

Councillor David Howson  
Chair, Aberford and District Parish Council

**City Development**  
Policies and Plans  
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Our ref: L:\FPI\Neighbourhood  
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Date: 30<sup>th</sup> August 2017

Dear Councillor Howson,

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

Thank you for consulting the Council on the Pre-Submission Draft Aberford Neighbourhood Plan. The plan is well structured and it is clear that it is based on a thorough evidence base and robust community consultation and engagement.

I hope that these formal comments on the pre-submission plan will help the neighbourhood plan steering group and the parish council in making changes to the document prior to formal submission for examination. Although these are formal comments, you will be aware that there is no obligation to take them on board. At an appropriate time, we are happy to work with the parish council to consider representations more generally and appropriate changes to the plan prior to examination.

#### **1. Timing/risks**

1.1 As you will be aware, the Site Allocations Plan was submitted to the Secretary of State for Examination in Public on 5<sup>th</sup> May 2017. The Examination is due to start in October, and due to the nature of the Neighbourhood Plan, which includes policies on the proposed SAP mixed-use allocation MX2-39 (Parlington). As discussed at the recent workshop with members of the Parish Council, the Council advises that the Neighbourhood Plan is not formally submitted until further progress is made on the SAP.

#### **2. Basic Conditions**

- 2.1 At examination, a neighbourhood plan will be assessed with regard to the Basic Conditions set out in paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990. These are:
- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State
  - b) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development
  - 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.
  - d) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

### **3. Detailed comments on the introduction and draft planning policies**

#### **General**

- 3.1 The plan is well-presented and sets out a locally distinctive vision and set of policies for sustainable development in Aberford parish. The pragmatic approach of the plan is welcomed as are the well-considered community projects. The following comments are based in part on recent examination experience in Leeds.
- 3.2 Consistency: the plan interchangeably refers to the Aberford Neighbourhood Area and Aberford and District Neighbourhood Area. It is recommended that the plan only refers to the Aberford Neighbourhood Area.
- 3.3 Some of the policies may have implications for the Parlington allocation, albeit unintentionally. The neighbourhood plan policies will be applied to the whole Neighbourhood Area which includes Parlington. Where policies are only intended to be used within Aberford village, this needs to be stated clearly with a map showing the spatial extent of the policy. The Council is happy to assist in the preparation of maps.
- 3.4 Throughout the Plan there are references to new development reflecting historic character of the village – does this character include 20<sup>th</sup> Century development at the northern end of the village? This contrasts with the historic core of the village, so the NP could be more specific which type of character development should

#### **Mapping**

- 3.5 The Key Policies Map should be in the main body of the Plan and not in the appendices.

- 3.6 Some of the maps would benefit from being clearer so that applicants and decision makers are able to identify sites or buildings easily. For example, on Map 2 the non-designated heritage assets should be clearly identifiable.

### **Specific Policy Comments**

#### **3.7 Policy E1: Special Landscape Areas**

To some extent this policy mimics existing saved UDP special landscape policies. There is an opportunity to make this more locally-specific.

Perhaps more clarity as to what would “*seriously* harm the character and appearance of the landscape.” How would a Development Management officer judge this?

Rather than refer to Appendix 1 in the policy, it would be better if this was incorporated into the introduction to the policy (para 5.1).

#### **3.8 Policy E2: Local Green Infrastructure**

The protection of Local Green Infrastructure from development is too restrictive as currently drafted. It does not have sufficient regard to national policy.

Local strategic policies offer more flexibility in this respect. What evidence is there to support a ‘tighter’ policy?

It may be best to refer to ‘regard to’.

- 3.9 At present, Policies E1 and E2 wash over the proposed Parlington Allocation. As currently drafted, these policies would prevent the Parlington development from coming forward. If there are Special Landscape Area and Green Infrastructure concerns for Parlington these could be included within Policy P1 of the Neighbourhood Plan.

#### **3.10 Policy E3: Local Green Space**

A significant number of the proposed Local Green Spaces are within the Green Belt and are protected by Green Belt policy already. As such, a Local Green Space designation will not afford them additional weight. Numerous examiners have not recommended the designation of LGS in the Green Belt.

