

Leeds City Council

Decision Statement – Wetherby 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 Wetherby 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 Wetherby Neighbourhood Plan will proceed to referendum based on the Wetherby Neighbourhood Area as designated by Leeds City Council on 15 November 2016.
- 1.3 This Decision Statement, the examiner's report and the draft Wetherby Neighbourhood Plan and supporting documentation are available on the Council's website:
<https://www.leeds.gov.uk/planning/planning-policy/neighbourhood-planning/wetherby-neighbourhood-plan>
- 1.4 They are also on the Wetherby Town Council website <http://www.wetherby.co.uk/>
- 1.5 Hard copies of the Decision Statement and the examiner's report are available for inspection at:
- Wetherby Library and Tourist Information, 17 Westgate, Wetherby, Leeds, LS22 6LL (Mon 10.00 – 17.00, Tues 9.00 – 19.00, Weds - Fri 9.00 – 17.00, Sat 10.00 – 16.00)
 - Wetherby Town Hall, Market Place, Wetherby, West Yorkshire, LS22 6NE (Mon – Thurs, Sat 9.00 – 18.00, Fri 9.00 – 12.00)
 - City Centre One Stop Centre, Merrion House, 110 Merrion Centre, Leeds, LS2 8BB (Mon, Tues, Thurs, Fri 8.30 – 17.30, Weds 9.30 – 17.30)

2. Decisions and Reasons

- 2.1 The examiner has concluded that subject to the specified modifications being made to the Plan, the Wetherby 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 Wetherby to help it decide planning applications in the neighbourhood area?” will be held in the Wetherby Neighbourhood Area. It is anticipated that the referendum will take place in early 2020.

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
1.0 Introduction				
1.1 Background to Neighbourhood Development Planning				
M1 - Recommendation 1	Para 1.1, page 5 Map, page 5	<p>a) In Section 1.1 (Background to Neighbourhood Development Planning) replace 'Local Councils' in line 1 of paragraph 3 with '<i>Local Planning Authorities</i>'</p> <p>b) Replace 'appropriately meets the conditions' in line 1 of paragraph 4 with '<i>satisfies statutory and regulatory requirements</i>', and replace 'of a decent quality' in line 3 with '<i>meet the Basic Conditions</i>'.</p> <p>c) Replace '11th December 2013' in line 5 of paragraph 5 with '<i>17th September 2012</i>'</p> <p>d) Replace the final sentence in paragraph 5 with '<i>Following a review of parish boundaries by Leeds City Council the Neighbourhood Area boundary was subsequently revised and re-designated on 15th November 2016 to ensure that the boundary coincides with the revised parish boundary</i>'.</p>	<p>First, in order to differentiate between higher tier Councils such as Leeds City Council and lower tier or Local Councils such as Wetherby Town Council, the reference to Leeds City Council as a Local Council in the third paragraph of section 1.1 (Background to Neighbourhood Development Planning) should be replaced with a more appropriate description such as 'Local Planning Authority'.</p> <p>Second, a more accurate reference to the role of the examiner should be incorporated in the fourth paragraph of section 1.1 and the vague requirement for neighbourhood plan proposals to be of a 'decent quality' should be replaced with a more specific reference to satisfying the Basic Conditions.</p> <p>Third, the explanation provided in the fifth paragraph of section 1.1 concerning the amended Neighbourhood Area boundary should clarify that this came about as a result of a parish boundary review undertaken by Leeds City Council and that the original Neighbourhood Area boundary was subsequently amended and re-designated to ensure it coincides with the revised Parish Boundary. The date of the original 2012 Neighbourhood Area designation in the text and the date of the revised 2016 designation on the accompanying map should also be corrected.</p>	Agree to modify the text and map as indicated to comply with the examiner's recommendations.

		e) Change the title of the Neighbourhood Area map at the end of section 1.1 to <i>'Wetherby Neighbourhood Area November 2016'</i>		
1.2 About the Town				
M2 – Recommendation 2	Para 1.2.4, page 7	In Section 1.2.4 (Wetherby Today) replace 'City of Leeds' in line 1 of paragraph 1 with <i>'Leeds City Council administrative area'</i>	A factual correction is required in the first paragraph in section 1.2.4 which incorrectly refers to Wetherby being located within the city of Leeds, a matter commented on by Wetherby Civic Society. Reference to Leeds City Council administrative area would be more appropriate and would avoid the inference that the town falls within the built up area of the city of Leeds.	Agree to modify the text as indicated to comply with the examiner's recommendations.
3.0 Key Themes and Policies				
M3 – Recommendation 3	Para 3.3.2, page 11	Update section 3.2.2 to reflect the current circumstances in relation to the Development Plan for the area and the status of individual Local Plan documents, including the SAP and CSSR.	Section 3.2.2 overlooks the fact that the Local Plan has replaced the Local Development Framework as the Development Plan for the area. A number of changes are required to reflect the current position and also to acknowledge the current status of the SAP and the selective review of LCS.	Agree to modify the text as indicated to comply with the examiner's recommendations.
2.0 Vision and Objectives				
M4 – Recommendation 4	Para 2.2 Key Objectives, page 8	<p>a) In the first Objective in Section 2.2 replace 'the needs of local people' with <i>'identified needs'</i></p> <p>b) In the second Objective replace 'the needs of the town' with <i>'identified needs, including the needs of local people'</i></p> <p>c) In the third Objective delete 'for local people', and replace 'they need' with <i>'are needed'</i></p>	In order to fully reflect national planning policy and Wetherby's status as a Major Settlement (in the LCS) the Plan's objectives should not be restricted to meeting local needs only, particularly since 'local' is not defined in the Plan. For instance the LCS states that development of Major Settlements will help to reinforce their role as a provider of services to residents and those immediately surrounding the settlement. Discrimination in favour of providing housing for local people only would also be at odds with the allocation of land for a combined total of 1,351 dwellings in Wetherby in the adopted SAP.	Agree to modify the text as indicated to comply with the examiner's recommendations.

