street junction which is sub-standard and cannot be improved without serious detriment to the Conservation Area.***

***Development which increases turning traffic at the Northgate Lane/Main Street junction will only be permitted if improvements are made to the sub-standard geometry of this junction. These improvements must be sympathetic to the character of the Conservation Area.***

### **General comments**

This is felt to be rather onerous and could not be given much weight without evidence to demonstrate harm. Improvements to junctions can be sought through S106 agreements if they directly relate to a development and are required to make the development acceptable. An increase in traffic does not necessarily lead to harm to highway safety.

## **Policy B5**

***Any proposed new housing development will seek to provide a mix of dwelling types to suit the changing needs of an ageing demographic profile population and provide suitable dwellings for downsizing.***

### **General comments**

Whilst this shows a genuine desire to provide a mix of dwelling types to meet an identified need, as the NP is not allocating housing sites, the policy is almost impossible to deliver. If sites were to be found, it would be overly restrictive to allow only properties for existing residents to 'downsize' or for the elderly. Is there any other demand?

The LPA would find it difficult to impose specific house types or styles on a developer or insist on a certain size of dwelling however Policy H4 of the Core Strategy generally provides for a mix of dwelling types and sizes.

Clarity is needed on the term 'downsizing'. What size properties are you envisaging?

## **Policy C1**

***No development will be allowed that is harmful to the following village facilities and services. Any measure to improve these facilities and services for the benefit of the residents of Linton will be supported:***

- ***Linton Memorial Hall;***
- ***The Windmill Inn;***
- ***Wetherby Golf Club;***

- **Linton Tennis Club;**
- **The Montessori Nursery School; and**
- **Riverside Garden Centre / Nursery.**

### **General comments**

A clear definition of 'harmful' would be important though it would still be difficult for the LPA to enforce. Neighbourhood Plans can, however, identify Assets of Community Value and set out aspirations in relation to these.

### **Policy D1**

***Any proposed development will take all reasonable opportunities to improve footpath and bridleway access, by, for example, facilitating new circular walks and new safer alternatives to existing routes. Proposed routes (see Map 7 above) will be expected to take advantage of features such as good views, amenity areas and also provide further planting as part of the proposals.***

***The layout should take into consideration the possibility of future footpaths and bridleways and access links not directly provided by the developments.***

### **General comments**

This policy is broadly in compliance with other higher order policies, though you may like to consider some minor wording changes e.g. replace "will take all reasonable opportunities" with "should take opportunities." Care needs to be taken with terminology, roadside paths are 'footways' (looked after by Highways and on the Highways Street Register) whereas 'Public Footpaths, Bridleways and Byways are looked after by Public Rights of Way and on the Definitive Map of Public Rights of Way. The Council would in principle support improvements for new footpaths and bridleway links and for Sodom Lane to be formally recognised as a Public Right of Way, however creating new public paths across privately owned land is usually dependent on the cooperation of the landowner, unless there is evidence of unchallenged use allowing a claim for a public right of way to be made. Stammergate Lane is an existing 'Green Lane' therefore a more sympathetic surface than tarmac would be suitable. Leeds City Council PROW would be happy to discuss options with the Parish Council however there would be a funding implication for anything more than basic path maintenance. With no development sites, there is the issue of how any improvements would be delivered.

There is no mention of cycleways and that the 'West Yorkshire Cycle Route' passes on Linton Lane and links Collingham to Wetherby and beyond.

### **Policy E1**



***The land owned by the Trustees of Linton Memorial Hall and the Trustees of Linton Tennis Club and north of the existing protected Green Space should be designated as Local Green Space.***

***The village green triangle at the junction of Main street and Trip Lane, and the village green triangle at the junction of Muddy lane and Northgate Lane should be designated as Local Green Space.***

### **General comments**

It would be useful if these spaces were identified on a plan. A neighbourhood plan can actually designate Local Green Space so maybe you should consider using this power to actually designate rather than just indicate they 'should be designated....' If this is something you would like to do, more work would be needed to show clearly the justification for this and how sites would be delivered.

### **Policy E2**

***Development that assists in provision of additional children's facilities and/or amenity green space to meet the standards of Policy G3 in the Leeds Core Strategy will be supported subject to normal town planning considerations.***

### **General comments**

The intention behind this policy is understandable though you may want to revise it slightly as it appears to suggest that **any** development that helps to provide children's play facilities or amenity green space will be supported. May be something that conveys that the provision of children's facilities/green space is encouraged where appropriate to the scale of a development, provided the development complies with higher level policies would be suitable?

