

## Leeds City Council

### Decision Statement – Linton Neighbourhood Plan

#### (The Town & Country planning Act 1990 – Schedule 4B and The Neighbourhood Planning (General) Regulations 2012 – Part 5, paragraph 18)

#### 1. Summary

- 1.1 Following an independent examination, Leeds City Council now confirms that the Linton Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum subject to the modifications set out in Section 3.
- 1.2 In accordance with the examiner's recommendation, the Linton Neighbourhood Plan will proceed to a referendum based on the Linton Neighbourhood Area as designated by Leeds City Council on 17<sup>th</sup> September 2012.
- 1.3 This Decision Statement, the examiner's report and the Linton Neighbourhood Plan Proposal 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 Collingham with Linton Parish Council website <http://www.lintonvillage.org/>
- 1.4 Hard copies of the Decision Statement 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)
  - Linton Memorial Hall, Linton Lane, Linton
  - Wetherby Library, 17 Westgate, Wetherby, LS22 6LL (Mon 10am – 5pm, Tues 9am – 7pm, Weds – Fri 9am – 5pm , Sat 10am – 4pm)

#### 2. Background

- 2.1 Collingham with Linton Parish Council, as the qualifying body, submitted an application to Leeds City Council on 20<sup>th</sup> April 2012 for the designation of part of the parish as the Linton Neighbourhood Area. The neighbourhood area was designated by Leeds City Council on 17<sup>th</sup> September 2012.
- 2.2 The Linton Neighbourhood Plan was published by Collingham with Linton Parish Council for pre-submission consultation (Regulation 14) on 9<sup>th</sup> June 2014.

- 2.3 Following the submission of the draft Linton Neighbourhood Plan to the Council in March 2015, the plan was publicised and representations were invited. The publicity period ran for 6 weeks and ended on Monday 22nd June 2015.
- 2.4 The Council, with the agreement of Collingham with Linton Parish Council, appointed an independent examiner, Mr Nigel McGurk BSc(Hons) MCD MBA MRTPI, to consider whether the plan met the 'Basic Conditions' required by legislation and should proceed to referendum.
- 2.5 The Examiner's report was published on the Leeds City Council website on 14<sup>th</sup> August 2015 and has been made available for public viewing. The report concludes that, subject to making the modifications recommended by the Examiner, the Linton Neighbourhood Plan meets the Basic Conditions set out in legislation and should proceed to Referendum. The referendum area should be the same as the designated neighbourhood area.
- 2.6 Following receipt of the Examiner's Report, Leeds City Council is required to consider each of the modifications recommended along with the reasons for them and decide what action to take.

### **3. Decisions and Reasons**

- 3.1 The Examiner has concluded that with the specified modifications, the Linton Neighbourhood Plan meets the Basic Conditions stated and other relevant legal requirements. These are outlined in Table 1.
- 3.2 The Council accepts the majority of the modifications and the reasons put forward by the Examiner for them. However it partially or fully rejects the following:
- Proposed modification M11 (Policy A1, bullet point a)
  - Proposed modification M23 (Policy B2)
  - Proposed modification M25 (Policy B4)
  - Proposed modifications M26 (Para 136)
  - Proposed modification M28 (Table and text page 34)
  - Proposed modification M29 (Para 139)
  - Proposed modification M40 (Appendices).

The reasons and the Council's proposed modifications are set out in Table 1, including where the examiner's proposed modifications are partially or fully rejected (highlighted in blue).

The Council considers the Plan (as amended) will meet the Basic Conditions.

- 3.3 The Council also proposes an additional modification to correct a factual inaccuracy.
- 3.4 The Council is satisfied that subject to those modifications which it considers should be made to the Plan as set out in Table 1 and an additional modification to correct a factual inaccuracy set out at the end of Table 1 that the Plan meets the 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 61E(2), 61J and 61L of the said Act.
- 3.5 The Council agrees with the Examiner's recommendation that there is no reason to extend the neighbourhood plan area for the purpose of a holding a referendum.

