

Leeds City Council

Decision Statement – Otley Neighbourhood Development Plan

Planning & Compulsory Purchase Act 2004 and The Neighbourhood Planning (General) Regulations 2012 (as amended)

Regulation 18 Decision Statement

1. Summary

- 1.1 Following an independent examination, Leeds City Council now confirms that it is making modifications to the Otley Neighbourhood Plan as set out in Table 1 below. The Plan will then proceed to a Neighbourhood Planning Referendum.
- 1.2 The Otley Neighbourhood Area falls within the administrative boundaries of both Leeds City Council and Harrogate Borough Council. Harrogate Borough Council published a Regulation 18 Decision Statement on 11 July, which agrees that the neighbourhood plan, subject to modification, can proceed to referendum.¹
- 1.3 In accordance with the independent examiner's recommendations, the Otley Neighbourhood Plan will proceed to referendum based on the Otley Neighbourhood Area as designated by Leeds City Council and Harrogate Borough Council on 29th May 2013.
- 1.4 This Decision Statement, the examiner's report and the draft Otley Neighbourhood Plan and supporting documentation are available on the Council's website:
<https://www.leeds.gov.uk/planning/planning-policy/neighbourhood-planning/otley-neighbourhood-plan> and on Harrogate Borough Council's website:
https://www.harrogate.gov.uk/info/20103/neighbourhood_planning
- 1.5 They are also on the Otley Town Council website <https://www.otleytowncouncil.gov.uk/>
- 1.6 Hard copies of the Decision Statement and the examiner's report are available for inspection at:
 - Leeds City Council, The City Centre Hub, Woodhouse Lane, Leeds, LS2 8LX (Mon, Tues, Thurs, Fri 8.30 – 17.00, Weds 9.30 - 17.00),
 - Harrogate Borough Council, The Customer Service Centre, Civic Centre, St Luke's Avenue, Harrogate, HG1 2AE (Mon – Thurs 8.30 – 17.00, Fri 8.30 – 16.30)

¹ Details of the decision made by Harrogate Borough Council:
<https://democracy.harrogate.gov.uk/ieListDocuments.aspx?CId=163&MIId=3042&Ver=4>

- Otley Library, Tourist Information and One Stop Centre, Nelson Street, Otley LS21 1EZ (Mon 9.00 – 18.00, Tues, Weds, Fri 9.00 – 17.00, Thurs 9.00 – 19.00, Sat 9.00 – 16.00, Sun 11.00 – 14.00)
- Otley Town Council, Otley Core Resource Centre, Unit 11 Orchard Gate, Otley, LS21 3NX (during opening hours)

2. Decisions and Reasons

- 2.1 The examiner has concluded that subject to the specified modifications being made to the Plan, the Otley Neighbourhood Plan meets the Basic Conditions stated and other relevant legal requirements.
- 2.2 The Council accepts all of the modifications and the reasons put forward by the examiner for them. The examiner's reasons and Recommendations are set out in Table 1, followed by the Council's decisions.
- 2.3 The Council is satisfied that subject to the modifications specified in Table 1 below the Plan meets the relevant Basic Conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under s38A and s.38B of the Planning & Compulsory Purchase Act 2004
- 2.4 To meet the requirements of the Localism Act 2011, a referendum which poses the question "Do you want Leeds City Council to use the Neighbourhood Plan for Otley to help it decide planning applications in the Otley neighbourhood area?" will be held in the Otley Neighbourhood Area. It is anticipated that the referendum will take place in autumn 2019.

This decision statement is dated 24 July 2019.

TABLE 1 Schedule of Modifications Recommended in the Examiner's Report

Modification Number	Page/Part of the Plan	Examiner's recommended changes	Examiner's reason	Leeds City Council's decision
POLICIES MAP				
M1 – Recommended Modification 1	The Neighbourhood Plan Map	An inset map should be added to the Policies Map displaying areas to which policies apply in the vicinity of the Riverside Estate at a larger scale	Harrogate Borough Council has commented on the Policies Map stating <i>“it is a little difficult to interpret the various layers in the areas of land which fall within Harrogate District at the most north eastern corner of the Neighbourhood Plan area. It would be helpful if this could be made clearer to aid understanding”</i> . I agree the overlap of policy indicators on the Policies Map in the vicinity of the Riverside Estate area does make interpretation difficult. As it is Harrogate Borough Council that must assess development proposals that fall within its administrative area it is appropriate that an adjustment is made to facilitate this. I have recommended an inset map is added to the Policies Map displaying areas to which policies apply in the vicinity of the Riverside Estate at a larger scale.	Agree to modify the map as indicated to comply with the examiner's recommendations .
5.1 GREEN ENVIRONMENT				
POLICY GE1: OTLEY CHEVIN SPECIAL LANDSCAPE AREA				
M2 – Recommended Modification 2	Policy GE1, page 21	In Policy GE1 <ul style="list-style-type: none"> delete “acceptable” and insert “supported” delete “should have” and insert “must demonstrate” delete “(see Appendix 5)” and insert “seen from locations that are freely accessible to members of the general public identified in Appendix 5” 	The policy clearly identifies the area in which it is to apply. The policy includes the term <i>“will be acceptable”</i> . It is not appropriate for a policy to indicate that proposals will be permitted or not permitted as all planning applications <i>“must be determined in accordance with the development plan, unless material considerations indicate otherwise”</i> . ⁴⁴ The term <i>“should have regard to”</i> does not provide a basis for the determination of planning applications. The term <i>“attractive”</i> is imprecise. I am satisfied the <i>“fine views”</i> are adequately identified in Appendix 5 including on the Key Views Location Map in particular relating to direction. Sufficient detail is provided to guide the preparation and determination of	Agree to modify the text as indicated to comply with the examiner's recommendations .

