

Leeds City Council

Decision Statement – Shadwell 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 Shadwell Neighbourhood Development Plan (Shadwell 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 Shadwell Neighbourhood Plan will proceed to referendum within the Shadwell Neighbourhood Area as designated by Leeds City Council on 17 September 2012.
- 1.3 This Decision Statement, the examiner's report and the draft Shadwell Neighbourhood Plan and supporting documentation are available on the Council's website:
<https://www.leeds.gov.uk/planning/planning-policy/neighbourhood-planning/shadwell-neighbourhood-plan>
- 1.4 They are also on the Shadwell Parish Council website: <https://www.shadwell-parish-council.org/> and the Shadwell Neighbourhood Plan website:
<https://www.shadwellneighbourhoodplan.co.uk/>

2. Decisions and Reasons

- 2.1 The examiner has concluded that subject to the specified modifications being made to the Plan, the Shadwell 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 Shadwell to help it decide planning applications in the neighbourhood area?” will be held in the Shadwell Neighbourhood Area.
- 2.5 In line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, all neighbourhood planning referendums have been postponed until 6 May 2021. It is anticipated that the referendum for the Shadwell Neighbourhood Plan will be able to take place after this date.
- 2.6 Planning Practice Guidance clarifies that where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application (Paragraph: 107 Reference ID: 41-107-20200925).

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

| Modification Number ¹ | Page/Part of the Plan | Examiner’s recommended changes | Examiner’s reason | Leeds City Council’s decision |
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| Introductory Sections | | | | |
| OM1 | Map 1 | Provide a link to a suitable map which depicts the boundary of the neighbourhood area at an appropriate scale | A map of the neighbourhood area is included in the Plan as Map 1. Although details of the neighbourhood area are available online, the map provided with the Plan is not of sufficient quality that the detailed location of the boundary can be determined. | Agree to add link as indicated to comply with the examiner’s recommendations. |
| OM2 | Front Cover | Confirm the period of the Plan on the front cover as 2020-2033 | The period of the neighbourhood plan to 2033 is referenced only indirectly in the Vision statement (paragraph 2.1.3). This aligns with the development plan for Leeds. It is unclear what start date is intended. In response to my request Shadwell Parish Council has confirmed that the intended period starts in 2020. | Agree to modify the text as indicated to comply with the examiner’s recommendations. |
| OM3 | Mapping, throughout the plan | Provide a link alongside each Map to a high resolution, online version at an appropriate scale | The Plan includes a number of Maps and these are of varying quality in the printed Plan. They do not provide sufficiently accurate boundaries or locations for a number of Plan policies. The maps are not available separately online and are only in downloads of the Plan. It would be helpful if larger scale, high resolution copies were available. | Agree to add links as indicated to comply with the examiner’s recommendations. |
| OM4 | Contents, page 2 | In the Contents: o Add “Parish and” after “ <i>Shadwell</i> ” in Map 1 o Delete “ <i>Shadwell</i> ” and “, (<i>with extant hedge overlay</i>)” in Map 9 | The Plan is clearly set out and presented with a comprehensive table of contents and an appropriate hierarchy of headings. There are a small number of inconsistencies between the Contents and the Map titles. | Agree to modify text as indicated to comply with the examiner’s recommendations. |

¹ Please note that the examiner has included Optional Modifications in his report, which are marked in the report and in this decision statement as “OM”.