		d) In the fourth Objective delete 'for the benefit of local people'	Similar considerations apply to the provision of employment opportunities, facilities and services, and the promotion of sustainable energy and transport. In this respect I am mindful of the fact that considerable emphasis is placed in the Plan on promoting sustainable tourism by attracting shoppers and visitors and supporting other tourism related initiatives.	
3.0 Key Themes and Policies				
M5 – Recommendation 5	Throughout the Plan	<p>a) Amend the wording of the objectives listed under 'Objectives Addressed', in sections 3.3, 3.4, 3.5, 3.6, 3.7, and 3.8, to ensure the wording reflects the precise wording of the objectives in section 2.2 (Key Objectives), and is consistent with my recommended changes in Recommendation 04 above</p> <p>b) Change the date of the Community Survey to '2013' in the lists of evidence in the 'Supporting Evidence Base' boxes at the beginning of each section</p> <p>c) Insert '<i>Appendix 2</i> - ' before 'Local Green Spaces Assessment, Wetherby NDP, 2016' in the 'Supporting Evidence Base' box in Section 3.7</p> <p>d) Insert '<i>Appendix 1</i> - ' before 'Local List Assessment, Wetherby NDP, 2016' in the 'Supporting Evidence Base' box in Section 3.7</p>	<p>It is however apparent that the wording of many of the objectives identified as 'Objectives Addressed', in the introduction to each thematic section, does not accurately reflect the wording of the 'key objectives' established in section 2.2 of the Plan. Amendment to these objectives is therefore required which should also ensure consistency with my recommended changes in Recommendation 04 above.</p> <p>The joint response to the questions set out in my letter of 12 July to Leeds City Council and Wetherby Town Council (see Appendix 2) also reveals a number of inaccuracies in the lists of evidence provided in the 'Supporting Evidence Base' boxes at the beginning of each thematic section. First, references to the 'Community Survey 2015' should read 'Community Survey 2013' as this was the principal survey that informed the drafting of the Plan. Second, the references to the Local List Assessment and Local Green Spaces Assessment in Section 3.7 (Environment and Sustainability) should clarify that these are presented as Appendices in the Plan.</p>	Agree to modify the text as indicated to comply with the examiner's recommendations.
3.3 Provision of New Housing				

3.3.1 Provide an Appropriate Mix of Housing				
M6 and M7 – Recommendations 6 and 7	Policy H1 and introductory text, pages 12 and 13	<p>Recommendation 06</p> <p>a) In Policy H1 replace ‘more than 10’ in line 1 with ‘10 or more’.</p> <p>b) Insert ‘, <i>type, tenure</i>’, after ‘in terms of size’ in line 1 of Part a)</p> <p>c) Insert ‘<i>identified housing needs, including</i>’ after ‘help to support’ in line 2 and replace ‘as identified by the most recent available housing market assessment and/or needs survey’ with ‘<i>taking into account an up to date housing needs survey</i>’.</p> <p>d) Delete Parts b) and c).</p> <p>Recommendation 07</p> <p>a) Delete ‘Wetherby Housing Needs Survey, Arc4, 2012’ from the list of supporting evidence in the ‘Supporting Evidence Base’ box in Section 3.3</p> <p>b) In Section 3.3.1(Issues) insert an additional paragraph after paragraph 1 to clarify that no allocations are proposed in the Plan as decisions on the scale and distribution of future development are being left to higher tier plans produced by Leeds City Council. The commentary should explain that while Wetherby has</p>	<p>First, the nationally established definition of ‘major residential development’ which is used for development management purposes is ‘ten or more dwellings’ not ‘more than ten dwellings’.</p> <p>Second, to more accurately reflect national policy and local strategic policy, reference should be made to the provision of a mix of dwelling types and tenures not just dwelling sizes.</p> <p>Third, by concentrating on the housing needs of Wetherby residents the policy effectively ignores the needs of other residents living within the Neighbourhood Area or those who may move into the area. This contrasts with the evidence provided by the 2016 Wetherby Housing Market Assessment (WHMA) which is referred to in the policy and the supporting text, (and summarised in Appendix 3), which specifically takes into account demand for different types and sizes of housing arising from a wider catchment area.</p> <p>As the policy approach also conflicts with the role of Wetherby as a Major Settlement in the settlement hierarchy the policy should be amended to ensure that the identified housing needs of the wider community (in terms of types and sizes of dwellings) are taken into account as well as the needs of the local community.</p> <p>Fourth, while I am satisfied that the evidence in the WMHA provides an adequate justification for the policy I also share the concerns raised by Wetherby Civic Society and a</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations.