		<ul style="list-style-type: none"> replace part v. with “Groups of buildings that make a positive contribution to local distinctive character;” 	<p>development schemes. I am satisfied the selection of fine views has been adequately explained and their local significance has been tested through extensive consultation. Planning policy must operate in the public interest. It should be made clear viewpoints from which views are to be seen are in locations to which the general public have free and unrestricted access. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p>	
POLICY GE2: LOCAL GREEN INFRASTRUCTURE				
M3 – Recommended Modification 3	Policy GE3, page 23	<p>In Policy GE2</p> <ul style="list-style-type: none"> replace the text before the list of locations with “To be supported development proposals must not harm the function of the following Local Green Infrastructure areas, identified on the Neighbourhood Plan Map, as part of a multifunctional wildlife, amenity, and recreational network: delete the second paragraph in the third paragraph delete “should” and insert “must, subject to viability considerations,” and delete “as appropriate” 	<p>The policy includes the imprecise term “<i>as appropriate</i>”. The term “<i>should</i>” does not provide a basis for the determination of planning applications. It is unclear which Local Green Infrastructure the final sentence of the policy applies to. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>Paragraph 173 of the Framework requires careful attention to viability, and deliverability of plans. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations .</p>
POLICY GE3: RIVERSIDE DEVELOPMENT				

<p>M4 – Recommended Modification 4</p>	<p>Policy GE3, page 24</p>	<p>In Policy GE3</p> <ul style="list-style-type: none"> • delete “should only be permitted” and insert “will only be supported” • replace part i with “Includes limited development that improves riverside leisure, recreation and hospitality activity;” • replace part ii with “Protects, and subject to viability enhances: wildlife and biodiversity; the high-quality landscape setting; views seen from locations that are freely accessible to members of the general public identified in Appendix 5; and overall character of the river and riverbanks; and” • in part iii delete “and where appropriate” and insert “, and subject to viability,” • delete the final sentence 	<p>The policy clearly identifies the area in which it is to apply. The policy includes the term “<i>only be permitted</i>”. It is not appropriate for a policy to indicate that proposals will be permitted or not permitted as all planning applications “<i>must be determined in accordance with the development plan, unless material considerations indicate otherwise</i>”.⁴⁵ The term “<i>should</i>” does not provide a basis for the determination of planning applications. The term “<i>where appropriate</i>” introduces uncertainty. The terms “<i>most appropriate forms</i>” and “<i>maximises and balances</i>” are imprecise. I am satisfied the “<i>views</i>” are adequately identified in Appendix 5 including on the Key Views Location Map in particular relating to direction. Sufficient detail is provided to guide the preparation and determination of development schemes. I am satisfied the selection of views has been adequately explained and their local significance has been tested through extensive consultation. Planning policy must operate in the public interest. It should be made clear viewpoints from which views are to be seen are in locations to which the general public have free and unrestricted access. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>Paragraph 173 of the Framework requires careful attention to viability, and deliverability of plans. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations</p>
<p>POLICY GE4: THE FORMER BRIDGE END CATTLE MARKET SITE</p>				

<p>M5 – Recommended Modification 5</p>	<p>Policy GE4, page 24</p>	<p>In Policy GE4</p> <ul style="list-style-type: none"> • replace the text before the colon with “Development proposals for leisure and community uses, including outdoor pursuits facilities, as well as food and drink (where ancillary to the primary uses) at the former Bridge End Cattle Market, identified on the Neighbourhood Plan Map, will be supported subject to the following criteria” • replace i with “No additional on-road parking;” • in part ii delete “(see Appendix 5)” and insert “and seen from locations that are freely accessible to members of the general public identified in Appendix 5 will not be significantly adversely affected” • in part iii delete “Opportunities for” • commence part iv with “Demonstration of” • in part v delete “The desirability of” • in part vi after “of” insert a comma 	<p>The policy includes the imprecise term “<i>local amenity</i>”. The terms “<i>should have regard to</i>” and “<i>presents an opportunity for</i>” and “<i>the desirability of</i>” do not provide a basis for the determination of planning applications. I am satisfied the “views” are adequately identified in Appendix 5 including on the Key Views Location Map in particular relating to direction. Sufficient detail is provided to guide the preparation and determination of development schemes. I am satisfied the selection of views has been adequately explained and their local significance has been tested through extensive consultation. Planning policy must operate in the public interest. It should be made clear viewpoints from which views are to be seen are in locations to which the general public have free and unrestricted access. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations</p>
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		<ul style="list-style-type: none"> replace part vii with “No significant adverse effect on residential and visual amenity.” 		
POLICY GE5: PROTECTION AND IMPROVEMENT OF THE BIODIVERSITY OF THE EXTENDED LEEDS HABITAT NETWORK WITHIN OTLEY				
M6 – Recommended Modification 6	Policy GE5, page 28	<p>In Policy GE5</p> <ul style="list-style-type: none"> commence the policy with “To be supported” delete “within Otley” on both the first and last lines delete “will be required to” and insert “must” delete “commensurate with the scale of the development,” delete “acceptable in principle” and delete “and encouraged” 	<p>The policy includes the imprecise term “<i>commensurate with the scale of the development</i>” and “<i>acceptable in principle</i>”. The terms “<i>will be required to demonstrate</i>” and “<i>will be encouraged</i>” do not provide a basis for the determination of planning applications. It is unnecessary and confusing for one policy to state “<i>within Otley</i>” as all of the Neighbourhood Plan policies apply throughout the Neighbourhood Plan Area unless a lesser area of application is defined. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations .
POLICY GE6: PROTECTION OF LOCAL GREEN SPACE				
M7 – Recommended Modification 7	Policy GE6, page 32 The Neighbourhood Plan Map	<p>In Policy GE6</p> <ul style="list-style-type: none"> continue the first sentence with “where new development is ruled out other than in very special circumstances:” delete the second sentence • delete “x. Otley Sand and Gravel Pits” add White Bridge Allotments (G1512) and Burras 	<p>In a letter dated 15 January 2019 Leeds City Council stated “<i>May I take this opportunity to draw your attention to an error on the submitted Policies Map. The consultant assisting Otley Town Council has confirmed that the area to the north west of Local Green Space G1089 (Cambridge Drive POS), which is covered by the green Local Green Space notation, is NOT proposed for Local Green Space designation. The notation should therefore be removed.</i>” In a further letter dated 28 March 2019 the City Council stated “<i>Otley Town Council has informed the City Council that whilst White Bridge Allotments (G1512) and Burras House Allotments (G814) appear on The Neighbourhood Plan Map and in Appendix 3: Local Green Space Assessments Summary and have been fully assessed in the Local Green Space</i></p>	Agree to modify the text and maps and include new maps as indicated to comply with the examiner’s recommendations