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

**This Statement is dated 4<sup>th</sup> November 2015.**

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

Modification Number	Page/Part of the Plan	Examiner’s recommended changes	Reason	Leeds City Council’s decision and reason
<b>2. Introduction</b>				
M1	Introduction, page 3, para 2	Change line 4 to “The Neighbourhood Plan must, <i>with due consideration to the basic conditions set out within legislation, take appropriate account of national planning policy and advice and the strategic policies of Leeds City...</i> ”	The wording of the basic conditions is the result of careful consideration. Paraphrasing the basic conditions, almost inevitably, results in their misapplication.	Modify text as indicated to comply with examiner’s recommendations and to prevent any misapplication of the Basic Conditions.
M2	Introduction, page 3, para 3	Change the end of para 3 to “ <i>...the Neighbourhood Plan is compatible with European Union and European Convention Human Rights obligations.</i> ” (delete the bullet points that follow)	The wording of the basic conditions is the result of careful consideration. Paraphrasing the basic conditions, almost inevitably, results in their misapplication.	Modify text as indicated to comply with examiner’s recommendations and to prevent any misapplication of the Basic Conditions.
M3	Introduction, page 3, para 1	Line 3 delete “...Coalition...”	There has been a change of Government since the publication of the Submission Version.	Modify text as indicated to comply with examiner’s recommendations and to accurately reflect the current government.
M4	Introduction, page 3, paras 5 and 6	Delete paras 5 and 6	There is no need for the Neighbourhood Plan to provide a detailed description of how the Core Strategy was adopted, or to refer to one small part of the Local Development Framework.	Modify text as indicated to comply with examiner’s recommendations and to remove unnecessary detail of other elements of the Local Development Framework.

<b>3. The Preparation Process</b>				
M5	The Preparation Process, page 3, paras 8-12	Delete paras 8---12 and Figure 1. (Retain para 13)	The Preparation Process section appears long--winded. Paragraphs 8---12 inclusive, including the table relating to Plan production, introduce unnecessary detail that detracts from the clarity of the Neighbourhood Plan	Modify text as indicated to comply with examiner's recommendations and to remove unnecessary detail on how the plan was produced.
<b>4. Community Consultation</b>				
M6	Community Consultation, page 5, paras 14 - 31	Delete all text and replace with " <i>In line with requirements, a Consultation Statement was submitted to Leeds City Council by Collingham with Linton Parish Council. This sets out in detail the significant consultation that formed the foundation for this Neighbourhood Plan. The Consultation Statement is available, together with a Basic Conditions Statement, on www.lintonvillage.org</i> "	This section simply repeats a large part of the Consultation Statement. This is entirely unnecessary. It serves to unbalance the Neighbourhood Plan, the main focus of which should be its Policies.	Modify text as indicated to comply with examiner's recommendations, remove unnecessary detail relating to consultation and rebalance the Neighbourhood Plan with the Policies as the main focus.
<b>5. Structure of the Plan</b>				
M7	Structure of the Plan, page 8, para 32	Delete the final sentence "A Basic...Plan"	To improve the plan.	Modify text as indicated to comply with examiner's recommendations
<b>9. Vision and Objectives for Linton</b>				
M8	Vision and Objectives, page 13, para 55,	Line 5, add "...agreed <i>and</i> underpinned..."	Insert a missing word.	Modify text as indicated to comply with examiner's recommendations

<b>10. Planning Policies for Linton</b>				
M9	Planning Policies for Linton, page 14	Move Section 10. Planning Policies for Linton, such that it begins from the start of a new page.	The Policy section, the most important part of the document, simply follows immediately on, and is barely distinguishable, from the background sections.	Modify text as indicated to comply with examiner's recommendations and to visually emphasise the Policy Section.
<b>Policy A1: Design of Development</b>				
M10	Policy A1, page 20, section 11.2	Change opening sentence to <i>"Where possible and appropriate, development proposals should demonstrate that they:"</i>	The opening line requires all development to preserve and enhance the village of Linton and lists criteria by which this must be done. This is an exceptionally onerous requirement and would simply not be possible for all development to achieve.	Modify text as indicated to comply with examiner's recommendations and to make the policy less onerous.
M11	Bullet point a, Policy A1, page 20, section 11.2	Change a. to <i>"Recognise and reinforce the distinct local character of Linton, in relation to..."</i>	The first bullet point refers to an Appendix. Appendices do not form part of the Neighbourhood Plan and consequently, should not be referred to within its Policies.	Partially modify the text as recommended by the examiner but retain the reference to Appendix 2 as other made neighbourhood plans and higher order plans contain appendices and Appendix 2 is important to the LNP. Change a. to <i>"Recognise and reinforce the distinct local character (as set out within....."</i> The Council does not consider it necessary to delete Appendix 2 for the Plan to meet the Basic Conditions.
M12	Bullet point b, Policy A1, page 20, section 11.2	Delete bullet point b.	Part b introduces its own approach to heritage policy, without detailed reasoning to justify failing to have regard to national policy.	Modify text as indicated to comply with examiner's recommendations and to remove an unjustified