		<p>been identified as capable of accommodating continued sustainable growth, future planning decisions will take green belt and other planning policy considerations into account, as well as the potential impact of development on the landscape setting of the town.</p> <p>c) In paragraph 2 update information regarding the status of extant and emerging development plan documents, including the role of the CSSR in reviewing the long term housing requirement for Wetherby, update recent completions and current commitments, and provide details of sites that have been allocated in the SAP to satisfy the remaining housing requirement.</p> <p>d) In Section 3.3.1 (Evidence) replace the existing commentary on the WHMA in paragraphs 4 and 5 with an explanation that while the WHMA provides an indication of potential housing demand, including demand for differing types and sizes of housing, it does not take precedence over projected housing needs identified through the LCS and SAP process. The explanation should emphasise that the information in Appendix 3, is for indicative purposes only.</p>	<p>local resident that the commentary on the evidence in section 3.3.1(paragraphs 4 and 5) is potentially misleading. This is because the WHMA provides an alternative market-demand based estimate of future housing required in Wetherby, in comparison with the need based projections used for LCS and SAP purposes. As the Plan avoids allocating sites for development, relying instead on the LCS and the SAP to address the scale and distribution of future housing, it is somewhat confusing to introduce an alternative housing requirement based on market demand, particularly since national planning policy (NPPF paragraph 60) emphasises that policies should be informed by assessment of housing need rather than demand.</p> <p>Neither is it appropriate to rely on evidence from the 2012 Housing Needs Survey undertaken by Arc4 which is now out of date, and which the Town Council has not been able to produce in response to the request made in my letter of 12 July seeking clarification and further evidence on a number of issues and factual matters.</p> <p>Fifth, for the same reasons I also agree with Taylor Wimpey that it is not appropriate for development proposals to be tested against the housing mix requirement identified in the WHMA.</p> <p>Sixth, it is not clear how the requirements in parts b) and c) of the policy would be applied and I am therefore not convinced this provides a practical basis for decision making. I have considered whether the introduction of specific thresholds or criteria would help overcome this difficulty, but in the absence of specific evidence and because interested parties have only had the opportunity</p>	
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			<p>to comment on the Plan proposals as published, this would be inappropriate. In any case the policy objectives in relation to the provision of affordable housing and lifetime homes may be satisfied by NPPF and LCS policies.</p> <p>Further amendments to both the policy wording and the accompanying justification are therefore required to address these issues, including replacing the existing commentary on the WHMA in section 3.3.1 with an explanation that while the WHMA provides an indication of potential housing demand, including demand for differing types and sizes of housing, it does not take precedence over projected housing needs identified through the LCS and SAP process.</p> <p>The accompanying text should also clarify that no allocations are proposed in the Plan as decisions on the scale and distribution of future development are being left to higher tier plans produced by Leeds City Council and to explain the role of the CSSR in reviewing the long term housing requirement. At the same time it would, as suggested by a number of respondents to the Regulation 16 Publicity, be logical to update information regarding recent completions and current commitments and to provide details of sites that have been allocated in the SAP to satisfy the remaining housing requirement.</p>	
3.3.2 Quality and Layout of Housing Developments				
M8 – Recommendation 8	Policy H2 and supporting text, pages 13 and 14	<p>a) Delete Criteria d) and f) in Policy H2 and re-letter the remaining criteria</p> <p>b) Replace criterion l) with '<i>ensuring new development is close to and effectively integrated with the existing built up area</i>'</p>	<p>However, although the intentions behind criteria d) (car parking), and f) (density) are clear and unambiguous, the wording of both criteria is inconsistent with the more specific requirements for car parking and density established in the LCS.</p>	<p>Agree to modify the text as indicated to comply with the examiner's recommendations</p>