		<p>House Allotments (G814) to the list of areas designated</p> <p>On the Neighbourhood Plan Map remove the Local Green Space notation and delete from the Map Key the following:</p> <ul style="list-style-type: none"> • the area adjoining, and north west of, Local Green Space G1089 (Cambridge Drive POS); • Otley Sand and Gravel Pits (Otley North), reference G1782; and • Otley Sand and Gravel Pits #2, reference ONP3. <p>Correct the drafting error on the Neighbourhood Plan Map to make it clear there is no Local Green Space designation within the East of Otley mixed use allocation, north west of the former Ings Tip.</p> <p>Maps of the areas of land designated as Local Green Space should be included in the Neighbourhood Plan at a scale sufficient to identify precise boundaries.</p>	<p><i>Assessments Document (please refer to the evidence base), they have been omitted from Policy GE6 in error. The Town Council therefore requests that this error is corrected and White Bridge Allotments and Burras House Allotments are included on the list of sites designated as Local Green Spaces under Policy GE6".</i> I am able to recommend modification of the Neighbourhood Plan in order to correct errors⁴⁶ and have therefore included the relevant corrections as part of my recommended modification of this policy.</p> <p>A representation submitted on behalf of Persimmon Homes West Yorkshire states it is important that the Neighbourhood Plan fully reflects the allocation in the Development Plan in terms of extent and detail/requirements. The representation also states the proposed Local Green Space designation within the East of Otley mixed use allocation, north west of the former Ings Tip is unjustified and is not supported by evidence. The Town Council has commented this is a drafting error which the Town Council accepts needs to be corrected stating <i>"There is no LGS in this location, as evidenced by the lack of a site reference, a site entry in the on-map sites list, a policy listing, an Appendix 3 listing, and an evidence base document assessment"</i>. I have recommended this error is corrected.</p> <p>The wording of the policy does not reflect the terms of the designation of Local Green Spaces set out in paragraph 76 of the Framework where it is stated communities will be able to rule out development other than in very special circumstances. It is not appropriate for the Policy to seek to establish an alternative description of the designation. I have recommended a modification in this respect.</p>	
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			recommended these areas are not designated as Local Green Space.	
POLICY GE7: LOCAL GREEN SPACE ENHANCEMENT				
M8 – Recommended Modification 8	Policy GE7, page 33 Project Delivery Plan, page 102 onwards	Delete Policy GE7 and supporting text. Adjust the Project Delivery Plan to include the list of Local Green Spaces where proposals for enhancement on the basis of designation as Local Green Space will be supported.	The policy includes the imprecise terms “ <i>acceptable in principle</i> ”; “ <i>the enhancement of</i> ”; “ <i>in need of such enhancement</i> ”; and “ <i>particularly</i> ” such that the policy does not provide a basis for the determination of planning applications. All of the locations specifically identified in the policy are proposed to be designated as Local Green Space in Policy GE6. Whilst “ <i>enhancements</i> ” are not defined in Policy GE7 it is likely some proposals for enhancement will not require planning permission. Where enhancements are proposed that do require planning permission those proposals must be considered in the context of Policy GE6 which makes provision for very special circumstances. Policy GE7 does not meet the Basic Conditions. I recommend the policy and supporting text are deleted. So that the community aspirations identified in the policy are not lost sight of I recommend the Project Delivery Plan is adjusted to include the list of Local Green Spaces where proposals to enhance the facility, including use of planning contributions arising from development nearby, will be supported.	Agree to modify the text as indicated to comply with the examiner’s recommendations
POLICY GE8: PROVISION OF NEW GREEN SPACE				
M9 – Recommended Modification 9	Policy GE8, page 34	In Policy GE8 • delete “acceptable in principle” • delete “, particularly in” and insert “will be supported. The area of”	The policy includes the imprecise terms “ <i>acceptable in principle</i> ”; “ <i>particularly</i> ”. The terms “ <i>will be positively encouraged</i> ” and “ <i>will only be permissible with good reason</i> ” do not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made	Agree to modify the text as indicated to comply with the examiner’s recommendations

		<ul style="list-style-type: none"> delete “will be supported.” and insert “has been identified as an area in need of new green space.” delete “positively encouraged” and insert “supported” delete “permissible with good reason.” and insert “supported if it is demonstrated on-site provision is not practical or viable, or if it is demonstrated greater benefit will result for local users.” 	with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	
POLICY GE9: MIDGLEY FARM WETLANDS				
M10 – Recommended Modification 10	<p>Policy GE9, page 35</p> <p>Project Delivery Plan, page 102 onwards</p>	<p>Delete Policy GE9 and supporting text.</p> <p>Include a statement of community aspiration in the Project Delivery Plan regarding the proposed intentions for the land at Midgley Farm</p>	The policy relates to a future time period when sand and gravel extraction and restoration activities on the site, which are County Matters and not able to be dealt with in a Neighbourhood Plan, are completed. The term “ <i>presents an opportunity for</i> ” does not provide a basis for the determination of planning applications. The policy text is a statement and not a policy. The policy does not meet the Basic Conditions. I have recommended the policy and supporting text is deleted. I have also recommended text is included within the Project Delivery Plan outlining the proposed intentions regarding the land in question.	Agree to modify the text as indicated to comply with the examiner’s recommendations
POLICY GE10: DEVELOPMENT AND REPLACEMENT TREES				
M11 – Recommended Modification 11	Policy GE10, page 35	In Policy GE10 after “required for tree planting” insert “at a later date”	The policy is internally inconsistent as it fails to make it clear that financial contributions will be held until a later opportunity arises for off-site planting. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning	Agree to modify the text as indicated to comply with the

			applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	examiner's recommendations
POLICY GE11: SURFACE LEVEL SUSTAINABLE URBAN DRAINAGE SYSTEMS				
M12 – Recommended Modification 12	Policy GE11, page 36	In Policy GE11 <ul style="list-style-type: none"> delete “should, wherever feasible, incorporate” and insert “that incorporates” after “systems” insert “will be supported” 	The policy includes the imprecise term “ <i>wherever feasible</i> ”. The policy is without consequence and does not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner's recommendations
5.2 BUILT ENVIRONMENT				
POLICY BE1: OTLEY LOCAL HERITAGE AREAS				
M13 – Recommended Modification 13	Policy BE1, page 40	In Policy BE1 replace the final sentence with “Development proposals that enhance the heritage features of these areas will be supported.”	The policy includes the imprecise term “ <i>sympathetic enhancement</i> ”. The term “ <i>encouraged</i> ” does not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner's recommendations
POLICIES:				
BE2: ALBION STREET LOCAL HERITAGE AREA				
BE3: WESTON LANE LOCAL HERITAGE AREA				
BE4: WESTBOURNE LOCAL HERITAGE AREA				
BE5: BIRDCAGE WALK (WEST) LOCAL HERITAGE AREA				
BE6: OTLEY RIVERSIDE LOCAL HERITAGE AREA				
BE7: STATION TOP LOCAL HERITAGE AREA				
M14 – Recommended Modification 14	Policies BE2 – BE7, pages 42 – 44	In Policies BE2 to BE7 inclusive <ul style="list-style-type: none"> after “defined” insert the name of the Local Heritage Area 	Whilst the policy headings refer to specific areas the policy text itself does not. I recommend insertion of the Local Heritage Area name into the text of each policy. The terms “ <i>should seek to</i> ” and “ <i>seek also to</i> ” do not provide a basis for	Agree to modify the text as indicated to comply with the