				approach to heritage policy.
M13	Bullet points c, d and e, Policy A1, page 20, section 11.2	Change the beginning of bullet points c, d and e to <i>“Protect natural assets and enhance...”</i> , <i>“Consider the visual...and minimise...”</i> and <i>“Incorporate landscaping...”</i> , respectively	Amend in light of modification M10.	Modify text as indicated to comply with examiner’s recommendations.
M14	Bullet point e, Policy A1, page 20, section 11.2	Change line 2 to <i>“to ensure that proposals are in keeping with the existing village context.”</i>	To improve the plan.	Modify text as indicated to comply with examiner’s recommendations.
M15	Bullet point f, Policy A1, page 20, section 11.2	Change to <i>“Seek to retain trees of good arboricultural or amenity value, or if their removal is demonstrated to be necessary, replace them in an appropriate location with trees of no less arboricultural or amenity value.”</i>	This refers to something that is the responsibility of Leeds City Council. It is not the role of neighbourhood plans to impose requirements on other authorities. Furthermore, it sets out a blanket approach to retaining mature trees, regardless of condition. Also, a requirement to replace a mature tree with a tree of similar maturity may be impractical, unviable and potentially impossible.	Modify text as indicated to comply with examiner’s recommendations and to remove excessive requirements which may be impractical, unviable and impossible.
M16	Bullet point g, Policy A1, page 20, section 11.2	Change to <i>“Ensure new...”</i>	To improve the plan.	Modify text as indicated to comply with examiner’s recommendations.
M17	Bullet points h and i, Policy A1, page 20, section 11.2	Delete bullet points h and i	They relate to matters that are either outside the responsibility and control of the Neighbourhood Plan, or already comprise policy requirements.	Modify text as indicated to comply with examiner’s recommendations.
<b>Policy A2: Design of Extensions</b>				
M18	Policy A2, page 21, section 11.5	Delete Policy A2 and all related supporting text	This states that all residential extensions will be supported, subject to matters relating to local character. It promotes development to the	Modify text as indicated to comply with examiner’s recommendations and to

			extent that it affords insufficient regard to other relevant matters and in so doing, effectively ignores the requirements of national and local strategic policy. It would allow development regardless of its impact on neighbours and would fail to contribute to the achievement of sustainable development. It does not meet the basic conditions	remove a policy that does not meet the basic conditions.
<b>Policy A3: Community Involvement</b>				
M19	Policy A3, page 22, section 11.7	Change first sentence to <i>“Planning applications for development of more than one new property shall be accompanied by...”</i>	Many changes of use no longer require planning permission, but fall within Permitted Development Rights.	Modify text as indicated to comply with examiner’s recommendations and to remove reference to what is now permitted development.
M20	Bullet point e, Policy A3, page 22, section 11.7	Delete bullet point e	This is an unnecessarily burdensome requirement. It is undefined and it is therefore unclear as to what such a programme would need to include, or how long it would need to be in operation; also, no indication is provided as to who will monitor such a programme and what would happen if it were not adhered to – as planning permission would, presumably, have already been granted.	Modify text as indicated to comply with examiner’s recommendations and to remove an onerous, unclear requirement.
M21	Policy A3, page 22, section 11.7	Delete final sentence <i>“Development...practicable.”</i>	It is unclear who determines what is, or is not, “practicable” and under what criteria such a determination would be made. This part of the Policy fails to provide decision makers with a clear indication of how to react to a development proposal, contrary to paragraph 154 of the Framework	Modify text as indicated to comply with examiner’s recommendations and to remove an unclear requirement.
<b>Policy B1: Small Scale Development</b>				
M22	Policy B1,	Change the policy to read	The first part fails to provide a decision maker	Modify text as indicated to