		<p>c) In Section 3.3.2 delete 'strive to' in line 1 of paragraph 1</p> <p>d) Replace 'The vision for Wetherby' in line 1 of paragraph 2 with '<i>The aim</i>'</p> <p>e) Delete the second and fourth sentences in paragraph 2.</p>	<p>For instance, LCS Policy T2 (Accessibility Requirements and New Development) relies on comprehensive car parking standards established in LCC Parking SPD (January 2016) and LCC Street Design Guide (August 2009). While the Parking SPD introduces a 1.8 spaces per dwelling standard for student accommodation, car parking standards for other forms of residential development are provided in the Street Design Guide. This includes guidelines for a range of dwelling sizes, plus visitor parking, which contrasts with the more simplistic approach proposed in the Neighbourhood Plan.</p> <p>Similarly, while LCS Policy H3 (Density of Residential Development) establishes specific minimum housing densities across the settlement hierarchy, criteria f) of Policy H2 provides a much less precise framework for considering development proposals.</p> <p>In both cases no evidence has been produced, (such as higher car ownership levels or the impact of recent development) to justify adopting different standards to those adopted by LCC, and I therefore recommend the deletion of both criteria.</p> <p>Further amendment is required to remove the inconsistency between criterion l) which, as drafted, does not preclude the development of 'stand alone large scale' housing schemes, provided development is close to and effectively integrated with the current built up area, and the accompanying justification in Section 3.3.2 (Issues), which favours the dispersal of development over a range of sites rather than single large developments.</p>	
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			<p>While I acknowledge the (presumed) intention to resist large scale development through the operation of the policy is supported by significant local opposition to this form of development, this is not in itself sufficient justification for the approach taken. In particular, since decisions on the future scale and distribution of development have been left to Leeds City Council, I would question whether it is appropriate for the Plan to influence the future pattern of development, which, as pointed out by Taylor Wimpey, may potentially affect the ability of the town to satisfy the housing requirement.</p> <p>I am also mindful of the fact that the stated preference for a range of smaller sites is at odds with the approach in the adopted SAP, which allocates two large housing sites on the north eastern edge of the town at Sandbeck Lane and to the east of the town for 165 dwellings and 1,100 dwellings respectively. A number of those responding to the Regulation 16 Publicity have also commented on the inability of the Plan to influence the future pattern of development in this respect.</p> <p>I therefore recommend removing references to large scale development in the policy wording and accompanying text in order to satisfy the Basic Conditions. The remaining objectives to ensure good connectivity of new development and integration with existing development are consistent with sustainable development objectives in national and higher tier policy.</p> <p>Minor amendments are also required to clarify the wording of the policy justification (in line 1 of paragraph 1 in Section 3.3.2) and to remove the ambiguous reference</p>	
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			to the 'vision for Wetherby' in line 1 of paragraph 2, since there is no reference to maintaining a compact shape to development in the Plan's stated Vision in Section 2.	
3.4 Work and the Economy				
3.4.1 Town Centre Development				
M9 – Recommendation 9	Policy WE1 and supporting text pages 15 and 16	<p>a) Replace 'local shopping' in line 1 of Part a) of Policy WE1 with '<i>Class A1 retail</i>'</p> <p>b) Insert '<i>in the town centre</i>' in line 1 of Part a) after 'facilities'</p> <p>c) Replace 'be discouraged' with '<i>not be supported</i>'</p> <p>d) Insert an additional sub clause after line 2 and before sub clause a)i as follows, '<i>they incorporate premises for other acceptable town centre uses consistent with Leeds Core Strategy and Site Allocations Plan policies; or</i>', and renumber the existing sub clauses</p> <p>e) Replace 'local shopping provision' in Part a)j with '<i>Class A1 retail</i>'</p> <p>f) Delete 'use' after 'in its current' in Part a)ii and insert '<i>or previous use and it has been demonstrated that the premises have been marketed for Class A1 retail use for at least 6 months</i>'</p> <p>g) Replace 'retail units' in line 1 of Part c) with '<i>premises</i>'</p>	<p>While Policy WE1 reflects national planning policy and LCS objectives to resist the loss of existing community facilities and services (including retail facilities), it conflicts with LCS Policy P2 (Acceptable Uses In and On the Edge of Town Centres) which specifically identifies a range of non retail uses, including services, offices and residential uses (above ground floor) that are acceptable in principle in town centres. This approach is endorsed by recent revisions to national planning policy and Planning Practice Guidance which promote the growth and diversification of town centres in response to changing market conditions 30 and recognise that a wide range of complementary uses can, if suitably located, help to support the vitality of town centres.</p> <p>Amendment to the policy is therefore required to support the provision of appropriate types of non retail uses in the town centre, consistent with national and local strategic planning policy. I appreciate this dilutes the effectiveness of the first part of the policy, but as drafted, the policy does not satisfy the Basic Conditions.</p> <p>In making this recommendation I am mindful of the need to consider whether the policy (as recommended to be amended) will supersede any other extant development plan policies for controlling development within the town centre, and if so, the extent to which this would weaken or enhance future decision making.</p>	Agree to modify the text as indicated to comply with the examiner's recommendations