		<ul style="list-style-type: none"> • after “Area” insert “to be supported” • on every occasion delete “should seek to” and insert “must” • on every occasion delete “seek also to” and insert “must also” • in Policy BE4 iv after “key views” insert “, where seen from locations that are freely accessible to members of the general public,” • in Policy BE5 iii, and Policy BE7 iii after “Appendix 5)” insert “, where seen from locations that are freely accessible to members of the general public,” 	<p>the determination of planning applications. I am satisfied the “views” are adequately identified in Appendix 5 including on the Key Views Location Map in particular relating to direction. Sufficient detail is provided to guide the preparation and determination of development schemes. I am satisfied the selection of views has been adequately explained and their local significance has been tested through extensive consultation. Planning policy must operate in the public interest. It should be made clear viewpoints from which views are to be seen are in locations to which the general public have free and unrestricted access. I have recommended a modification in these respects so that each policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p>	<p>examiner’s recommendations</p>
POLICY BE8: PROTECTION AND ENHANCEMENT OF NON-DESIGNATED HERITAGE ASSETS				
M15 – Recommended Modification 15	<p>Policy BE8, page 45</p> <p>Project Delivery Plan, page 102 onwards</p>	<p>In Policy BE8</p> <ul style="list-style-type: none"> • replace the policy with “Development proposals that directly or indirectly affect the significance of non-designated heritage assets, including their setting, will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset including their importance to local distinctiveness, character and 	<p>It is appropriate for a community to use the neighbourhood plan preparation process to identify buildings and structures of local interest and to include policies to require particular consideration of assets that have been formally recognised by the City Council in the determination of planning applications. It is not appropriate to imply locally identified assets will be recognised by the City Council as heritage assets. I have recommended a modification such that the status of the locally identified non-designated heritage assets should be clarified and the process to achieving their formal recognition should be explained.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations</p>

		<p>sense of place. Sympathetic enhancement will be supported”</p> <ul style="list-style-type: none"> the list of properties should be transferred to the project delivery plan stating “The following buildings and features of the built environment are nominated for assessment by Leeds City Council as potential Non-Designated Heritage Assets”. The supporting text will require adjustment and the process for formal recognition by the City Council should be explained. 	<p>Paragraphs 131 to 136 of the Framework establish a policy regime for the determination of proposals that affect designated and non-designated heritage assets. The balancing of considerations is a part of the judgement necessary in the determination of proposals. In the case of harm to non-designated heritage assets the Framework states it is necessary to balance the scale of any harm or loss and the significance of the asset. Paragraph 135 of the Framework states <i>“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”</i> Whilst Policy BE8 provides an additional level of detail or local approach to guide the determination of planning applications it does not reflect the balanced judgement required by national policy. I have recommended a modification in this respect.</p>	
POLICY BE9: OTLEY CONSERVATION AREA – DESIGN AND DEVELOPMENT				
M16 – Recommended Modification 16	Policy BE9, page 47	<p>In Policy BE9</p> <ul style="list-style-type: none"> in part i. replace the text before a. with “To be supported development within, or within the setting of, Otley Conservation Area, as defined on The Neighbourhood Plan Map, must demonstrate a positive response to its setting in terms of scale, form, materials and the nature of construction; and demonstrate regard for the following design principles:” 	<p>The policy has regard for paragraphs 60 and 59 of the Framework in that it promotes local distinctiveness whilst avoiding unnecessary prescription. The policy has regard for paragraph 137 of the Framework in that opportunities to enhance or better reveal the significance of the Conservation Area are sought. I am satisfied the “key views” are adequately identified in Appendix 5 including on the Key Views Location Map in particular relating to direction. Sufficient detail is provided to guide the preparation and determination of development schemes. I am satisfied the selection of views has been adequately explained and their local significance has been tested through extensive consultation. Planning policy must operate in the public interest. It should be made clear</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations .</p>

		<ul style="list-style-type: none"> in part v. after “Appendix 5)” insert “, where seen from locations that are freely accessible to members of the general public,” in part vi. delete “should seek to” and insert “must” 	<p>viewpoints from which views are to be seen are in locations to which the general public have free and unrestricted access. The term “<i>must respond positively</i>” is without consequence. The term “<i>should seek to</i>” does not provide a basis for the determination of planning proposals. The term “<i>building methods</i>” is imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p>	
POLICIES: BE10: THE OVAL ESTATE DESIGN AND DEVELOPMENT CONSIDERATIONS BE11: DUNCAN ESTATE DESIGN AND DEVELOPMENT CONSIDERATIONS BE12: PEGHOLME ESTATE DESIGN AND DEVELOPMENT CONSIDERATIONS				
M17 – Recommended Modification 17	Policies BE10 – BE12, pages 48 - 49	<p>In Policies BE10, BE11, and BE12</p> <ul style="list-style-type: none"> commence the policy with “To be supported” delete “should seek to take account of the following existing features” and insert “must demonstrate it reinforces the following locally distinctive features” 	<p>The term “<i>should seek to take account of</i>” does not provide a basis for the determination of planning applications. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. Paragraph 60 of the Framework states it is proper for planning policies to reinforce local distinctiveness. I have recommended a modification in this respect so that the policy has greater regard for national policy.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations .</p>
5.3 MIXED USE DEVELOPMENTS				
POLICY MU1: EAST OF OTLEY KEY GUIDING DEVELOPMENT PRINCIPLES				
M18 – Recommended Modification 18	Policy MU1, page 53	<p>In Policy MU1</p> <ul style="list-style-type: none"> commence the policy with “To be supported” after “Map,” delete “will” and insert “must” 	<p>Whilst it is normally unnecessary and confusing to refer to other policies of the Neighbourhood Plan in that the Plan should be read as a whole, I recognise reference to Policy TT1 in part xxi of the policy serves the purpose of convenience in presenting a comprehensive statement of relevant requirements. I have, later in my report, recommended modification of policy TT1, including deletion of indicative</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations .</p>