### **Policy F1**

***Development proposals which provide support and encouragement to local businesses and ensure viability is maintained and strengthened will be supported in principle subject to normal town planning considerations and other policy requirements of the Linton Neighbourhood Plan***

This is generally a good aspiration but giving blanket support in principle to business development is far reaching and somewhat open ended, though you do refer to compliance with 'normal town planning considerations'.

### **Policy F2**

***New developments should demonstrate how they will contribute and be compatible with internet connectivity. This should be by way of a 'connectivity statement' to accompany planning application and include plans showing suitable ducting provision***

## **General comments**

This reflects the NPPF and supports business and technological growth however it is rather onerous to expect **all** applications to show how the proposed development would contribute to, and be compatible with, internet connectivity and it is unclear what individual developments can do. Future improvements in technology may make ducting obsolete.

### **4a. General comments relating to other sections of the plan**

The plan must state what time period it covers.

You may need to consider impacts of the plan on the viability of development if the plan is imposing extra considerations or 'burdens' on development, over and above that required usually by planning legislation.

## **Vision**

The reference to avoiding high density housing reflects the protection of the current settlement and property types but does this reflect local housing need? Smaller properties (including possible conversions) could be higher density without destroying local distinctiveness. May be a reference to 'appropriate densities' would be more suitable.

## **Objectives**

2. What are 'the future needs of Linton residents'?

7. Are the 'village assets' to be protected listed in Policy C1?

### **11.1 A1: Design and Development**

How does this section add to the CAAMP which is already adopted and providing protection?

There no reference to the Collingham with Linton Village Design Statement which provides more detailed information on historical, design, conservation and highways issues

### **11.3 Projects to Help Deliver Our Vision**

The City Council is unable commit to 'improve verges and paths using sympathetic materials' therefore it can only be regarded as an aspiration.

It would help if there was a definition of the term 'improving', particularly in light of the fact that if it refers to maintenance then the repair the footpaths will to be based on the city wide strategy for selecting schemes, budget constraints etc. 'Sympathetic' is a subjective word therefore it would be helpful to have some clarity on what is meant exactly. As

stone is the main building material, does this mean the desire is to have stone flagged footways and stone kerbs? This may not be the most suitable material for the elderly as flags easily get damaged when overrun by vehicles or tree roots extend under them.

The City Council must be able to replace any white painted fences that fulfil a highway function and are a highway asset with materials that fulfil modern safety standards when required.

Para 77 – It is not necessarily correct to say that the Green Belt will be maintained throughout the Plan period as this remains to be determined through the Site Allocations Process which is on-going at the moment.

Para 80 – opportunities for housing development will need to be considered within the context set out in paras 74 – 79 but it is not advisable to say development opportunities are severely limited.

Para 126 – there needs to be some clarification on the difference between a ‘village green’ and ‘green space.’

### **Projects list**

- You have done well in identifying projects but it would be useful to have them shown on a plan. Delivery is clearly an issue particularly with the lack of any housing allocations. However the plan refers to CIL money from developments in Collingham as well as Linton so this could be a valuable source of funding although the scale of future development in Collingham is also uncertain. You may want to produce a delivery plan.

### **4b. Other general comments**

#### **Legal:**

The introduction refers to the plan must be compatible with ‘National and European policies.’ This should be national planning policy and EU law including human rights. Para 29 states that if there is a favourable referendum then the neighbourhood plan becomes part of the development plan. A neighbourhood plan becomes part of the development plan only once the City Council has adopted the plan which it must do as soon as a positive referendum result is known as long as it is satisfied that the neighbourhood plan doesn’t breach EU obligations and human rights.

#### **Children’s Services:**

- Children’s Services notes that the plan makes reference to the school provision in the local area and for clarity the following points are worth noting. The settlement of Linton falls into the Primary Planning area for Wetherby and Collingham. There is currently capacity in the schools in that planning area to accommodate local

demand. Children's Services expects that demand from the Linton area will be considered as part of the planning for Wetherby and Collingham and factored into any changes to the number of school places needed across that area into the future. The plan comment on Secondary school places is accurate.