		<p>h) Delete 'Of particular interest is the opportunity for living over the shop' in line 2 and insert '<i>Particular support is given to 'living over the shop initiatives'</i>'</p> <p>i) Replace the sentence immediately preceding Policy WE1 in Section 3.4.1 with '<i>The boundaries of the town centre, and primary and secondary shopping frontages, as designated in the Leeds Site Allocations Plan are reproduced below'</i>'.</p>	<p>SAP Policy RTC3 (Protected Shopping Frontages Within Town and Local Centres) and SAP Policy RTC4 (Shop fronts) have recently replaced a number of former LUDP retail policies, and provide a practical and measurable framework for regulating non retail uses. However, while Policy WE1 is aimed at resisting redevelopment proposals which would result in the loss of shopping facilities in the town centre, SAP Policies RTC3 and RTC4 are intended to safeguard the role and character of protected frontages by restricting changes of use to non retail uses within the protected frontages. I do not therefore consider that the need to take all three policies into account will create any conflict for decision makers.</p> <p>The second and third parts of the policy are generally consistent with national and local strategic planning policy by ensuring that development in the town centre reflects its distinctive character 32 and by recognising that residential development can play an important role in ensuring the vitality of the centre 33. However, I see no reason why the aim of bringing redundant space back into use above retail premises should not apply equally to all premises within the town centre, to secure more effective use of land and premises in line with national planning policy.</p> <p>I also agree with Gladman Developments Ltd that the policy would provide a better framework for decision making if it incorporated a mechanism for testing the viability of existing and previous uses by requiring marketing evidence to be provided, demonstrating that</p>	
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			<p>efforts have been made to find alternative uses over a reasonable period of time. Based on practice elsewhere and current market conditions this seems a not unreasonable approach.</p> <p>While Gladman suggest a 12 month marketing period I recommend 6 months, as this would ensure consistency with the 6 months marketing period adopted by Leeds City Council in considering whether circumstances justify relaxing the SAP shopping frontage policies.</p> <p>My further recommended changes are intended to clarify that the policy applies to proposals for redevelopment of Class A1 retail facilities within the town centre, and to remove references to 'local shopping facilities' consistent with my previous recommended changes to the Plan's Objectives in Recommendation 4 and Recommendation 5 above.</p> <p>The effectiveness of the policy wording could also be improved by clarifying the circumstances in which proposals will be approved, since as drafted the policy does not provide a mechanism for considering whether development proposals will be acceptable or not from a development management perspective. Rather than 'discouraging' specific forms of development it would be more appropriate to refer to proposals being 'not being acceptable' unless they meet meeting the policy criteria.</p> <p>A minor typographical correction is required in sub clause a)i which includes the word 'provision' twice.</p>	
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			I also recommend changes to the supporting text to clarify that the boundaries of the town centre and protected shopping frontages are designated in the SAP.	
3.4.2 Sustainable Tourism Enhancement				
M10 – Recommendation 10	Supporting text, page 17	Delete the sub heading ‘iii. Policy’ which precedes Policy WE2	<p>The policy therefore meets the Basic Conditions and no modification is required.</p> <p>There is however a minor typographical error in the supporting text as I assume the sub heading (iii Policy) which precedes Policy WE2 is a remnant from a previous draft of the document as, with the exception of Policy D1 which is subject to the same error, no other policies are preceded by sub headings.</p>	Agree to modify text as indicated to comply with the examiner’s recommendations
3.5 Health, Well-being and Leisure				
3.5.1 Sport and Leisure Facilities				
3.5.2 Community Facilities				
3.5.3 Health Care Facilities				
M11, M12 and M13 – Recommendations 11, 12 and 13	Policies HW1, HW2 and H3 and supporting text, pages 18 - 20	<p>Recommendation 11</p> <p>a) Replace criteria b) and c) in Policy HWL1 with one combined criterion b) <i>‘Ensure they do not have an unacceptable adverse impact on local amenity, including the existing amenities of surrounding residents’</i>, and re-letter the remaining criteria</p> <p>b) Replace ‘Improve’ in criterion d) with <i>‘Respect the character of’</i></p> <p>c) Insert <i>‘in accordance with the most up to date standards adopted by Leeds City Council’</i> at the end of criterion f).</p>	<p>While Policies HWL1 and HWL2 are intended to encourage further investment in sport, leisure and community facilities and establish a range of requirements which proposals should aim to meet, Policy HWL3 takes a more development management approach by identifying the specific circumstances in which proposals will be supported.</p> <p>Although this provides a clearer mechanism for determining whether proposals are acceptable or not, for the reasons stated in paragraph 6.81 above in relation to Policy WE2, I am satisfied that Policies HWL1 and HWL2 can still provide a reasonable basis for decision making. In the interests of consistency I therefore recommend adopting the same wording in Policy HWL3, particularly since that policy is also aspirational in nature in seeking to</p>	Agree to modify text as indicated to comply with the examiner’s recommendations

		<p>Recommendation 12</p> <p>a) Replace the second and third bullet points in Part a) of Policy HWL2 with one combined bullet point <i>‘Ensure they do not have an unacceptable adverse impact on local amenity, including the existing amenities of surrounding residents’</i>,</p> <p>b) Replace ‘Improve’ in the fourth bullet point with <i>‘Respect the character of’</i></p> <p>c) Replace ‘sufficient’ with <i>‘adequate’</i> in bullet point 6 and insert <i>‘in accordance with the most up to date standards adopted by Leeds City Council’</i> after ‘car parking facilities’</p> <p>d) Delete ‘for an existing’ after ‘provision of a replacement’ in line 1 of Part b), and replace ‘to’ after ‘as listed’ with <i>‘above and identified on Policies Map 1 through’</i></p> <p>Recommendation 13</p> <p>a) Delete ‘supported subject to the following criteria’ in line 1 of Policy HWL3 and insert <i>‘encouraged and should seek to’</i></p> <p>b) Delete ‘the provision of healthcare facilities should’ in line 1 of criterion a)</p>	<p>promote investment in health care facilities by other organisations.</p> <p>In order to make the policies more effective further changes are required to the wording of the policy criteria concerned with regulating the potential impacts of development on local and residential amenity, seeking improvements to the local environment, and ensuring the provision of adequate car parking.</p> <p>For example, merely requiring proposals to ‘consider’ local amenity issues is insufficiently precise to enable the potential impact of development proposals to be assessed. Since all proposals potentially have an adverse effect on local amenity an alternative approach which has been used in other development plan documents would be to incorporate a test as to whether a proposal has a ‘significant effect’ or an ‘unacceptable adverse impact’. While I appreciate that decision makers would still be required to make a judgement as to whether an impact is considered significant or unacceptable I consider this to be a more realistic approach.</p> <p>As similar considerations affect criteria intended to protect residential amenity I suggest the local amenity and residential amenity criteria be combined.</p> <p>I would also question the practicality of assessing whether proposals have a positive impact on the surrounding local environment, and whether this is in any case a realistic expectation. For example, there is nothing in national planning policy which suggests that the requirement for proposals to make a positive contribution to the character</p>	
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		<p>c) Delete ‘the’ after ‘which respond to’ in line 1 of criterion a) and delete ‘of residents in Wetherby’ at the end of the criterion</p> <p>d) Delete ‘ the additional or new facilities should’ in criterion b)</p> <p>e) Replace criterion c) with ‘<i>provide adequate off street parking facilities in accordance with the most up to date standards adopted by Leeds City Council</i>’</p> <p>f) Incorporate the missing information at the end of the first sentence in paragraph 2 of the commentary on ‘Evidence’ in Section 3.5.3.</p>	<p>and distinctiveness of the historic environment 36 should be applied to development proposals generally. A requirement to respect the character of the surrounding environment would provide a similar safeguard to that intended.</p> <p>Similarly, while it is a reasonable aspiration to require development proposals to provide adequate car parking, as there is no explanation as to what constitutes adequate car parking, for example by reference to specific car parking standards, the policy does not provide an appropriate mechanism for considering development proposals. Having previously rejected the introduction of local car parking standards due to inadequate evidence (in considering Policy H2 above) I therefore suggest that the car parking standards adopted by Leeds City Council, through the Parking SPD and Street Design Guide, which apply across the whole of the Leeds administrative area including Wetherby, provide the most appropriate basis for evaluating proposals. Reference should also be made to the most recently adopted standards in order to future proof the policy.</p> <p>A number of minor changes are required to correct typographical errors, to improve the clarity of the policy wording and accompanying text, and to ensure a consistent approach throughout the Plan.</p> <p>First, it would be helpful to clarify the location of the individual community facilities referred to in Policy HWL2 by cross reference to the Policies Map.</p>	
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			<p>Second, Policy HWL3 suggests that new health care provision is required for Wetherby residents needs only, which as referred to previously in my report, is not consistent with Wetherby's role as a Major Settlement which should cater for the needs of the wider community.</p> <p>Third, the meaning of the commentary on 'evidence' in Section 3.5.3 is unclear as there appears to be some missing text at the end of the sentence which begins with 'Discussions have taken place'.</p>	
3.6 Education				
3.6.1 Wetherby High School Site				
M14 – Recommendation 14	Policy E1 and supporting text, pages 20 and 21	<p>a) Insert <i>'as delineated on Policies Map 1, for continued educational use'</i>, after Wetherby High School Site' in line 1 of Policy E1</p> <p>b) Replace Criterion b) with <i>'Respect the character of the surrounding local environment and avoid causing harm to the significance or setting of the adjacent conservation area'</i></p> <p>c) Replace criterion c) with the following <i>'Ensure the provision of an adequate number of playing fields to meet the most up to date standards adopted by Leeds City Council, including the retention and/or relocation of existing playing fields within the site'</i></p> <p>d) Delete 'the proposed size and use of the site' in criterion d) and insert <i>'the</i></p>	<p>My only reservation is that the policy as drafted could unintentionally facilitate the provision of alternative and/or additional uses, such as residential use. However this can be overcome by clarifying that proposals should be for continued educational use of the site, and that the additional uses referred to in the accompanying justification, such as a library, sports centre and adult care facilities, should be ancillary or complementary to the principal educational use.</p> <p>I also recommend amending criterion b) to ensure consistent wording with my previously recommended change to Policies HWL1 and HWL2 by requiring designs to respect the character of the surrounding local environment, rather than 'complementing surrounding buildings', which would in any case be an impractical proposition given the range of different residential, institutional and commercial building types in the neighbourhood.</p>	Agree to modify text as indicated to comply with the examiner's recommendations