A check of the following is recommended:

- Consultation with land owners, including LCC asset management
- Detailed site plans clearly showing boundaries.

### 3.11 **Policy E4 Local Green Space Enhancement**

This policy appears more like a community aspiration for the spending of CIL monies. The parish council could identify CIL spending priorities in the neighbourhood plan.

Many examiners will recommend that a policy like this is deleted turned into a 'community action'.

It could be that an examiner would accept something like the following – 'The enhancement of the following Local Green Space sites will be supported.'

### 3.12 **Policy BH1: Potential Non-Statutory Heritage Assets**

It is recommended that the policy simply identifies "non-designated heritage assets" which highlights the assets, removing "potential" from the title and policy wording.

The policy is too 'wordy' as written. Perhaps something like, 'The non-designated heritage assets listed below and identified on The Neighbourhood Plan Map should be considered in any development proposals. Their protection, preservation or sympathetic enhancement are encouraged.'

### 3.13 **Policy CF1: Protection and Enhancement of Community Facilities**

This policy is onerous and conflicts with Permitted Development rights for the change of use. It is recommended that this policy is redrafted, one option could be as set out below:

'The loss of any community facilities as shown on The Neighbourhood Plan Map should result in the provision of alternative equivalent facilities within the central village core as defined on The Neighbourhood Plan Map unless a lack of need is proven. Commercial facilities must demonstrate they have been marketed for at least one year and are no longer viable. In the event of the loss of Aberford Albion FC Clubhouse as shown on The Neighbourhood Plan Map and evidence of community need, a replacement clubhouse should be provided within easy access of the associated football pitch. Improvements to these facilities are encouraged.'

### 3.14 **Policy CF2: Provision of New Community Facilities**

In some instances it may be appropriate for community facilities to be located outside of the village core such as sports and leisure-related facilities. The policy would benefit from being more flexible.

Question the need to refer to CF1.

### 3.15 **Policy CF3: Aberford Village Hall Site**

It would be better to set this policy out as an opportunity. For example, refer to 'could be' or 'presents an opportunity for/to' rather than "should be"

In the event of relocation, the site could be developed for a wider variety of uses than set out. It is recommended that this policy reflects this, unless there is overwhelming local evidence to suggest differently.

### 3.16 **Policy CF4: Coal Staithes**

It should be made clear that this policy is not an allocation. Perhaps best to simply set this out as an opportunity. For example, refer to 'could be' or 'presents an opportunity for/to' rather than "should be".

Suggested rewording:

'The Coal Staithes Site, as shown on The Neighbourhood Plan Map, is an opportunity for sustainable development that could include a new village hall, village shop, health facilities and public car parking. The protection and enhancement of the staithes walls and the setting of the adjacent Depot House should be important considerations in any development proposals.

### 3.17 **Policy DD1: Design and Development in Aberford Conservation Area**

The title of the policy refers to development within the Conservation Area, but the text of the policy then refers to sites adjacent to the Conservation Area. Much of this policy repeats text already stated within the Aberford Conservation Area Appraisal and Management Plan. Given the repetition, there is a risk that this would be deleted by the examiner. However, it is appreciated that this policy also refers to UDP saved policies.

It would be advisable to consider where the policy could be made more precise, to assist both applicants and decision-makers. For example, the use of "relate well", "sit happily", "generally keep", "generally seek".

### 3.18 **Policy DD2: Design and Development Outside the Conservation Area**

This policy would benefit from more of an introduction.

A plan is needed to show where this policy would apply.

What is the evidence for 30%, as opposed to, say, 25%?

The reference to "clusters" is understandable but an examiner may consider it to be imprecise.

It would probably be more effective to set out in an appendix, perhaps by use of photographs, what is the essence of the good design in Aberford. This could then be referred to as an aspiration for new development.

### 3.19 **Policy H1: Development on Non-Allocated Sites**

This policy only refers to housing development. Should it refer more generally to development?

An examiner may consider that the term “adverse impacts” is imprecise.

### 3.20 **Policy H2: Housing Mix**

It is difficult to achieve a mix of units on a scheme of only 5 dwellings. This policy is similar to policy in the Core Strategy. Given this, there is a risk that this would be deleted by the examiner.

What is the justification for 5 or more?