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| OM5 | Throughout the plan | Review and reduce the use of tints throughout the Plan to maximise clarity | The Plan uses a variety of different tints to emphasise different sections. The purpose is not always clear, including use of a Yellow tint for the opening paragraph for each Policy and tints in paragraph 1.2.1 and on pages 71 and 72. Shadwell Parish Council has explained the use of yellow tint as referencing back to the Vision but the wording at the beginning of each Policy section is not consistent with that used in the Vision. The priority is to ensure that the Policies are clearly distinguished from the rest of the Plan. | Agree to modify the presentation as indicated to comply with the examiner's recommendations. |
| OM6 | Throughout the plan | Review the use of acronyms and abbreviations throughout the Plan to maximise clarity | The use of acronyms or abbreviations in the Plan is not always clear, including use of "NP" for "neighbourhood plan" and "CS" for "Core Strategy". | Agree to modify the text as indicated to comply with the examiner's recommendations. |
| OM7 | Para 1.3.3, page 5 | Align the dates for the main consultation periods in paragraph 1.3.3 with those in the Consultation Statement | The dates for the key periods of public consultation in paragraph 1.3.3 do not always align with those provided in the Consultation Statement. An example is on Policy Intentions which runs from June 2017 to September 2018 in the Consultation Statement and from April 2015 to September 2018 in the main Plan. The period of pre-submission consultation also ran from September to November 2018 and not October to November 2018 as indicated in the fourth main bullet. | Agree to modify the text as indicated to comply with the examiner's recommendations. |
| OM8 | Pages 40 - 41 | Update the Plan to reflect changes to the Definitive Map and Statement recording public rights of way within the neighbourhood area | Leeds Access Forum and Leeds City Council make representations to update the Plan in respect of a footpath between Winn Moor Lane and Redhall which was recently turned down as a right of way and a connecting bridleway that has recently been dedicated and recorded on the Definitive Map and Statement. These routes are not directly addressed in the Plan's policies. Shadwell Parish Council has agreed to update the Plan. | Agree to modify the map and text as indicated to comply with the examiner's recommendations. |

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| OM9 | Para 14.3.1, page 44 | In paragraph 14.3.1 replace “7th October” with “8th November 2019” | I have considered representations from Robert Wilkinson that there is no year given for designation of the Shadwell Holywell Triangle Conservation Area and also determined that the date included in the Plan is incorrect. | Agree to modify the text as indicated to comply with the examiner’s recommendations. |
| 3. General Policy Gen1 - Enhancing Shadwell | | | | |
| M1 | Policy GEN1, page 8 | Replace “Development should” with “Proposals for development should, where appropriate,” | The Policy is supportive of development which meets all or some of five criteria. It applies to all development although planning policies are only relevant to development for which a planning application is required and the criteria will not be appropriate to many small scale or householder developments. The supporting text references evidence relating to some but not all of the issues addressed by the criteria and there is a limited evidence base. Its purpose is described in terms of supporting the views expressed during public engagement. My recommendation addresses this issue and is also intended to provide a more consistent approach to the wording of policies throughout the Plan. | Agree to modify the text as indicated to comply with the examiner’s recommendations |
| 4. Policy HLC1 – Development in Conservation Areas | | | | |
| M2 | Policy HLC1, page 11 | <ul style="list-style-type: none"> o Delete “new” and “and extensions” in the first line o Add “and impact” after “scale” o Add “and the relevant Conservation Area Appraisal and Management Plan” after “Appendix B” | The Policy is justified in terms of the requirements in both national planning policy and the Leeds Core Strategy for additional information to be provided where heritage assets are affected. The Policy informs rather than “defines” this requirement. I note that the Policy goes beyond the requirements set out in Leeds City Council’s <i>Validation criteria checklists for planning applications – information requirements</i> . I have considered whether the Policy introduces an additional and unduly onerous burden on applicants. I note that it has been amended through consultation to ensure that the detail of the accompanying statement is proportionate to the “scale” of the | Agree to modify the text as indicated to comply with the examiner’s recommendations |

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| | | | <p>development although scale is not always commensurate with impact.</p> <p>The Policy references evidence of historic significance as provided in Appendix B. The source of this information is the two Conservation Area Appraisal and Management Plans and these should be directly referenced.</p> <p>The Policy drafting references both “<i>new</i>” development and “<i>extensions</i>”. All development is either new or involves a change to a new use and extensions are by definition just one type of development in planning law.</p> | |
| Policy HLC2 – Non-Designated Heritage Assets | | | | |
| M3 | Policy HLC2, page 15 | <ul style="list-style-type: none"> ○ Replace “<i>Maps 3 and 4 and in the appendix</i>” with “<i>Map 4 and in Appendix A</i>” ○ Delete “<i>in ways which will be particularly beneficial to the future of Shadwell</i>” | <p>Policy HLC2 applies only to assets outside the Conservation Areas but refers also to Map 3 which provides information on the two Conservation Areas and includes the same non-designated heritage assets as Map 4 for a part of the neighbourhood area.</p> <p>There is a risk of confusion between the two maps and I recommend they are renamed and Map 3 addresses only Conservation Area issues. Map 3, Map 4 and the maps included in Appendix A also need to be available at a large scale enabling detailed boundaries and locations to be identified.</p> <p>The Policy includes superfluous drafting relating the specific attributes of individual assets to the wider future of Shadwell. The Policy relates to the significance of specific assets rather than their cumulative benefit to the area.</p> | Agree to modify text as indicated to comply with the examiner’s recommendations |