		<p><i>most up to date standards adopted by Leeds City Council'</i></p> <p>e) Incorporate an explanation in paragraph 5 in the commentary on Issues in Section 3.6.1 to the effect that any non educational buildings and uses on the site should be ancillary or complementary to the principle educational use.</p>	<p>Further amendment is required to ensure criterion b) fully accords with national planning policy on the historic environment and to address the concern raised by a local resident about the practicality of accommodating multiple uses on site without detracting from the adjacent conservation area, particularly if designs include multiple storey buildings.</p> <p>My recommended change therefore replaces the somewhat vague aspiration that proposals should enhance the setting of the adjacent conservation area with a specific requirement that proposals must avoid causing harm to the historic significance and setting of the conservation area. It also removes the superfluous reference to 'Conservation Area Character Area 2', since part of the school site is also in close proximity to 'Conservation Area Character Area 1', together with the quoted examples of the way in which proposals might enhance the conservation area.</p> <p>While it is accepted practice to take a more prescriptive approach to scheme designs and use of materials affecting conservation areas, on the evidence of my site inspection I do not consider there is sufficient justification for this approach in this particular case. Not only are parts of the school campus located a significant distance from the conservation area boundary but replacing the existing boundary fencing and hedgerows on the site frontage with low walling would seem to me to be an unreasonable expectation. It is also impractical to incorporate chimneys in the design of modern educational/institutional buildings.</p>	
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			<p>In order to ensure the policy provides an appropriate mechanism for considering whether development proposals satisfy current standards in relation to playing field and car parking/cycle rack provision I also recommend amending criterion c) and criterion d) to correspond with my previously recommended changes to Policies HWL1–3.</p> <p>As the existing school sports pitches are designated as green space in the SAP and protected in accordance with LCS Policy G6 (Protection and Redevelopment of Existing Green Space) reference should be made in criterion c) to retaining the existing playing fields or relocating them within the site, to provide flexibility in the design and layout of future development.</p> <p>I also recommend cross referencing the policy to the Policies Map in order to improve the clarity of the policy by identifying the precise location and boundaries of the area to which the policy applies.</p>	
3.7 Environment and Sustainability				
3.7.1 Protection and Enhancement of Local Heritage Assets				
M15 – Recommendation 15	Policy ENV1, page 23 Appendix 1	<p>a) Insert '<i>sites as delineated on Policies Map 3 and the Local Heritage Site Maps</i>' after 'The following' in the first line of Part a) of Policy ENV1</p> <p>b) Number the individual local heritage assets in Appendix 1 to correspond with the numbering used to identify the assets in Policy ENV1 and Policies Map 3.</p>	<p>In order to clarify the precise location of the designated local heritage assets I recommend that the assets referred to in the policy should be cross referenced to the Policies Map and the accompanying Local Heritage Site Maps. In considering the potential impact of future development proposals it is clearly important that decision makers are aware of the precise boundaries of land affected by local heritage asset designations.</p> <p>Individual local heritage assets should also be numbered in Appendix 1 to correspond with the numbering used to identify the assets in Policy ENV1 and Policies Map 3.</p>	Agree to modify text as indicated to comply with the examiner's recommendations