### **Public Health:**

- The plan has taken care to consult widely and has taken into consideration many of the issues that are important to protect public health.
- The plan acknowledges the issues around increased rural traffic (97% of people are concerned) and the need to protect green space.
- It values highway improvement and pedestrian safety, increased cycle ways and improved connectivity to the rural countryside. However, although it points to the disadvantages of narrow pavements, and the inconvenience/safety hazards that may cause to users in terms of accommodating pushchairs, it does not seem to have considered the additional hazards for wheelchair users. This is pertinent since the report states there is a greater concentration of elderly people than in Leeds as a whole and this is likely to increase (p29). Housing type has been considered with this elderly increase in mind, but perhaps more consideration could be given to the non-housing needs of this increasing elderly group.
- The trees are rightly valued as green amenity, but could, in winter, pose a leaves slip hazard to all, but particularly elderly/disabled people. This may increase their social isolation as they become afraid to walk about in the local area.
- Developing safer routes for pedestrians from Linton to Collingham and Wetherby is welcomed, but would suggest that this considers the particular needs of less active groups, who may increasingly rely on personal transport (thus further adding to the traffic nuisance).
- Whilst this plan has a focus on preserving the village character and heritage, In terms of business support, perhaps more consideration could be given to encouraging businesses that will help sustain the increasingly elderly population in the future e.g. around adequate nutrition, reducing social isolation, transport etc. Demographic change is leaving more older people without family nearby.

### **Nature Conservation:**

- Nature conservation issues are generally well covered in the plan. It would be a good objective to ensure that the area adjacent to Linton Common SSSI remains undeveloped and is positively enhanced to extend the area of Magnesian Limestone Grassland.

## Heritage

- The draft neighbourhood plan makes clear reference to the heritage assets of the village, the Linton Conservation Area boundary and the Linton Conservation Area Appraisal and Management Plan. It aims to conserve the character and historical value of the village and its surroundings both within the conservation area and beyond which is in line with Local Plan policies and national legislation and guidance relating to the historic environment.

## Community Infrastructure Levy (Section 17) and Projects for Linton (Section 18):

Paragraph 140 is accurate for the Parish Council's CIL spending, however, the Regulations only allow the City Council to spend the CIL on "funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area," i.e. not also on "anything else that is concerned with addressing the demands that development places on an area."

You may wish to add to paragraph 141: "In order to ensure that individual developments are not charged for the same infrastructure items through both S106s and the CIL, a S106 contribution cannot then be made towards an infrastructure item already on the List. The City Council has to spend its CIL income on items on the Reg123 List, but Parish Councils have no requirement to do so."

Paragraphs 143 and 145 assume that the City Council will spend its CIL funds in the village. This may be the case but is not a guarantee as depends on more strategic decisions, the type and amount of development which comes forwards, its impacts, and the amount of CIL raised in the meaningful proportion in this highest residential zone of £90 psm compared to only £5 psm elsewhere in the District. The Government's intent in introducing the CIL is to break the link between a specific development and the spending of its CIL payment. Therefore, the Council cannot support the neighbourhood plan in having a statement that "These are the types of projects LCC will be expected to fund through the CIL." It is more appropriate to state that "These are the types of projects LCC may fund through the CIL." The infrastructure described in 143 may also be funded from the Parish Council's meaningful proportion. Similarly, 145 should be changed to say "Some of the projects, however, are more suitable for delivery by the Parish Council and some by LCC. It is envisaged that the Parish Council will use its "meaningful proportion" and LCC may use CIL and other funding sources funds accordingly.

We do want to work with parish councils to further define these points to make sure that development is incentivised and impacts are mitigated, but this needs to come once there is more certainty both in the Site Allocations Plan and in likely sites/amounts for windfall. For instance, as the Draft Plan points out, no sites were supported in the Site Allocations Plan (Issues and Options) and paragraph 89 shows the majority of residents want either no new houses, or only up to 10 new houses. 10 large houses with garages

could equate to around £108,000 CIL (25% meaningful proportion of £27,000) which clearly will not fund all the infrastructure projects identified in Section 18, especially if brought forwards one or two houses at a time.

It is very encouraging and positive that the community has identified a number of projects in Section 18 in the Projects Priority List, and the delivery agency as set out in Section 19. With minimal new development then there would obviously be only minimal impact on infrastructure, and therefore the projects in the priority list would not be needed as a result of new growth but to meet existing needs/desires. This is therefore a further reason why the City Council cannot commit to CIL spending on those projects, as CIL spending can only be as a result of new development.

Some of the projects are wider than just CIL spending, as is then acknowledged below the table, but it would be useful to also highlight this in paragraph 150. It may also help clarity to distinguish between those which are 'physical' measures and those which are not such as returning The Ridge to green belt, and registering the list of community assets.

Paragraph 146 is supported. It may assist to include an example of the amount of payment which could be received for a new individual house (e.g. 4 bed plus garage = approximately 120 sqm). N.B. Self-build houses and residential extensions are exempt from paying the CIL.

I hope these comments are useful and help the neighbourhood planning group to review the pre-submission draft Linton Neighbourhood Plan before it progresses to examination. I understand you have a meeting arranged with City Council officers on 3<sup>rd</sup> September to discuss these comments in more detail and explore the way forward.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Speak', with a horizontal line underneath.

Stephen Speak  
Deputy Chief Planning Officer