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| M4 | Map 3, page 10 | Rename Map 3 "Conservation Areas" and delete the non-designated heritage assets shown | <p>Policy HLC2 applies only to assets outside the Conservation Areas but refers also to Map 3 which provides information on the two Conservation Areas and includes the same non-designated heritage assets as Map 4 for a part of the neighbourhood area.</p> <p>There is a risk of confusion between the two maps and I recommend they are renamed and Map 3 addresses only Conservation Area issues. Map 3, Map 4 and the maps included in Appendix A also need to be available at a large scale enabling detailed boundaries and locations to be identified.</p> | Agree to modify map as indicated to comply with the examiner's recommendations |
| M5 | Map 3, page 10 Map 4, page 14 | Provide larger scale versions of Map 3, Map 4 and the map extracts in Appendix A in the final plan and/or via a link | Map 3, Map 4 and the maps included in Appendix A also need to be available at a large scale enabling detailed boundaries and locations to be identified. | Agree to modify maps as indicated to comply with the examiner's recommendations |
| M6 | Map 4, page 14 | Add "(including the historic landscape)" in the Key to Map 4 after " <i>Non-designated heritage asset</i> " | <p>Planning Practice Guidance includes "<i>landscapes</i>" within the scope of what can be a non-designated heritage asset (Paragraph: 039 Reference ID: 18a-039-20190723). The value of the "<i>rural landscape</i>" is included in paragraph 5.2.3 but only in respect of Appendix A (where "<i>historic landscape</i>" is used) and detail of the eight character areas is provided in Appendix B. Appendix B relates the character areas only to Policy HLC3. Paragraph 14.6.30 of Appendix A also identifies the "<i>Countryside</i>" as described in paragraph 14.1.3 but not paragraph 15.5.8 as being considered a heritage asset. The "<i>countryside</i>" is much broader than the "<i>rural/historic landscape</i>" and while it is appropriate as a character area it does not meet the requirements for a non-designated heritage asset. To avoid potential confusion I recommend that this distinction is made between Policy HLC2 and Policy HLC3 and that "<i>historic</i></p> | Agree to modify map as indicated to comply with the examiner's recommendations |

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| | | | landscape” is added to the boxed list of non-designated heritage assets on page 13. The Plan should also be clearer that Policy HLC2 relates to non-designated heritage assets and Character Areas are addressed in Policy HLC3. | |
| M7 | Page 13 | Add “30. Historic landscape” to the boxed list of non-designated heritage assets on page 13 | Planning Practice Guidance includes “ <i>landscapes</i> ” within the scope of what can be a non-designated heritage asset (Paragraph: 039 Reference ID: 18a-039-20190723). The value of the “ <i>rural landscape</i> ” is included in paragraph 5.2.3 but only in respect of Appendix A (where “ <i>historic landscape</i> ” is used) and detail of the eight character areas is provided in Appendix B. Appendix B relates the character areas only to Policy HLC3. Paragraph 14.6.30 of Appendix A also identifies the “ <i>Countryside</i> ” as described in paragraph 14.1.3 but not paragraph 15.5.8 as being considered a heritage asset. The “ <i>countryside</i> ” is much broader than the “ <i>rural/historic landscape</i> ” and while it is appropriate as a character area it does not meet the requirements for a non-designated heritage asset. To avoid potential confusion I recommend that this distinction is made between Policy HLC2 and Policy HLC3 and that “ <i>historic landscape</i> ” is added to the boxed list of non-designated heritage assets on page 13. The Plan should also be clearer that Policy HLC2 relates to non-designated heritage assets and Character Areas are addressed in Policy HLC3. | Agree to modify text as indicated to comply with the examiner’s recommendations |
| M8 and M9 | Para 5.2.3, page 13 | Delete “ <i>In addition to these buildings and structures</i> ” in paragraph 5.2.3 Insert a new paragraph after 5.2.3 – “The boundary of the historic landscape as a non-designated heritage asset is coincident with that of the Countryside as a Character Area. Character Areas, | The 29 non-designated heritage assets are identified on Map 4 along with eight character areas. As presented it is unclear whether the Policy relates to the eight character areas. This includes, as raised in representations by Robert Wilkinson, the “ <i>Countryside</i> ” character area. Shadwell Parish Council has confirmed the decision was taken to include the countryside as a non-designated heritage asset | Agree to modify text as indicated to comply with the examiner’s recommendations |