3.7.2 Local Green Spaces				
M16 – Recommendation 16	Policy ENV2, page 23 Policies Map 1 Appendix 2	<p>a) Insert <i>‘as delineated on Policies Map 1’</i> after ‘The following sites’ in line 1 of Policy ENV2</p> <p>b) Delete sites 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, and 19 from Policy ENV2 and Policies Map 1, and renumber the remaining sites</p> <p>c) Make consequential changes to Appendix 2 and the Local Green Space maps</p> <p>d) Correct the numbering of the (remaining) sites on Policies Map 1 to ensure the numbers of individual areas of Local Green Space correspond with the numbers used to identify individual sites in Policy ENV2</p> <p>e) Insert <i>‘Development on these areas will not be permitted other than in very special circumstances’</i> at the end of the Policy</p> <p>f) Incorporate the missing information and assessment of the proposed ‘Garden of Rest’ Local Green Space in Bank Street in Appendix 2, and number the sites in the Appendix to correspond with the numbers used to identify individual sites in Policy ENV2</p>	<p>I note that the majority of Local Green Space designations, with the exception of sites 7, 8, 16, 17 and 18 are protected by LCS Policy G6 (Protection and Redevelopment of Existing Green Space) having been designated as areas of green space in the adopted SAP as recently as July 2019. In addition one site (site 14 Ings Skate Park) falls within the designated West Yorkshire Green Belt.</p> <p>However the fact that many of the proposed areas of Local Green Space in the Plan already enjoy a significant level of protection in higher tier plans and policies creates a dilemma. On the one hand I acknowledge that identifying and protecting land with special local significance through the Neighbourhood Plan is an appropriate aspiration and that the community is well placed to determine which land is valued the most. On the other hand I am mindful of the fact that the preparation of the Neighbourhood Plan has been overtaken by the preparation and adoption of the SAP, and the designation of some areas of Local Green Space would therefore duplicate extant development plan policy. This would also conflict with Planning Practice Guidance on Local Green Space which suggests that where land is already protected by another designation consideration should be given as to whether any additional local benefit would be gained by designation as Local Green Space.</p> <p>On balance, as the SAP had reached an advanced stage of preparation prior to the submission of the Neighbourhood Plan to LCC for examination, and as no specific reasons have been put forward to justify an extra level of protection (to that afforded by higher tier policies) I</p>	Agree to modify text and maps as indicated to comply with the examiner’s recommendations

		<p>g) Incorporate an explanation in the accompanying commentary on Evidence in Section 3.7.2 that other areas of green space have already been designated as green space in Leeds City Council's Site Allocations Plan and are protected through Core Strategy Policy G6 (Protection and Redevelopment of Existing Green Space), and that the areas of Local Green Space identified in the Plan are additional designations.</p>	<p>recommend the deletion of sites 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 15, and 19 from Policy ENV2 in order to meet the Basic Conditions.</p> <p>I also recommend the deletion of site 14 (Ings Skate Park), which is protected by Green Belt policy, for the same reasons. It is in any case a moot point whether a specific play facility rather than an area of green space can qualify as Local Green Space.</p> <p>Consequential changes are required to Policies Map 1 and Appendix 2. An explanation should also be provided in the supporting text to clarify that the five areas designated as Local Green Space in the Plan supplement other areas of green space already protected through the SAP and LCS.</p> <p>While the text accompanying the policy makes it clear that designated Local Green Space is intended to be afforded the same level of protection as Green Belt, this is not reflected in the policy wording.</p> <p>Rather than rely on national planning policy to manage development within Local Green Space it would be more appropriate to incorporate specific wording in the policy consistent with Green Belt policy, as referred to in paragraph 101 of the NPPF.</p> <p>In order to clarify the precise location of the designated local green spaces I recommend that the (remaining) sites referred to in the policy should be cross referenced to the Policies Map. In considering the potential impact of future development proposals it is clearly important that decision</p>	
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			<p>makers are aware of the precise boundaries of land affected by Local Green Space designations.</p> <p>Further amendments are required to correct the numbering errors in Policies Map 1 to ensure that the numbers used to identify individual areas of local green space on Policies Map 1 correspond with the numbers used in Policy ENV2, which at the moment they do not. Individual local green spaces should also be numbered in Appendix 2 to correspond with the numbering used to identify the sites in the policy and Policies Map 1 (as corrected).</p>	
3.7.3 Green Corridors				
M17 – Recommendation 17	Policy ENV3, page 24	Insert ' <i>as delineated on Policies Map 2</i> ' after 'The following Green Corridors' in line 1 of Part a) of Policy ENV3.	In order to clarify the location and extent of the proposed local green corridors, particularly for the benefit of decision makers, the policy should be cross referenced to the Policies Map.	Agree to modify text as indicated to comply with the examiner's recommendations
3.8 Townscape Design				
3.8.1 The Character of the Conservation Area				
M18 – Recommendation 18	Policy D1, page 27	<p>a) Replace 'management' in line 1 of Part a) of Policy D1 with '<i>enhancement</i>'</p> <p>b) Delete bullet point 9.</p>	<p>While I am satisfied that the considerations set out in the policy generally achieve an appropriate level of prescription, bullet point 9 concerning office and residential uses is a non design consideration, which in any case is catered for by Policy WE1, and should therefore be deleted.</p> <p>To bring the policy more in line with national planning policy and terminology, reference should also be made to the 'conservation and enhancement of the conservation area' rather than 'conservation and management'.</p>	Agree to modify text as indicated to comply with the examiner's recommendations
3.8.2 Connectivity of New Developments				