	page 27, section 12.2	<i>“Developments of less than ten dwellings will be allowed within the built - up part of Linton, outside the Green Belt, subject to respecting and where possible, enhancing local character and maintaining residential amenity.”</i>	with a clear indication of how to react to a development proposal. The phrase “village built area” is not defined therefore it is unclear how this part of the Policy can be controlled. It supports the development of less than 10 dwellings anywhere in the Neighbourhood Area which would effectively allow development in the Green Belt where residential development of up to ten dwellings would be inappropriate. It fails to have regard to national policy. It is worded negatively though actually supports building more houses on single plots and generally supports the development of less than ten houses anywhere. The policy is confusing.	comply with examiner’s recommendations and to remove requirements that are unclear, confusing and contrary to national policy.
<b>Policy B2: Protected Area of Search Site (The Ridge)</b>				
M23	Policy B2, page 28, section 12.4	Delete Policy and all associated text	This relates to (strategic) matters under the consideration of Leeds City Council and does not form part of the Neighbourhood Plan. The Ridge is already subject to Leeds UDP saved policy N34, neighbourhood plans should not simply repeat existing policy.	Modify the text as indicated to comply with examiner’s recommendations and remove strategic matters dealt with by Leeds City Council. Delete “See section B2” in the table in para 107 to reflect the deletion of Section B2 and insert “PAS site. Elevated site on ridgeline with risk of visual impact; vehicular access is steep. Traffic issues same as SHLAA 1252. Distance to bus stop outside Core Strategy threshold” to correct a resulting error in cross-referencing.

Policy B3: Access to Facilities				
M24	Policy B3, page 29, section 12.7	Change to <i>“New development of less than 10 dwellings should...bus stop.”</i> (delete remaining Policy text)	The less than 5 dwellings threshold appears to be an entirely arbitrary number – not least given that Policy B1 refers explicitly to supporting developments of up to 10 homes. No evidence is provided to support “it is likely that new developments will be fewer than 5 homes.” It is unclear how a land use Plan will “encourage opportunities to walk safely.”	Modify text as indicated to comply with examiner’s recommendations and to ensure consistency and clarity.
Policy B4: Development Criteria - Highways				
M25	Policy B4, page 31, section 12.9	Delete Policy and all related text	It is not clear what kind of development Policy B4 is referring to. It is unclear as to how, or whether, such development would meet the requirements for planning obligations. Being “sympathetic” to the character of a Conservation Area is very broad that fails to have regard to national policy’s detailed approach to protecting heritage assets. It fails to have regard to the Framework and does not meet the basic conditions	Partially modify the text as recommended by the examiner. Delete Policy and paras 117-119 and 122-125. Retain paras 120-121, change para 120 to <i>“Highways issues and safety are of high importance to the villagers and it was decided to commission an independent Highways Assessment in October 2012 during the plan preparation. This report highlighted a number of shortcomings in the local road and footpath networks.”</i> Change the 4 <sup>th</sup> bullet point of para 121 to <i>“.....The use of Linton Lane and Main Street as a short cut.....Any increase in this activity would be a particularly bad problem....”</i>

				Delete the last sentence. Move both paragraphs to '8. Linton Today.' The Council does not consider it necessary to delete all these paragraphs for the Plan to meet the Basic Conditions.
<b>13. Category C: Village Facilities, Services and Assets of Community Value</b>				
M26	Page 33, para 136	Delete the last sentence	No evidence has been provided to demonstrate that these have been accepted and listed by Leeds City Council as Assets of Community Value therefore the text is misleading.	Do not modify the text as recommended by the examiner. Retain the last sentence in para 136 and change to <i>"The 'Facilities and Services Valued by the Community' which contribute to the rural village character....."</i> The Council does not consider it necessary to delete this sentence for the Plan to meet the Basic Conditions
M27	Page 33, para 138	Delete para 138	It refers to matters under the control of Leeds City Council	Modify text as indicated to comply with examiner's recommendations and to remove references to matters controlled by Leeds City Council.
M28	Table and text on page 34,	Delete table and adjacent text box on page 34	See M26.	Partially modify the text as recommended by the examiner. Retain the table and rename as <i>"Facilities and Services Valued by the Community."</i> Delete the

				adjacent text box. The Council does not consider it necessary to delete the table for the Plan to meet the Basic Conditions.
M29	Page 34, para 139	Delete para 139	See M26.	Do not modify the text as recommended by the examiner. Change to “In the village survey of 2012, the following <i>facilities and services valued by the community were strongly supported.....</i> ” The Council does not consider it necessary to delete this paragraph for the Plan to meet the Basic Conditions
<b>Policy C1: Village Facilities and Services</b>				
M30	Policy C1, page 35, section 13.1	Add “...facilities and services, <i>unless it can be demonstrated, further to a period of marketing, that the existing use is no longer viable:</i> ”	A number of the facilities listed comprise privately owned businesses. Commercial viability is fundamental and an unviable business cannot be forced to continue.	Modify text as indicated to comply with examiner’s recommendations and to introduce viability considerations.
M31	Policy C1, page 35, section 13.1	Change last sentence to “ <i>The improvement of these facilities...supported.</i> ”	Supporting “Any measure” is a rather broad and sweeping policy approach.	Modify text as indicated to comply with examiner’s recommendations and to remove broad and sweeping statements.
<b>Policy D1: Footways and Public Rights of Way</b>				
M32	Policy D1, page 39, section 14.2	Change to “ <i>The improvement of footpath and bridleway access and</i>	This imposes an onerous burden on development and would be an unreasonable requirement for many small development proposals. The final	Modify text as indicated to comply with examiner’s recommendations and to