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| | | identified in Map 4 and Appendix B, are addressed by Policy HLC3.” | following representations from Historic England on the draft Plan | |
| OM11 | 14.16.28, page 60 | Amend description for asset 28 to refer to “stones” | The description for asset 28 refers variously to both “stone” and “stones”. The pair of stones at the entrance to Dan Quarry is included and so references should be plural. | Agree to modify text as indicated to comply with the examiner’s recommendations |
| Policy HLC3 – Positive Design | | | | |
| M10 | Policy HLC3, page 19 | <p>Replace Policy HCL3 with “Proposals for development should be of high quality design that respects local distinctiveness and character and has regard to the Character Area appraisal in Appendix B and Map 4 and the Design Guidance in Appendix C. Development proposals should respect:</p> <ul style="list-style-type: none"> o the scale of buildings in their locality, their materials and detailed design features; o townscape setting, including the Gateways, Landmark Structures and local views identified in Map 3; o the views of surrounding countryside identified in Map 5; and o the spaces between buildings , including existing trees, hedges and planting and hard landscape features | The Policy also relates to the character areas identified in Appendix B and Map 4 and the drafting can be improved to clarify this. I note that the whole neighbourhood area is included in a Conservation Area or character area except for a part of the built up area west of the cricket ground. Shadwell Parish Council has confirmed this is a deliberate omission and it does not have a direct impact on the compliance of Policy HLC3 with the Basic Conditions. Development in this area needs to have regard to the Design Guidance under Policy HLC3. | Agree to modify text as indicated to comply with the examiner’s recommendations |

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| | | such as boundary walls, fences and natural paving materials.” | | |
| M11 | Para 15.6, pages 71 - 72 | <p>Move the text in paragraph 15.6 into a new Appendix C “Design Guidance” and amend the Design Guidance to:</p> <ul style="list-style-type: none"> o Replace the bullets with numbers o Replace the first bullet with “The following guidance applies to development throughout the neighbourhood area. There is additional guidance on development in the Conservation Area Appraisal and Management Plans.” o Delete the third bullet point o Delete the last sentence of the seventh bullet relating to “enabling development” o Update and correct the references in the eight bullet o Delete “only” in the second sentence of the tenth bullet o Delete the eleventh bullet relating to tenanted properties being less well managed, for the lack of evidence o Replace the first sentence of the thirteenth bullet with “Development | <p>The Policy is supported by “<i>Guidance for Development</i>” contained in Appendix B “<i>Local Character and Design Guidance</i>”. This guidance is presented in tinted boxes in paragraph 15.6 which separates it from the information on local character also included in Appendix B. Shadwell Parish Council has explained the format in terms of the Design Guidance arising from the preceding character appraisal but this is not entirely clear. I recommend the two are presented in separate appendices and the Design Guidance addresses only matters relating to design. The reference to community projects should be addressed elsewhere in the Plan. The Design Guidance also needs to be consistent with national policy, be evidence based and contain correct references to other aspects of the Plan. I recommend a number of changes to achieve this.</p> | <p>Agree to modify text as indicated to comply with the examiner’s recommendations</p> |