### 3.21 **Policy P1: Parlington Key Guiding Development Principles**

The reference to greenspace could be made clearer. The use of “full account” could perhaps be replaced by ‘take into account’. Master planning work will consider greenspace issues further, including a better understanding of local deficiencies and the provision of accessible greenspace that could be used by the residents of Aberford village.

The NP presents an opportunity set out greenspace opportunities more generally.

The requirement for development to be screened from all surrounding areas is onerous – perhaps this could be restricted to key views. Further consideration needed.

- 3.22 The Council hosted a neighbourhood plan workshop on Parlington on 19<sup>th</sup> June 2017, attended by a wide range of Council officers, Aberford parish councillors, members of the Aberford Neighbourhood Plan Steering Group and the parish Council’s planning consultant. This was a positive session and the Parish Council requested that oral comments made by the Council are set out as part of the pre-submission formal comments:

## **Heritage and Conservation**

The Plan could identify specific projects / improvements to heritage assets on the Parlington Estate through the use of Section 106 agreements to guarantee mitigation which go beyond the site requirements set by the proposed allocation in the SAP.

The Plan could be more specific regarding appropriate design and setting in relation to the heritage assets as well as outline specific types of mitigation measures that will be required as a result of development on the site.

The NP could be more specific about the presentation and interpretation of heritage features, and how these could be reflected in the design of the development.

### **School Provision**

It is advised that the reference to a secondary school being provided on site is amended to read “potentially a secondary school on site”. Decisions on school provision have yet to be finalised.

### **Ecology**

The Parish Council could consider focussing on a guiding principle concerning the overarching ecological implications of development on the Parlington site. For example, the Plan could be aspirational in terms of the opportunities to create a single, coherent area that could be protected and enhanced to create long-term positive management of wildlife habitats.

### **Landscape Character**

The Plan could include measures to enhance the landscape character within the NP area. For example, potential screening issues to the south of the site could be mitigated through measures included within the NP.

The east-west biodiversity corridor should be considered, or the NP could encourage the maintenance of the east-west habitat continuity.

### **Highways**

It is recommended that the requirement in the policy for highways improvements to be delivered up front takes note of the fact that mitigation measures will be required at different stages, rather than up front before the commencement of development.

It is advised that the NP group awaits the outcomes of the joint transport modelling exercise that is ongoing before finalising the highways requirements in this policy.

### **Flood Risk**

The second bullet point regarding solutions to existing issues in Aberford appears overly onerous, and should be more of an aspiration.

The NP could include design principles that help to mitigate flood risk, for example porous surfaces, green rooftops and green SUDS.

## **Development Brief**

It is the Council's intention that a Development Brief will be prepared for the site. The Council would welcome the Parish Council's input into the process, to build on the collaborative process that has been achieved through the NP process. The key guiding principles set out in the neighbourhood plan could form the basis for this more detailed work.

## **Design**

The Plan could offer some key guiding principles on design. This could be considered at a future design workshop, if appropriate. In the meantime, a design guide for neighbourhood plans is currently being prepared by the Council and this could help the parish council to consider design opportunities further.

### **3.23 Monitoring, Review and Implementation**

The neighbourhood plan sets out an opportunity for the parish council to more explicitly set out priorities for CIL funding.

It would it be more accurate to say 'could be delivered' rather than "will be delivered"? ('Community Actions and Approaches').

It would be advisable to have discussions with the organisations referred to in the table prior to the plan being submitted for examination. Although the examiner will not normally refer to a project delivery plan in any great detail, it is important for the integrity of the plan (and for the delivery of the projects) that the 'groundwork' is undertaken in advance of the plan being 'made'.

### **3.24 Appendix 1**

It would make more sense for this to be incorporated into the section on Parlington.

### **3.25 Appendix 2**

It would be helpful if these were shown on a plan.

### **3.26 Appendix 3**

This appendix should be clearly linked to a Policy within the NP.



I hope these comments are useful and help the neighbourhood planning group to review the pre-submission draft Aberford Neighbourhood Plan before it progresses to examination. If you would like to discuss any of these comments in more detail, please contact Ian Mackay to arrange a convenient time.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tim Hill', written in a cursive style.

Tim Hill  
Chief Planning Officer