		<i>the facilitating of new circular walks and routes will be supported.</i> "(delete all other Policy text)	part is 'crystal ball gazing' and should not be in a land use plan. "New safe alternatives to existing routes in line with the route network" makes little sense. Map 7 and Policy D1 do not link well. There is no evidence that the requirement for new routes to take advantage of good views and amenity areas, and to provide planting, is either viable or implementable. Such a requirement could prevent, rather than result in the delivery of, new footpaths or bridleways.	remove onerous, uncertain and potentially unimplementable requirements.
<b>Policy E1: Local Green Space</b>				
M33	Page 42	Provide additional plans, at a clearer scale, showing the precise boundaries of each area of Local Green Space	The precise boundaries of the proposed designations are entirely unclear.	Provide additional plans to comply with examiner's recommendations and to clarify the precise boundaries.
M34	Map 8, Page 42	Change the title to " <i>Local Green Space</i> "	The Map is wrongly titled "Proposed additional amenity space."	Modify title as indicated to comply with examiner's recommendations and to clarify what the map shows.
M35	Policy E1, page 45, section 15.2	Change wording to "...Local Green Space, <i>where new development is ruled out other than in very special circumstances.</i> "	It introduces a different policy regime for Local Green Space than that set out in National policy which is inappropriate.	Modify text as indicated to comply with examiner's recommendations and to remove inappropriate wording.
<b>Policy E2: Additional Open Space</b>				
M36	Policy E2, page 45, section 15.4	Delete Policy and all related text	It relates to the Core Strategy and matters outside the control of the Neighbourhood Plan. There is no definition or indication as to what "normal town planning considerations" are, or might comprise	Modify text as indicated to comply with examiner's recommendations and to remove a policy dealing with matters beyond a neighbourhood plan.
<b>Policy F1: Local Business Support</b>				

M37	Policy F1, page 46, section 16.2	Policy F1, delete Policy and all related text	It does not have regard to the Framework as it fails to provide a decision maker with an indication of how to react to a development proposal and provides applicants with little clarity or relevant guidance. It also appears to introduce non-land use planning matters. Phrases are not defined therefore the Policy is unclear. The policy does not consider national policy and does not meet the basic conditions.	Modify text as indicated to comply with examiner's recommendations and to remove a policy that does not meet the basic conditions.
<b>Policy F2: Broadband/Connectivity</b>				
M38	Policy F2, page 47, section 16.5	Re-word "The development of broadband and communications technology will be supported."	It would support any type of development, so long as it had a positive impact on an internet connection, but internet connectivity is not a land use planning matter. The Policy does not make sense as worded however it could be reworded to reflect the supporting text (support for the expansion of high quality telecommunications infrastructure) and national policy	Modify text as indicated to comply with examiner's recommendations and to reflect support for the expansion of high quality telecommunications infrastructure and national policy.
<b>18. Projects for Linton</b>				
M39	Projects list, page 49	Delete the Policy Number column of each table	The Priority Lists are aspirations of Collingham with Linton Parish Council. They are not Policy matters.	Modify text as indicated to comply with examiner's recommendations and to clarify the status of the projects.
<b>20, 21, 22 - Appendices</b>				
M40	Appendices, pages 51 - 59	Delete the Appendices	Not part of the Neighbourhood Plan	Partially modify the text as recommended by the examiner. Retain Appendix 1 & 2 but delete Appendix 3 as it relates to a deleted policy (Policy E2). The Council does not consider it

				necessary to delete all appendices for the Plan to meet the Basic Conditions
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**Leeds City Council's proposed modifications**

<b>Modification Number</b>	<b>Page/Part of the Plan</b>	<b>LCC's recommended changes</b>	<b>Reason</b>
M41	Page 5, para 13	Amend final sentence to ".....and approved by LCC on 17 <sup>th</sup> September 2012.	Factual correction