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| | | <p>should respect the character of neighbouring development, particularly in the estate areas where there is a consistent pattern of design, and high quality contemporary design is acceptable for new buildings where this will enhance the overall character of Shadwell.”</p> <p>o Replace the first sentence of the seventeenth bullet with “Renewable energy developments should respect the significance and character of heritage assets.”</p> <p>o Replace “<i>and certainly never</i>” with “or” in the seventeenth bullet</p> <p>o Delete the eighteenth bullet</p> | | |
| M12 | Para 6.2.5, pages 17 - 18 | <p>Amend the detail of the Views identified in the tinted box after paragraph 6.2.5 as follows:</p> <p>o V1 – replace “<i>west</i>” with “<i>east</i>” and “<i>Moor</i>” with “<i>Moors</i>”</p> <p>o V2 – replace “<i>east</i>” with “<i>west</i>”</p> <p>o M1 – replace “<i>northward</i>” with “<i>southward</i>”</p> <p>o M2 – replace “<i>eastward</i>” with “<i>westward</i>”</p> <p>o M15 – insert “<i>north</i>” before “<i>eastward</i>”</p> | <p>The Policy is supported by information on 26 different views in Map 5 and in a numbered list provided in a tinted box after Map 5. These have been identified through local knowledge and walkabouts and the importance of local views is also addressed in the character appraisal. Shadwell Parish Council has confirmed that the significance of the views lies in their role in demonstrating the close connection with the surrounding countryside. Map 3 also shows the views identified in the two Conservation Area Appraisal and Management Plans, including local views internal to the Conservation Area. Shadwell Parish Council has confirmed that the views out of the Conservation Area in Map 3 should also be in Map 5. Because of the different way in which the views are presented in the two Maps this is not clear. There is also a view in Map 3 looking north</p> | <p>Agree to modify text as indicated to comply with the examiner’s recommendations</p> |

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| | | | from Shadwell Lane which is missing from Map 5. For the sake of clarity all the longer views referenced in the Policy should be provided in Map 5. There are a number of errors in the cardinal points used in the list of views provided after Map 5. I have visited each of the views and am content that they make a significant contribution. | |
| M13 | Map 5, page 17 | Add the distant view north of Shadwell Lane in Map 3 to the views in Map 5 | There is also a view in Map 3 looking north from Shadwell Lane which is missing from Map 5. | Agree to modify the map as indicated to comply with the examiner's recommendations |
| OM12 | Para 6.2.1 | Replace " <i>Excellence in</i> " with "High quality" in paragraph 6.2.1 | The policy intention to achieve " <i>excellence in design</i> " lacks clarity and the Plan's references to national policy provide a more robust description of the ambition for high quality design. | Agree to modify the text as indicated to comply with the examiner's recommendations |
| Policy ENV1 – Rural Environment | | | | |
| M14 | Policy ENV1, page 22 | <ul style="list-style-type: none"> o Retitle it as "Village envelope and the rural environment" [with consequential changes to the supporting text] o Delete "<i>the purposes of</i>" o Insert "or can demonstrate very special circumstances," after "<i>Green Belt</i>" in the first paragraph o Replace "<i>Local Development Framework</i>" with "Local Plan" o Delete the second paragraph | <p>Definition of the village envelope rather than the policy approach to the rural environment is the main focus of the Policy.</p> <p>The Policy is not consistent with Green Belt policy which also permits inappropriate development in very special circumstances.</p> <p>The Policy drafting is intended to accommodate future changes to the Leeds development plan which may result in sites being allocated for development in the area. This should reference the "Local Plan" rather than the "<i>Local Development Framework</i>".</p> | Agree to modify text as indicated to comply with the examiner's recommendations |

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| M15 | Para 7.2.9, page 21 | Replace paragraph 7.2.9 with “Policy HCL3: Positive Design applies to any development outside the village envelope in the Countryside character area.” | The second part of the Policy addresses similar considerations to those in Policy HLC3. This introduces potential ambiguity and unnecessary duplication in conflict with national planning policy (NPPF, paragraph 16). I recommend that Policy HLC3 is used to address these considerations. My recommended modifications further clarify the consideration that should be given to the “ <i>Countryside</i> ” character area. | Agree to modify text as indicated to comply with the examiner’s recommendations |
| M16 | Map 2, page 7 | Provide a larger scale versions of Map 2 in the final plan or via a link | Map 2 is not provided at a scale large enough to determine the detailed boundary. | Agree to modify the map or include a link as indicated to comply with the examiner’s recommendations |
| Policy ENV2 – Trees, Hedges and Gardens | | | | |
| M17 | Policy ENV2, page 26 | <ul style="list-style-type: none"> o Insert “Proposals for” before “<i>Development</i>” o Replace “<i>will only be permitted where it will</i>” with “<i>should</i>” o Insert “<i>significantly</i>” before “<i>reduce</i>” in the second bullet o Delete “<i>Only tree and hedge plants shown by an arboricultural survey or any other reason to require removal should be removed and</i>” o Insert “<i>Where trees and hedge plants are removed they</i>” before “<i>should be replaced</i>” | <p>While it is appropriate to have strongly worded policies given national planning policy for “<i>policies to resist inappropriate development of residential gardens</i>” (NPPF, paragraph 70) the Policy drafting is overly restrictive in stating what will “<i>only be permitted</i>” and not permitting even minor negative impacts on the landscape.</p> <p>There is some duplication and ambiguity in the second part of the Policy between requiring “<i>strong justification</i>” for the removal of trees and only removing those shown to be required by an “<i>arboricultural survey or any other reason</i>”. It is not appropriate to elevate within the Policy the role of the Parish Council in identifying locations for new planting and there will be occasions where this is not possible or desirable on site. The Policy drafting should be consistent with other policies.</p> | Agree to modify text as indicated to comply with the examiner’s recommendations |