		<ul style="list-style-type: none"> in part vi delete “of” and after “site” insert “seen from locations that are freely accessible to members of the general public” in part vii delete “Encouragement of” in part xxvi replace the text after “spaces” with “in accordance with the latest assessment of local need” 	<p>proposals. I consider the design principles set out in the policy seek to promote local distinctiveness and avoid unnecessary prescription. The Building Design Code principles relating to building heights include flexibility “<i>where justified by detailed design analysis.</i>” There is no requirement for the policy to include provision relating to elderly persons accommodation or other matters included in policies contained within any other Development Plan document.</p> <p>The policy includes the imprecise term “<i>standard of provision either recommended or required</i>”. The term “<i>will be undertaken</i>” does not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p>	
POLICY MU2: WESTGATE-ASHFIELD WORKS DEVELOPMENT REQUIREMENTS AND ASPIRATIONS				
M19 – Recommended Modification 19	Policy MU2, page 55	<p>In Policy MU2</p> <ul style="list-style-type: none"> commence the policy with “To be supported” after “Map,” delete “will” and insert “must” delete ““positive buildings’ on site” and insert “buildings on site that make a significant positive contribution to the distinctiveness and character of the area, which in respect of non-listed buildings must be assessed in accordance with a balanced judgement having 	<p>The term “<i>positive buildings</i>” is imprecise. The Framework requires the preservation of non-designated heritage assets to be subject to a balanced judgement. The terms “<i>will be undertaken</i>” and “<i>consideration should also be given</i>” do not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. Paragraph 173 of the Framework requires careful attention to viability, and deliverability of plans. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations .</p>

		<p>regard to the scale of harm and the significance of the building”</p> <ul style="list-style-type: none"> • delete “Consideration should also be given to” and insert “Proposals must also demonstrate that consideration has been given to the viability of” 		
POLICY MU3: WESTGATE DEVELOPMENT REQUIREMENTS AND ASPIRATIONS				
M20 – Recommended Modification 20	Policy MU3, page 56	<p>In Policy MU3</p> <ul style="list-style-type: none"> • commence the policy with “To be supported” • • after “Map,” delete “will” and insert “must” • delete “‘positive buildings’ on site,” and insert “buildings on site that make a significant positive contribution to the distinctiveness and character of the area,” • after “Works” insert “which in respect of non-listed buildings must be assessed in accordance with a balanced judgement having regard to the scale of harm and the significance of the building” • delete “Consideration should also be given to” and insert “Proposals must also demonstrate consideration has been given to the viability of” 	<p>The term “<i>positive buildings</i>” is imprecise. The terms “<i>will be undertaken</i>” and “<i>consideration should also be given</i>” do not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. Paragraph 173 of the Framework requires careful attention to viability, and deliverability of plans. I have recommended a modification in this respect so that the policy has sufficient regard for national policy. Whilst it is normally unnecessary and confusing to refer to other policies of the Neighbourhood Plan in that the Plan should be read as a whole, I recognise reference to Policy BE9 is a convenient method of avoiding repeat of requirements, and reference to Policy MU2 is appropriate given the close inter-relationship between Policies MU3 and MU2.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations .</p>

POLICY MU4: FORMER BOARD BUILDINGS, NORTH PARADE

M21 – Recommended Modification 21	Policy MU4, page 57	<p>In Policy MU4</p> <ul style="list-style-type: none">• replace the text before part i with “Development proposals for the former Board Buildings, as shown on the Neighbourhood Plan Map, that include housing; and/or offices; and/or the re-housing of the Otley Museum, together with associated parking, will be supported subject to:”• delete “‘positive buildings’ on site” and insert “buildings on site, and adjacent buildings, that make a significant positive contribution to the distinctiveness and character of the area, which in respect of non-listed buildings must be assessed in accordance with a balanced judgement having regard to the scale of harm and the significance of the building”• delete “Plans for the possible” and insert “Proposals must also demonstrate consideration has been given to future”	<p>The term “<i>positive buildings</i>” is imprecise. The term “<i>present an opportunity</i>” and part iv of the policy do not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. Whilst it is normally unnecessary and confusing to refer to other policies of the Neighbourhood Plan in that the Plan should be read as a whole, I recognise reference to Policy BE9 is a convenient method of avoiding repeat of requirements.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations</p>
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5.4 HOUSING

POLICY H1: HOUSING DEVELOPMENT ON NON-ALLOCATED SITES

M22 – Recommended Modification 22	Policy H1, page 59	<p>In Policy H1</p> <ul style="list-style-type: none"> • delete “acceptable in principle” and insert “supported” • after “network” insert “so that residual cumulative impacts are not severe” • delete “school estate” and insert “area” • delete “be avoided” and insert “not be proposed unless it is demonstrated that alternatives are not practical or viable” • delete part v 	<p>The policy includes the imprecise terms “<i>the local school estate</i>” and “<i>adopted standards of accessibility to local services</i>”. The term “<i>will be acceptable in principle</i>” does not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The Framework states “<i>development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.</i>” Paragraph 173 of the Framework requires careful attention to viability, and deliverability of plans. I have recommended a modification in these respects so that the policy has sufficient regard for national policy.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations</p>
POLICY H2: HOUSING MIX				
M23 – Recommended Modification 23	Policy H2, page 61	<p>In Policy H2</p> <ul style="list-style-type: none"> • delete “encouraged” and insert “supported” • delete “a reasonable” and insert “Subject to viability considerations a” • after “renting” insert “that reflects the latest assessment of local need” • delete “particularly” 	<p>The policy includes the imprecise term “<i>reasonable proportion</i>”. The terms “<i>will be encouraged</i>” and “<i>particularly supported</i>” do not provide a basis for the determination of planning applications. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>Paragraph 173 of the Framework requires careful attention to viability, and deliverability of plans. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations</p>
POLICY H3: HOUSING FOR INDEPENDENT LIVING WITH POOR ACCESS TO FACILITIES				
M24 – Recommended Modification 24	Policy H3, page 61	<p>Replace Policy H3 with “Development proposals for sheltered or other housing for</p>	<p>The policy includes the imprecise terms “<i>aimed at</i>” and “<i>measures</i>”. The term “<i>should be put in place</i>” does not provide a basis for the determination of planning applications.</p>	<p>Agree to modify the text as indicated to</p>

		elderly and disabled people will be supported where there is good accessibility to town or local centres or a range of local community facilities.”	I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	comply with the examiner’s recommendations
POLICY H4: AFFORDABLE HOUSING				
M25 – Recommended Modification 25	Policy H4, page 62	Replace Policy H4 with “To be supported proposals required to include affordable housing must make provision on-site. Off-site commuted sum payments made in respect of proposals of less than 10 dwellings must be retained for expenditure on affordable housing within the Neighbourhood Area.”	<p>In the first sentence of the policy it is unnecessary and confusing to state “<i>within the Otley Neighbourhood Area</i>” as the Neighbourhood Plan only relates to sites within the Neighbourhood Area and therefore on-site provision must necessarily be in the Neighbourhood Area. The policy includes the imprecise term “<i>maximise</i>”. The term “<i>should</i>” does not provide a basis for the determination of planning applications. The relationship between the two parts of the policy is unclear without explanation. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>Paragraph 173 of the Framework requires careful attention to viability, and deliverability of plans. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations
5.5 EMPLOYMENT				
Policy E1: PROTECTION OF EXISTING EMPLOYMENT SITES				
M26 – Recommended Modification 26	Policy E1, page 64	In Policy E1 delete “normally not be permitted” and insert “not be supported unless it can be demonstrated there is no reasonable prospect of a site	The term “ <i>normally</i> ” as used in both parts of the policy does not provide a basis for the determination of planning applications. The policy includes the terms “ <i>permitted</i> ” and “ <i>resisted</i> ”. It is not appropriate for a policy to indicate that proposals will be permitted or not permitted as all planning applications “ <i>must be determined in accordance with the development plan, unless material considerations indicate</i>	Agree to modify the text as indicated to comply with the examiner’s recommendations