<p>M19 – Recommendation 19</p>	<p>Policy D2 and supporting text, pages 27 and 28</p>	<p>a) Insert '<i>where appropriate,</i>' after 'through the provision' in line 2 of Policy D2</p> <p>b) Insert a new Part b) in policy D2 as follows '<i>Links to existing public rights of way and cycle routes for walkers, cyclists and horse riders</i>' and re-letter the remaining Parts of the Policy</p> <p>c) Delete 'and the A1M now forms an artificial although well defined eastern edge to the town' after 'in the form of Privas Way' in line 2 of paragraph 1 in the commentary on Evidence in Section 3.8.2</p> <p>d) Insert '<i>there is a general perception that</i>' after 'Despite these changes' in line 1 of paragraph 3</p> <p>e) Delete the last sentence in paragraph 3 and the first sentence in paragraph 4, and insert the following at the beginning of paragraph 4 '<i>Traffic noise, pollution, and disruption to local traffic were among the issues raised during the preparation of the Plan, as well as the identification of a number of problem areas that require attention.</i>'</p> <p>f) Delete 'approved pedestrian and cycle routes' after 'already a number of' in line 1 of paragraph 5 and insert '<i>definitive and</i></p>	<p>While the policy addresses the desirability of integrating new development through new footpath and cycleway routes I agree with Leeds Local Access Forum that insufficient emphasis is given to ensuring linkages to the existing public rights of way network as a whole, including bridleways. I therefore recommend a number of changes to both the policy and the supporting text to address these concerns, although I have omitted reference to providing safe routes for horse riders to the town centre (as well as cyclists and pedestrians) which forms part of the Forum's suggested changes to the commentary on evidence Section 3.8.2, as I do not consider that this is either practical or desirable.</p> <p>In considering whether the policy satisfies the Basic Conditions I would also question whether it is reasonable or even practical to require all developments to incorporate provision for non car-born access, particularly since this may affect scheme viability.</p> <p>I have considered whether the introduction of a dwellings threshold would overcome this difficulty, such as the major residential development threshold in Policy H1. However in the absence of specific evidence and because interested parties have only had the opportunity to comment on the Plan proposals as published, this would be inappropriate. I therefore suggest the words 'where appropriate' should be incorporated in the first part of the policy. I appreciate that the policy will rely on the interpretation of this relatively imprecise term on a case by case basis, but without this qualification I am not confident that the policy could be applied in a meaningful way.</p>	
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3.9 Policies Maps and Appendices				
M20 – Recommendation 20	Policies Maps and Appendices	<p>a) Improve the legibility of the definitive Public Rights of Way Map on Section 3.8.2 by enlarging the map, upgrading the quality of the Ordnance Survey base, and incorporating the boundary of the Neighbourhood Area.</p> <p>b) Change the title of Policies Map 1 to '<i>Local Green Spaces, Community Facilities and Wetherby High School'</i></p>	<p>In line with Planning Practice Guidance it is not only important that the meaning of policies and proposals is clear and unambiguous but also that the areas to which they apply are identified in sufficient detail to be of use for development management purposes.</p> <p>However, while the 3 Policies Maps which were consulted on during the additional Regulation 16 Publicity period satisfy this requirement (subject to correcting the inaccurate numbering of Local Green Space designations in</p>	Agree to modify text and maps as indicated to comply with the examiner's recommendations

		<p>c) Change the reference in the key from 'R17 Wharfe Regional Corridor' to '<i>Strategic Green Infrastructure as delineated in Leeds Core Strategy Spatial Policy 13</i>'</p> <p>d) Ensure all maps have north points and map scales</p> <p>e) Change 'A158' to 'A58' in the second column of the last row in Appendix 1</p>	<p>Policies Map 1 (as previously recommended in recommendation 16) that is not the case with the Definitive Public Rights of Way Map in Section 3.8.2. For example the scale of the map and the quality of the ordnance survey base makes it difficult to interpret the precise location of public rights of way and other routes in relation to physical features such as highways and field boundaries. The clarity of this map would also be improved through the delineation of the Neighbourhood Area boundary consistent with the three Policies Maps, as suggested by Leeds Local Access Forum.</p> <p>I also recommend amending the title of Policies Map 1 to more accurately reflect the names of the policies that are delineated, and amending the key to Policies Map 2 to clarify that, in addition to identifying the local green corridors designated through Policy ENV3, the map also delineates the area affected by a strategic planning designation in the form of strategic green infrastructure (LCS Spatial Policy 13), rather than referring to the River Wharfe Corridor which is a geographic area.</p> <p>The inclusion of north points and map scales which are missing from some maps would also assist the interpretation of the maps.</p> <p>There is also a typographical error in Appendix 1 which should refer to 'Roundabout of A58/A168' in the second column/last row rather than the 'Roundabout of A158/A168'.</p>	
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