

Leeds City Council

Decision Statement – Aberford and District Neighbourhood Development Plan

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

Regulation 18 Decision Statement

1. Summary

- 1.1 Following an independent examination, Leeds City Council now confirms that it is making modifications to the Aberford and District (hereafter Aberford) Neighbourhood Plan as set out in Table 1 below. The Plan will then proceed to a Neighbourhood Planning Referendum.
- 1.2 In accordance with the independent examiner's recommendations, the Aberford Neighbourhood Plan will proceed to referendum based on the Aberford Neighbourhood Area as designated by Leeds City Council on 26th June 2013.
- 1.3 This Decision Statement, the examiner's report and the draft Aberford Neighbourhood Plan and supporting documentation are available on the Council's website:
<https://www.leeds.gov.uk/planning/planning-policy/neighbourhood-planning/aberford-and-district-neighbourhood-plan>
- 1.4 They are also on the Aberford Parish Council website <https://www.aberford-pc.gov.uk/>
- 1.5 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),
 - Garforth Library & One Stop Centre, Lidgett Lane, Garforth, Leeds LS25 1EH (Mon, Weds 9.00 – 19.00, Tues, Fri 9.00 – 17.00, Thurs 9.00 – 18.00, Sat 9.00 – 16.00)
 - Jessamine Cottage Surgery, Main Street, Aberford, Leeds LS25 3AA (during opening hours)
 - The Arabian Horse, Main St, Aberford, Leeds LS25 3AA (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 Aberford 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 Aberford to help it decide planning applications in the neighbourhood area?" will be held in the Aberford Neighbourhood Area. It is anticipated that the referendum will take place in October 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
5.1 GREEN ENVIRONMENT				
POLICY GE1: SPECIAL LANDSCAPE AREAS				
M1 - Recommendation 1	Policy GE1, page 16 Supporting text, page 15	<ul style="list-style-type: none"> • Delete the word “seriously” from the first paragraph of the policy • Change the second paragraph of the policy to read: “In terms of siting, design and materials, development or change in land use should have regard to the <i>landscape’s significance</i>, character and special features and, <i>take every available opportunity</i> to contribute positively to landscape restoration or enhancement, paying particular attention to: -...” • Amend “Celtic/Roman period” in the second paragraph under the [existing] subheading Special Landscape Areas on page 15 of the Plan to “<i>Iron age/Roman period</i>” • Add a reference to Aberford Dyke in the second paragraph under the [existing] subheading Special Landscape Areas on page 15 of the Plan 	<p>The policy seeks to add a local layer of detail to the UDP policy. Within the SLAs, development is permitted provided it would not “seriously harm” the character and appearance of the landscape. The second element of the policy goes into more detail about the particular features attention should be paid to. I feel the wording of the first element of the policy is ambiguous and could be open to some interpretation; for that reason, whilst the wording reflects the UDP policy, a modification is suggested to ensure the policy provides a practical framework for decision making in line with national policy and guidance.</p> <p>Historic England (HE) point out that the second paragraph under the subheading Special Landscape Areas erroneously refers to the “Celtic/Roman period”. This should be corrected in the interests of accuracy. HE also suggest that a reference to Aberford Dyke be included. These suggestions from HE would improve the practical application of the policy and its supporting text.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations.

POLICY GE2: LOCAL GREEN INFRASTRUCTURE				
M2 – Recommendation 2	Policy GE2, page 17	<ul style="list-style-type: none"> Change the word “operation” in the policy to “function” 	The wording of the policy seeks to maintain these areas with any development within them recognises their “operation” which I think would read better as “function” as part of a wider network.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
POLICY GE3: LOCAL GREEN SPACE				
M3 – Recommendation 3	Policy GE3, pp.17 – 18 Neighbourhood Plan Map	<ul style="list-style-type: none"> Delete area xvi. Hook Moor Woodland from the policy Consequential amendments to the Plan Map will be needed 	In my view, all the proposed LGSs meet the criteria in the NPPF satisfactorily apart from Hook Moor Woodland. This is because the Sites Assessment in Appendix 2 indicates that it is of limited local or community value. Therefore given this, I do not consider it is appropriate to designate as a LGS and the reasons given for doing so are adequately covered by existing designations.	Agree to modify the text and maps as indicated to comply with the examiner’s recommendations.
COMMUNITY ACTIONS				
M4 – Recommendation 4	Community Actions, page 19	Delete the words “Conserve and” from bullet points two, three and four under the heading “Countryside Management and Improvement” on page 19 of the Plan	Three under the title “Countryside Management and Improvement” could be interpreted as statements of planning policy. Therefore to ensure there is no confusion with the planning policies within the document, a modification is recommended.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
5.2 BUILT HERITAGE				
POLICY BH1: ABERFORD CONSERVATION AREA – DESIGN AND DEVELOPMENT				
M5 – Recommendation 5	Policy BH1, page 22	<ul style="list-style-type: none"> Change the title of the policy to “Development Affecting the Aberford Conservation Area” Delete the first bullet point that starts “relate well to the geography...” from the policy 	This policy covers any development within or adjacent to the CA for Aberford village. However, the title of the policy may mean that applicants do not realise it also covers development adjacent to the CA. In the interests of clarity, a modification to the policy’s title is therefore recommended.	Agree to modify the text as indicated to comply with the examiner’s recommendations.