		<p>being used for employment purposes”</p> <ul style="list-style-type: none"> delete “normally be resisted” and insert “not be supported unless it can be demonstrated that there is no reasonable prospect of a site being used for employment purposes” 	<p><i>otherwise</i>”.52 I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>The Framework states <i>“Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”</i>. I have recommended a modification in this respect.</p>	
<p>POLICIES: E2: LAND OFF ILKLEY ROAD E3: LAND OFF ILKLEY ROAD (ADJACENT ARMITAGE MONOBOND)</p>				
M27 – Recommended Modification 27	Policies E2 and E3, page 66	<p>In Policies E2 and E3</p> <ul style="list-style-type: none"> commence the policies with “To be supported” delete “will be undertaken in accordance with” and insert “must meet” 	<p>The term <i>“will be undertaken”</i> does not provide a basis for the determination of planning applications. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. Whilst it is normally unnecessary and confusing to refer to other policies of the Neighbourhood Plan in that the Plan should be read as a whole, I recognise reference to other policies in part iii of both policies serves the purpose of convenience in presenting a comprehensive statement of relevant requirements.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations</p>
<p>POLICY E4: NEW EMPLOYMENT DEVELOPMENT</p>				

M28 – Recommended Modification 28	Policy E4, page 67	In Policy E4 <ul style="list-style-type: none"> delete “particularly” and insert “including” delete “encouraged” and insert “supported” 	The terms “ <i>particularly</i> ” and “ <i>will be encouraged</i> ” do not provide a basis for the determination of planning applications. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations
POLICY E5: EMPLOYMENT DEVELOPMENT ON NON-ALLOCATED SITES				
M29 – Recommended Modification 29	Policy E5, page 67	In Policy E5 <ul style="list-style-type: none"> delete “allowed” and insert “supported on infill sites” delete “of Otley” delete part i in part ii before “adverse” insert “severe” and delete “, traffic congestion” 	The policy includes the term “ <i>will be allowed</i> ”. It is not appropriate for a policy to indicate that proposals will be allowed as all planning applications “ <i>must be determined in accordance with the development plan, unless material considerations indicate otherwise</i> ”. ⁵³ Whilst the built-up area is not precisely defined, I am satisfied that with modification the meaning will be sufficiently clear to guide decision makers. It is unnecessary and confusing for a policy to state “ <i>of Otley</i> ” and to refer in an imprecise way to other policies of the Neighbourhood Plan as the Plan should be read as a whole. The Framework states “ <i>development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe</i> .” I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations
POLICY E6: LIVE/WORK ACCOMMODATION				

M30 – Recommended Modification 30	Policy E6, page 68	In Policy E6 <ul style="list-style-type: none"> delete “are encouraged” and insert “will be supported” delete “Of a scale and type appropriate to the locality and” delete part vi delete “genuine” 	The policy includes the imprecise term “ <i>appropriate</i> ”. The terms “ <i>encouraged</i> ” and “ <i>genuine</i> ” do not provide a basis for the determination of planning applications. Independent use of the employment space would not constitute live/work accommodation. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations
POLICY E7: OTLEY CEMETERY CHAPELS				
M31 – Recommended Modification 31	Policy E7, page 68	Replace Policy E7 with “Proposals for the development of Otley Cemetery Chapels as live/work accommodation will be supported.”	The term “ <i>present an opportunity for</i> ” does not provide a basis for the determination of planning applications. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations
POLICY E8: HOTEL DEVELOPMENT				
M32 – Recommended Modification 32	Policy E8, page 69	In Policy E8 <ul style="list-style-type: none"> delete “There is an opportunity for” after “edge of town centre” insert “will be supported” after “test” insert “for main town centre uses” 	The term “ <i>is an opportunity for</i> ” does not provide a basis for the determination of planning applications. The term “ <i>sequential test</i> ” is imprecise. Paragraphs 24 to 27 of the Framework set out a sequential test that should apply to proposals for main town centre uses. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations
5.6 COMMUNITY FACILITIES AND SERVICES				
POLICY CF1: PROTECTION AND ENHANCEMENT OF COMMUNITY FACILITIES				

M33 – Recommended Modification 33	Policy CF1, page 72	<p>In Policy CF1</p> <ul style="list-style-type: none"> • delete “requiring planning permission” • delete “should involve the provision of” and insert “must provide” • delete “elsewhere within the Neighbourhood Area” and insert “that are equally accessible to existing users” • delete “Commercially provided facilities will constitute an exception to the above” and delete “in terms of market attractiveness” • after “year” insert “loss of community facilities will be supported” • delete “acceptable in principle” and delete “for the benefit of Otley community” • delete “encouraged” and insert “supported” 	<p>It is unnecessary and confusing for the policy to state “<i>requiring planning permission</i>” as all Neighbourhood Plan policies only apply to development requiring planning permission. Alternative provision “<i>elsewhere within the Neighbourhood Plan area</i>” potentially distant from users has not been sufficiently justified. The terms “<i>should involve</i>” and “<i>will be encouraged</i>” do not provide a basis for the determination of planning applications. The terms “<i>for the benefit of the Otley community</i>” and “<i>acceptable in principle</i>” are imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. Paragraph 173 of the Framework requires careful attention to viability, and deliverability of plans. The limitation of viability testing to commercially provided facilities only has not been sufficiently justified. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations</p>
POLICY CF2: NEW SPORTS AND RECREATION FACILITIES				
M34 – Recommended Modification 34	Policy CF2, page 74	<p>In Policy CF2</p> <ul style="list-style-type: none"> • delete “acceptable in principle” • delete “encouraged and” • delete “particularly” 	<p>The policy includes the imprecise term “<i>acceptable in principle</i>”. The terms “<i>will be encouraged</i>” and “<i>particularly</i>” do not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendations</p>