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| | | <ul style="list-style-type: none"> o Insert “unless otherwise agreed” after “<i>within the site</i>” o Move “<i>Where that provision is agreed to be elsewhere, suitable locations are to be selected in consultations with the Parish Council, and</i>” to the supporting text o Replace “<i>planting</i>” with “Replacement planting should be” before “<i>carried out at</i>” | | |
| Policy ENV3 – Local Green Spaces | | | | |
| M18 | Policy ENV3, page 29 | <ul style="list-style-type: none"> o Replace “<i>the Appendix</i>” with “Appendix D” o Insert “Inappropriate” before “<i>Development</i>” o Replace “<i>will not be acceptable other than</i>” with “should not be approved except” | <p>The location of each Local Green Space is shown on Map 6 and in the supporting Appendix (now Appendix D in the light of other recommended modifications). Map 6 includes a number of other similar sites and there is potential for confusion, including with the “<i>Leeds Green Space</i>”. The other sites are not addressed in the Plan’s policies and I recommend that Map 6 deals exclusively with the Local Green Space designations in the Plan. Map 6 is not drawn at a large enough scale for their boundaries to be clearly identified. The supporting Appendix does provide larger scale maps. The depiction of LGS8, LGS9 and the Ridge and Furrow Field uses a different colour shading which is a source of potential confusion.</p> <p>I note that LGS2, LGS3 and LGS9 are already designated as Green Belt. The planning policy for Green Belt is the same as Local Green Space and so there is no policy benefit in these designations. Nevertheless I acknowledge the local support for recognising these sites and also that their designation as Local Green Space increases local influence</p> | Agree to modify text as indicated to comply with the examiner’s recommendations |

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| | | | over their future policy status. This is not inconsistent with Planning Practice Guidance. The drafting of the approach to development on Local Green Space is not consistent with national planning policy which restricts only <i>"inappropriate"</i> development (NPPF, paragraph 143). | |
| M19 | Map 6, page 29 | Amend Map 6 to show only the Local Green Spaces designated in Policy ENV3 and retitle it as "Local Green Spaces" | Map 6 includes a number of other similar sites and there is potential for confusion, including with the <i>"Leeds Green Space"</i> . The other sites are not addressed in the Plan's policies and I recommend that Map 6 deals exclusively with the Local Green Space designations in the Plan. | Agree to modify map as indicated to comply with the examiner's recommendations |
| OM13 | Paras 16.3.8 and 16.3.9, pages 77 and 78 | Amend the description of LGS9 to woodland and delete reference to shrubs in LGS8 | LGS9 should be described as woodland rather than as a garden and there are no shrubs in LGS8. | Agree to modify text as indicated to comply with the examiner's recommendations |
| OM14 | Map 6, page 29 | Provide a larger scale versions of Map 3 in the final plan or via a link | Map 6 is not drawn at a large enough scale for their boundaries to be clearly identified. The supporting Appendix does provide larger scale maps. The depiction of LGS8, LGS9 and the Ridge and Furrow Field uses a different colour shading which is a source of potential confusion. | Agree to modify map as indicated to comply with the examiner's recommendations |
| Policy COM1 – Retention of Community Facilities | | | | |
| M20 | Policy COM1, page 31 | <ul style="list-style-type: none"> o Replace <i>"to change the use"</i> with <i>"for development which would result in the loss, including through a change of use,"</i> o In <i>"new or"</i> after <i>"suitable"</i> | The Policy controls changes in use while the policy intention and supporting text also refers to loss through development. This creates a potential ambiguity. It is possible that a building could be demolished causing a loss of the community facility without any application for a change of use. The Policy also needs to make provision for an alternative being provided elsewhere. | Agree to modify text as indicated to comply with the examiner's recommendations |