			With the exception of the first criterion, all read clearly and to provide the practical framework for decision making sought by national policy and guidance. The first criterion is open to interpretation and it is difficult to know how to comply with it. In recommending its deletion, I consider that the remaining criteria will ensure that the essence of this bullet point will be covered.	
POLICY BH2: NON-DESIGNATED HERITAGE ASSETS				
M6 – Recommendation 6	Policy BH2, page 23 Appendix 4, page 71 onwards	<ul style="list-style-type: none"> Delete the second sentence of the policy which begins “Any conflict between...” and replace it with “A balanced judgment will be made having regard to the scale of any harm or loss caused by any development and the asset’s significance.” Ensure that the most up to date information is included on the list of assets 	<p>In relation to non-designated heritage assets, the NPPF indicates that significance should be taken into account and that a “balanced judgment” will be needed having regard to the scale of any harm or loss and the significance of such heritage assets.³⁴ Whilst I understand the intention of the policy, it is out of kilter and does not take account of the NPPF’s stance on such assets. A modification is made to address this.</p> <p>In addition, HE and another representation from AECOM point out that a number of the assets are now listed. Therefore this and the accompanying appendix should be updated in the interests of accuracy.</p>	Agree to modify the text and include new maps as indicated to comply with the examiner’s recommendations.
COMMUNITY ACTIONS				
M7 – Recommendation 7	Community Actions, page 24	<ul style="list-style-type: none"> Delete the words “...preserved and...” from the third sentence under the heading “Green Spaces within the Conservation Area” on page 24 of the Plan Delete the second paragraph under the heading “Green 	To ensure that there is a clear distinction between elements of the community actions which could be construed as a planning policy position or stance and community actions which should not relate to development and use of land matters, a number of recommendations are made.	Agree to modify the text and maps as indicated to comply with the examiner’s recommendations

		<p>Spaces within the Conservation Area” which begins “Ensure that any future proposals...”</p> <ul style="list-style-type: none"> • Replace the word “developments” in the fourth sentence in the paragraph under the heading “The Great North Road” with “highway improvements” 		
5.3 COMMUNITY FACILITIES AND SERVICES				
POLICY CF2: PROVISION OF NEW COMMUNITY FACILITIES				
M8 – Recommendation 8	Policy CF2, page 27	<ul style="list-style-type: none"> • Delete the second paragraph of the policy which begins “Once provided...” 	<p>Policy CF2 supports new community facilities directing them to the Central Village Core but recognising that some types of facilities will need to be outside that area. It is in general conformity with CS Policy P9.</p> <p>A second paragraph of the policy then cross references Policy CF1 indicating any such facilities would then be subject to Policy CF1. This is not necessary because all relevant policies must be taken into account. If development were permitted under Policy CF2, then it would not be specifically identified under Policy CF1. Therefore this element of the policy should be deleted in the interests of providing a practical framework for decision making.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations
5.4 HOUSING				
POLICY H1: NEW HOUSING DEVELOPMENT – KEY GUIDING PRINCIPLES				
M9 – Recommendation 9	Policy H1, page 31	<ul style="list-style-type: none"> • Change the policy to read: 	This policy seeks to influence housing development on allocated or identified sites within the Plan area.	Agree to modify the text as indicated to

		<p>“Promoters of major development proposals on allocated or identified sites should prepare, as appropriate, the following documents in order for an approach to new housing development be agreed with the local planning authority and the local community:-</p> <ol style="list-style-type: none"> a. A comprehensive development brief and concept masterplan; b. A comprehensive transport study; c. An infrastructure delivery plan. <p>These documents should address the following key guiding principles:- “ [retain criteria ii. to xi, but renumber them i. to x.]</p>	<p>The sites will be allocated or identified in other plans such as the emerging SAP. The way in which the Plan will influence such sites is through the submission of a design brief, transport study and infrastructure delivery plan which together address a number of guiding principles which reflect the community’s concern that new development should reflect and respect the locality.</p> <p>The policy is a local expression of CS Policies P10 and T2 in particular and will help to achieve sustainable development. However, it does require some minor rewording to achieve clarity. With these modifications, the policy will meet the basic conditions.</p>	<p>comply with the examiner’s recommendations</p>
The Neighbourhood Plan Map				
M10 – Recommendation 10	The Neighbourhood Plan Map	<ul style="list-style-type: none"> • Produce a series of larger scale maps to show <ol style="list-style-type: none"> a) Local Green Infrastructure, b) [retained] Local Green Spaces, c) Local Green Space Enhancement Sites, d) Non Designated Heritage Assets, e) Aberford Village Hall Site, f) Coal Staithes Site, 	<p>A Neighbourhood Plan Map accompanies the Plan and shows the proposed designations such as LGS, the Central Village Core Boundary and so on. I have found it difficult to interpret the Map because of its scale and small nature of the key. This has meant that it is difficult to decipher the precise boundaries of smaller areas. Therefore whilst this overall Map can be retained, a series of more detailed maps at a larger scale should be produced.</p>	<p>Agree to provide larger scale maps as indicated to comply with the examiner’s recommendations</p>

		<p>g) Central Village Core Boundary</p>	<p>In addition the key covers some parts of the Plan area obscuring some of the proposed designations shown.</p> <p>Therefore in the interests of clarity and providing a practical framework for decision making, the following recommendation is made.</p>	
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