			with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	
POLICY CF3: ENTERTAINMENT VENUES				
M35 – Recommended Modification 35	Policy CF3, page 75	In Policy CF3 delete “encouraged” and insert “supported”	<p>The term “<i>encouraged</i>” does not provide a basis for the determination of planning applications. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>Paragraph 173 of the Framework requires careful attention to viability, and deliverability of plans. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations
POLICY CF4: IMPROVEMENT OF HEALTH FACILITIES				
M36 – Recommended Modification 36	Policy CF4, page 75	<p>In Policy CF4</p> <ul style="list-style-type: none"> • delete “acceptable in principle” • delete “encouraged” and insert “supported.” • delete “, particularly” • after “neighbourhood” continue “have been identified as areas of particular need” 	The policy includes the imprecise term “ <i>acceptable in principle</i> ”. The terms “ <i>encouraged</i> ” and “ <i>particularly</i> ” do not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations
POLICY CF5: NEW EDUCATIONAL PROVISION				
M37 – Recommended Modification 37	Policy CF5, page 77	<p>In Policy CF5</p> <ul style="list-style-type: none"> • delete “acceptable in principle” • delete “encouraged” and insert “supported” 	The policy includes the imprecise term “ <i>acceptable in principle</i> ”. The term “ <i>encouraged</i> ” does not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of	Agree to modify the text as indicated to comply with the examiner’s recommendations

			predictability and efficiency as required by paragraph 17 of the Framework.	
5.7 TRANSPORT AND TRAVEL				
POLICY TT1: IMPROVED CYCLING, WALKING AND BRIDLEWAY PROVISION				
M38 – Recommended Modification 38	Policy TT1, page 80 Project Delivery Plan, page 102 onwards	<p>In Policy TT1</p> <ul style="list-style-type: none"> in parts i and ii delete “will be expected to” and insert “must” in part iii delete “acceptable in principle”, and delete “encouraged” and insert “supported” in part iv delete “permissible” and insert “supported” in part v delete “new” in part vi delete “should” and insert “must” <p>Transfer the Indicative Proposals on the Otley Cycleway and Footpath Networks Inset Map to the Neighbourhood Plan Project Delivery Plan.</p>	<p>Provision I of Policy TT1 states “<i>Development directly affecting the Otley cycleway, footpath and bridleway network, as shown on the Neighbourhood Plan Map, will be expected to be compatible with it and contribute to it.</i>” The Inset Map referred to includes “<i>existing routes</i>” and “<i>indicative proposals</i>”. The route referred to in the representation made on behalf of Weston Hall Estate is identified as an indicative proposal and in the ‘Map Key’ referred to as a “<i>Desired/Other Paths (currently private land).</i>” A requirement for proposals to be compatible with an indicative proposal is imprecise. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. It is appropriate for a Neighbourhood Plan to identify community aspirations. I have earlier in my report stated I am satisfied the approach adopted in the Neighbourhood Plan presenting the projects and aspirations in separate sections under topic themes and by bringing these together in the Project Delivery Plan presented in Chapter 6 of the Neighbourhood Plan, adequately differentiates the community actions and aspirations from the policies of the Plan and has sufficient regard for the Guidance. I have recommended the indicative proposals relating to the cycleway and footpath network should be transferred to the Project Delivery Plan.</p> <p>The policy includes the imprecise term “<i>acceptable in principle</i>” and “<i>existing new</i>”. The term “<i>will be expected to</i>”,</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations

			<p><i>“should be”, and “encouraged” do not provide a basis for the determination of planning applications. It is not appropriate for a policy to indicate that proposals will be permissible as all planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.55 I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</i></p>	
POLICY TT2: OTLEY BRIDGE IMPROVEMENTS				
M39 – Recommended Modification 39	Policy TT2, page 84	In Policy TT2 delete “acceptable in principle”, and replace “encouraged” with “supported”	The policy includes the imprecise term <i>“acceptable in principle”</i> . The term <i>“encouraged”</i> does not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations
POLICY TT3: WHITE BRIDGE IMPROVEMENTS AND ASSOCIATED WORKS				
M40 – Recommended Modification 40	Policy TT3, page 84	In Policy TT3 delete “acceptable in principle”, and replace “encouraged” with “supported”	The policy includes the imprecise term <i>“acceptable in principle”</i> . The term <i>“encouraged”</i> does not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations
POLICY TT4: IMPROVED PUBLIC TRANSPORT				
M41 – Recommended Modification 41	Policy TT4, page 85	In Policy TT4 delete “should” and insert “must”	The term <i>“should”</i> does not provide a basis for the determination of planning applications. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning	Agree to modify the text as indicated to comply with the

			applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	examiner's recommendations
POLICY TT5: OTLEY BUS STATION				
M42 – Recommended Modification 42	Policy TT5, page 85	In Policy TT5 delete “acceptable in principle”, and replace “encouraged” with “supported”	The policy includes the imprecise term “ <i>acceptable in principle</i> ”. The term “ <i>encouraged</i> ” does not provide a basis for the determination of planning applications. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner's recommendations
POLICY TT6: OTLEY RAIL LINK REINSTATEMENT				
M43 – Recommended Modification 43	Policy TT6, page 86	In Policy TT6 delete “be resisted” and insert “not be supported”	It is not appropriate for a policy to indicate that proposals will be resisted as all planning applications “ <i>must be determined in accordance with the development plan, unless material considerations indicate otherwise</i> ”. ⁵⁶ I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner's recommendations
POLICY TT7: TOWN CENTRE PUBLIC PARKING				
M44 – Recommended Modification 44	Policy TT7, page 87	In Policy TT7 <ul style="list-style-type: none"> • delete “be resisted” and insert “not be supported” • delete “will be expected” and insert “must be provided” • delete “acceptable in principle” • delete “encouraged” and insert “supported” 	The policy includes the imprecise term “ <i>acceptable in principle</i> ”. The terms “ <i>resisted</i> ”, “ <i>encouraged</i> ”, and “ <i>will be expected</i> ” do not provide a basis for the determination of planning applications. It is not appropriate for a policy to indicate that proposals will be resisted as all planning applications “ <i>must be determined in accordance with the development plan, unless material considerations indicate otherwise</i> ”. ⁵⁷ I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner's recommendations