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| OM15 | Map 7, page 31 | Rename Community Facility D “Shadwell Recreational Centre” in Map 7 | There is an inconsistency in the name of the Recreational Centre between Map 7 and both the Policy and Appendix. | Agree to modify map as indicated to comply with the examiner’s recommendations |
| OM16 | Para 17.2.10, page 85 | In paragraph 17.2.10 title add “J.” before “Shadwell” | The drafting of the supporting Appendix fails to provide an identifying letter for Shadwell Tennis Club. | Agree to modify text as indicated to comply with the examiner’s recommendations |
| OM17 | Supporting text to Policy COM1, pages 30 – 31 | Add to supporting text “Policy COM1 is consistent with the F1 Use Class for Local Community and Learning and public houses being sui generis.” | Changes to the Use Classes Order were introduced during the course of my Examination. All but one of the community facilities identified in the Policy falls into the new F Use Class, with public houses now being sui generis. It would aid clarity if this was referenced in the supporting text. | Agree to modify text as indicated to comply with the examiner’s recommendations |
| Policy INF1 – Infrastructure Provision and Design | | | | |
| M21 | Policy INF1, page 33 | <ul style="list-style-type: none"> o Add “, domestic” after “small” o Replace “unacceptable” with “significant adverse” o Add “identified” before “views” and delete “shown on Map 5” | <p>The Policy relates to “small-scale” low-carbon energy production equipment and no definition of small-scale is provided beyond a reference to “single dwelling solutions” in the supporting text. I recommend further clarity is provided.</p> <p>The Policy does not support development having “unacceptable” impacts. This does not provide necessary clarity for decision-makers required to assess what is unacceptable.</p> <p>The Policy identifies “character”, “any heritage assets” and “views and vistas shown on Map 5” as the key considerations when assessing the impact of development. There are additional views shown on Map 3 and this risks introducing ambiguity into the Policy.</p> | Agree to modify text as indicated to comply with the examiner’s recommendations |

| Policy HOU1 – Housing Mix | | | | |
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| M22 | Policy HOU1, page 37 | Replace Policy HOU1 with “Proposals for housing development on non-allocated sites should provide an appropriate mix of dwelling types and sizes that meets identified local housing needs, including smaller dwellings that make provision for older people and one- and two-person households.” | <p>I have considered whether Policy HOU1 addresses meeting these needs in an appropriate way. Policy H4 supports providing a Housing Needs Assessment for developments of 250 homes or more. By contrast Policy HOU1 could relate a Housing Needs Assessment to a development as small as three homes. There is no evidence presented for such an extreme reduction in the threshold for providing a Housing Needs Assessment. Implementation of the Policy should be informed by evidence of Shadwell’s identified housing needs but this should not be a requirement placed on applicants of small residential developments.</p> <p>The Policy stipulates that approximately one third of dwellings on sites for different numbers of new homes ranging from 3-5 to 12-14 should be one and two bedroom and suitable for older people and one- and two-person households. There is a lack of evidence supporting this prescriptive approach and on request Shadwell Parish Council informed me that it <i>“was arrived at by a consideration of what might be reasonable for a small builder in terms of viability”</i>. This is insufficient evidence to justify such inflexible requirements, especially for such small developments.</p> <p>Policy HOU1’s intention is consistent with national planning policy and supports Local Plan Policy H4. Adequate evidence has been provided to support the need for to make provision for smaller dwellings in Shadwell. The approach proposed is, however, too inflexible and not adequately justified. I recommend achievement of the policy objective with a less prescriptive approach. The effectiveness of the Policy will be helped by the provision</p> | Agree to modify text as indicated to comply with the examiner’s recommendations |

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| | | | of evidence of what is an appropriate mix of dwelling types and sizes that meet identified local housing needs in the neighbourhood area. | |
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