

Otley Neighbourhood Development Plan

Modification Document published pursuant to Section 61M (4a) Town and Country Planning Act 1990 (as amended) and Regulation 30 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

1. Summary

The Otley Neighbourhood Development Plan (ONP) was made by Leeds City Council on 21st May 2020¹ and by Harrogate Borough Council on 4th March 2020².

To correct a number of factual errors, Otley Town Council have requested that 3 Minor Modifications are made to the ONP. Leeds City Council confirms that these can be treated as Minor Modifications as they correct minor factual errors and do not materially affect the policies of the made plan. These are:

- The Key to Map 5 is amended to make it clear in the key that the Other Habitats (purple) do not form part of the Extended Leeds Habitat Network;
- The Key to Map 5 is amended to make it clear in the key that the Positive Habitats (red) do not form part of the Extended Leeds Habitat Network; and
- New text is provided in Appendix 2 of the ONP to make this distinction in Map 5 clear.

Policy GE5 Protection and Improvement of the Biodiversity of the Extended Leeds Habitat Network within Otley and the Otley Neighbourhood Plan Map (the policies map) remain unchanged.

Planning Practice Guidance (PPG) clarifies that there are 3 types of modification that can be made to a neighbourhood plan.³ Minor (non-material) modifications to a neighbourhood plan are those which would not materially affect the policies in the plan. These may include correcting errors, such as a reference to a supporting document, and would not require examination or referendum.

PPG states that minor (non-material) updates can be made by the Local Planning Authority at any time, but only with the consent of the qualifying body⁴. Consultation, examination and referendum are not required. Otley Town Council's letter (Appendix 1) confirms that Leeds City Council has consent to make the modifications to the ONP.

Leeds City Council is publishing this Modification Document, confirming the modifications to the made ONP, in accordance with Section 61M(a) of the Town and Country Planning Act 1990 (as amended) as applied by Section 38C of the Planning and Compulsory Purchase Act 2004 and Regulation 30 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

2. Modifications

¹ Details of the decision made by Leeds City Council:

<https://democracy.leeds.gov.uk/ieDecisionDetails.aspx?ID=50916>

² Details of the decision made by Harrogate Borough Council:

<https://democracy.harrogate.gov.uk/documents/s6645/17-OtleyNeighbourhoodPlan.pdf>

³ Planning Practice Guidance, Paragraph 106 Reference ID: 41-106-20190509,

<https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>

⁴ Planning Practice Guidance, Paragraph 084a Reference ID: 41-084a-20180222,

<https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>

The modifications that Leeds City Council is making to the ONP are set out below, with new or replacement text shown in **bold**. The modified version of the ONP is available to view alongside this Modification Document.

Modification 1: Replacement Text for Appendix 2, Page 117

Original text:

Where ELHN habitat was identified that lay within one or more private gardens these areas were denoted a “Positive Habitat”. Additionally, habitat identified adjacent to the Otley NP area was also recorded as an indicator of where the LHN and ELHN might continue into adjacent jurisdictions.

Replacement text:

Where ELHN habitat was identified that lay within one or more private gardens these areas were denoted **on the map a “Positive Habitat” for information purposes only**. Additionally, habitat identified adjacent to the Otley NP area was also recorded as an indicator of where the LHN and ELHN might continue into adjacent jurisdictions.

Modification 2: Replacement Text for Appendix 2, Page 119

Original text:

Note to Map 5: Leeds Habitat Network and Extensions within Otley

Map 5 illustrates specifically what the Otley NP is proposing regarding the wildlife habitat network.

(1) Within the Otley NP area, light green solid shading is used to show the extent of the pre-existing Leeds Habitat Network, with a three colour habitat scheme used to show the formal extensions as proposed by the Otley NP.

The formal extensions are more detailed local additions to the “broad brush” Leeds Habitat Network. The LCC convention of not including domestic gardens in the Leeds Habitat Network has been followed in selecting the formal extensions (also see positive habitat below).

Rose coloured solid shading is additionally used to show positive habitat. Areas of positive habitat help bridge gaps in the Extended Leeds Habitat Network. Consisting of groups of trees that typically extend across a number of domestic gardens, their location is such that they substantially add to the identified wildlife network across Otley. They are not a formal part of the Extended Leeds Habitat Network and are shown purely for information purposes.

(2) Outside the Otley NP area, light green solid shading is used to illustrate the extent of the adjacent pre-existing Leeds Habitat Network

Replacement text:

Note to Map 5: Leeds Habitat Network and Extensions within Otley

Map 5 illustrates specifically what the Otley NP is proposing regarding the wildlife habitat network **and Wetland Habitats (blue) and Grassland Habitats (green). Other Habitats (purple) and Positive Habitats (red) are shown for informational purposes only.**

(1) Within the Otley NP area, light green solid shading is used to show the extent of the pre-existing Leeds Habitat Network, **with a two colour habitat scheme used to show the formal extensions as proposed by Otley NP Policy GE5: Wetland Habitats (blue) and Grassland Habitats (green).**

The formal extensions are more detailed local additions to the “broad brush” Leeds Habitat Network. The LCC convention of not including domestic gardens in the Leeds Habitat Network has been followed in selecting the formal extensions (also see positive habitat below).

Rose coloured solid shading is additionally used to show positive habitat. Areas of positive habitat help bridge gaps in the Extended Leeds Habitat Network. Consisting of groups of trees that typically extend across a number of domestic gardens, their location is such that they substantially add to the identified wildlife network across Otley. They are not a formal part of the Extended Leeds Habitat Network and are shown purely for information purposes. **Purple is used to show Other Habitats as part of the wider LHN and denotes other habitats that flood. Along with the positive habitats, Other Habitats are not proposed as part of Policy GE5.**

(2) Outside the Otley NP area, light green solid shading is used to illustrate the extent of the adjacent pre-existing Leeds Habitat Network.

Modification 3: Replacement Map 5, Page 29

The modification also includes the replacement of Map 5 on Page 29 of the made Neighbourhood Plan. The key to Map 5 is amended to make it clear that the Other Habitats (purple) and Positive Habitats (red) do not form part of the Extended Leeds Habitat Network. New text above is also provided for Appendix 2 to make this distinction clear.

3. Inspection of Modification Document

This Modification Document can be viewed on the Leeds City Council website, the Harrogate Borough Council website and the Otley Town Council website:

- <https://www.leeds.gov.uk/planning/planning-policy/neighbourhood-planning>
- https://www.harrogate.gov.uk/info/20103/neighbourhood_planning
- <https://www.otleytowncouncil.gov.uk/>

For further information please contact the Neighbourhood Planning team on npsupport@leeds.gov.uk or 0113 37 87260.

Signed

David Feeney

David Feeney
Chief Planning Officer

Date: 16th November 2021