POLICY TT8: FORMER GAS WORKS SITE				
M45 – Recommended Modification 45	Policy TT8, page 87	In Policy TT8 <ul style="list-style-type: none"> commence the policy with “Proposals for the development of public car parking at” delete the text after “Map” and insert “will be supported” 	The term “ <i>presents an opportunity for</i> ” does not provide a basis for the determination of planning applications. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendations
5.8 THROSTLE NEST AND RIVERSIDE (HARROGATE)				
POLICIES:				
TNRH1: RIVERSIDE-WESTON LOCAL GREEN INFRASTRUCTURE CORRIDOR				
TNRH2: RIVERSIDE DEVELOPMENT				
TNRH3: PROTECTION AND IMPROVEMENT OF THE BIODIVERSITY OF THE EXTENDED LEEDS HABITAT NETWORK WITHIN OTLEY				
TNRH4: PROTECTION OF OTLEY PLANTATION (PART) LOCAL GREEN SPACE				
TNRH5: OTLEY RIVERSIDE LOCAL HERITAGE AREA				
TNRH8: LIVE/WORK ACCOMMODATION				
TNRH9: PROTECTION AND ENHANCEMENT OF PRINCE HENRY’S SPORTS CHANGING ROOMS AND CAR PARK				
TNRH10: IMPROVED CYCLING AND WALKING PROVISION				
M46 – Recommended Modification 46	Policies TNRH1, TNRH2, TNRH3, TNRH4, TNRH5, TNRH8, TNRH9, TNRH10, pages 92 - 99	<ul style="list-style-type: none"> delete Policies TRNH1, TRNH2, TRNH3, TRNH4, TRNH5, TRNH8, TRNH9, and TRNH10 include reference to the text of Policies GE2, GE3, GE5, GE6, BE6, E6, CF1, and TT1 in Section 5.8 of the Neighbourhood Plan adjust the general text of Section 5.8 to state all policies apply throughout the entire Neighbourhood Area unless a 	A number of the policies within Section 5.8 of the Neighbourhood Plan include precisely the same text as policies within Sections 5.1 to 5.7 of the Neighbourhood Plan as follows: <p>TNRH1: Riverside-Weston Local Green Infrastructure Corridor – duplicates text of Policy GE2 (Policy GE2 deals with other areas also)</p> <p>TNRH2: Riverside Development – duplicates text of Policy GE3</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations

		<p>policy specifically states a geographic area within the Neighbourhood Area that it applies to.</p>	<p>TNRH3: Protection and Improvement of the Biodiversity of the Extended Leeds Habitat Network within Otley – duplicates text of Policy GE5</p> <p>TNRH4: Protection of Otley Plantation (Part) Local Green Space – duplicates text of Policy GE6 (Policy GE6 deals with other areas also)</p> <p>TNRH5: Otley Riverside Local Heritage Area – duplicates text of Policy BE6</p> <p>TNRH8: Live/Work Accommodation – duplicates text of Policy E6</p> <p>TNRH9: Protection and Enhancement of Prince Henry’s Sports Changing Rooms and Car Park – duplicates text of Policy CF1 (Policy CF1 deals with community facilities Plan area wide and includes provision relating to viability.)</p> <p>TNRH10: Improved Cycling and Walking Provision – duplicates text of Policy TT1</p> <p>It is confusing and unnecessary for these policies to repeat the text contained within other policies of the Neighbourhood Plan. I have recommended a modification in these respects so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I recommend these policies are deleted. The text of the duplicated policies can be referred to in Section 5.8 of the Neighbourhood Plan so as to maintain the intention of presenting a comprehensive statement of policies most relevant to Throstle Nest and</p>	
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			Riverside. In response to a request for clarification I made in a letter dated 15 February 2019 Leeds City Council and Otley Town Council, on behalf of Harrogate Borough Council, Mid Wharfedale Parish Council and Lower Washburn Parish Council have confirmed the recommended modification would be consistent with the intentions of the Neighbourhood Plan.	
POLICY TNRH6: OTLEY CONSERVATION AREA – RIVERSIDE ESTATE DESIGN AND DEVELOPMENT				
M47 – Recommended Modification 47	Policy TNRH6, page 95 Policy BE9, page 47	<ul style="list-style-type: none"> Delete policy TNRH6 incorporate the text of parts i and ii of Policy TRNH6 within the text of Policy BE9 include reference to the text of Policy BE9, as recommended to be modified, in Section 5.8 of the Neighbourhood Plan 	This policy includes much text that duplicates Policy BE9. It is confusing and unnecessary for this policy to repeat the text contained within other policies of the Neighbourhood Plan. I have recommended a modification in this respect so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. In response to a request for clarification I made in a letter dated 15 February 2019 Leeds City Council and Otley Town Council, on behalf of Harrogate Borough Council, Mid Wharfedale Parish Council and Lower Washburn Parish Council have confirmed the recommended modification would be consistent with the intentions of the Neighbourhood Plan.	Agree to modify the text as indicated to comply with the examiner’s recommendations
POLICY TNRH7: WESTON CONSERVATION AREA – THROSTLE NEST DESIGN AND DEVELOPMENT				
M48 – Recommended Modification 48	Policy TNRH7, page 96	In Policy TNRH7 <ul style="list-style-type: none"> before i. replace the text with “To be supported development at Throstle Nest within, or within the setting of, Weston Conservation Area, as defined on The Neighbourhood Plan Map, must demonstrate a positive response in terms of the following design principles:” 	The policy is without consequence. The term “ <i>building methods</i> ” is imprecise. I am satisfied the “views” are adequately identified in the policy and sufficient detail is provided to guide the preparation and determination of development schemes. I am satisfied the selection of views has been adequately explained and their local significance has been tested through extensive consultation. Planning policy must operate in the public interest. It should be made clear viewpoints from which views are to be seen are in locations to which the general public have free and unrestricted access.	Agree to modify the text as indicated to comply with the examiner’s recommendations

		<ul style="list-style-type: none"> delete “building methods” and insert “nature of construction are appropriate” after “views” insert “, where seen from locations that are freely accessible to members of the general public,” 	I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.	
ADDITIONAL MODIFICATION				
M49 – Recommended Modification 49	Throughout the Plan	Modification of general text will be necessary to achieve consistency with the modified policies, and to correct identified errors including those arising from updates.	<p>A number of consequential modifications to the general text, and in particular the justification of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.</p> <p>I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁶² I recommend the following minor changes only in so far as they are to correct an error or where it is necessary so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework:</p> <ul style="list-style-type: none"> On Maps 9 and 10 identify the definitive Rights of Way by their numbers as recorded on the LCC Definitive Map and in an appendix list these routes with information from the Definitive Statement. Add Otley Byway 58 (Miller Lane) and Otley Bridleways 7 and 38 to Maps 9 and 10. In the Glossary under Public Right of Way (PROW) after “pass” add “and repass”; replace “and Carriageway” with “Restricted Byway and Byway” 	Agree to modify the text as indicated to comply with the examiner’s recommendations