Leeds City Council

Decision Statement – Headingley 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 Headingley Neighbourhood Development Plan (Headingley 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 Headingley Neighbourhood Plan will proceed to referendum within the Headingley Neighbourhood Area as formally designated, as an adjustment to earlier designations, by Leeds City Council on 25 October 2018.

1.3 This Decision Statement, the examiner's report and the draft Headingley Neighbourhood Plan and supporting documentation are available on the Council's website: https://www.leeds.gov.uk/planning/planning-policy/neighbourhood-planning/headingley-neighbourhood-plan

1.4 They are also on the Headingley Neighbourhood Plan website: https://headingleyneighbourhoodplan.org.uk/

2. Decisions and Reasons

2.1 The examiner has concluded that subject to the specified modifications being made to the Plan, the Headingley 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 Headingley to help it decide planning applications in the neighbourhood area?" will be held in the Headingley Neighbourhood Area.

Signed

David Feeney, Chief Planning Officer

Date:

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
1	Page 26 Policy HOU2	In Policy HOU2, in the second paragraph after "Strategy", insert "which relate to major developments".	Strategic Policies EN1 and EN2 relate to developments of 10 or more dwellings. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.	Agree to modify the text as indicated to comply with the examiner's recommendations.
2	Page 33 Policy HD4	In Policy HD4: • After "account of" insert "elements of" • Replace "coherent design" with "design appropriate to their setting"	The term "historic streetscapes within the neighbourhood area" is ambiguous and could be read as suggesting these are defined areas. The term "coherent design" does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.	Agree to modify the text as indicated to comply with the examiner's recommendations.
3	Page 33 Policy HD5	With respect to Policy HD5: • in the text presented immediately under the policy title delete "extend the	The statement presented under the policy title that the policy is trying to achieve an extension of the Headingley Conservation Area to include the Cardigan Triangle is inappropriate. The making of a	Agree to modify the text as indicated to comply with the

		Headingley conservation area to include part of the Cardigan Triangle and". • insert a Map in the Neighbourhood Plan to define the spatial extent of the Cardigan Triangle Character Area • in paragraph 8.12 replace "success" with "succession"	Neighbourhood Plan is not the appropriate mechanism to extend a Conservation Area. I have recommended a modification in this respect so that the Neighbourhood Plan has regard for national policy. It is acceptable for Section 12.7 of the Neighbourhood Plan relating to community actions to continue to make reference to this matter. Whilst the referenced Headingley and Hyde Park Neighbourhood Design Statement SPD adopted September 2010 includes in Map 4 a spatial definition of the Cardigan Triangle the Neighbourhood Plan does not define the area. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework. I have also recommended the term "success" is corrected to "succession" in paragraph 8.12 of the Neighbourhood Plan.	examiner's recommendations.
4	Page 39 Policy GE1	In Policy GE1 part d) after "woodland" insert "or other green spaces". Include a map or maps of the Local Green Space designations in the Neighbourhood Plan.	In response to my request for clarification the Neighbourhood Forum has confirmed that parts b), c), and d) of the policy relate to all green spaces. I have recommended a modification of part d) of the policy to improve clarity in this respect. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to	Agree to modify the text and include a map of the LGS designations as indicated to comply with the examiner's recommendations.

			development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on individual maps within the Greenspace Evidence Report. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified, however it should not be necessary for plan users to refer to a separate document to confirm the boundaries of the designations. I have recommended a modification in this respect so that the policy "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.	
5	Page 39 Policy GE2	In Policy GE2 In part c) after "bat tubes" insert "or boxes to provide artificial roosts" and replace "hedgehog highways" with "accessways through boundary walls and fences for hedgehogs" In part e) replace the first sentence with "Development proposals that minimise the paving of gardens for parking or ease of maintenance will be supported." In part e) replace the final sentence with "Development proposals that avoid the loss of green barrier/hedges will be supported."	The terms "bat tubes" and "hedgehog highways" are ambiguous. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework. The first sentence of part e) of the policy suggests development management has a wider remit than it has. The third sentence of part e) of the policy appears to incorrectly assume all site boundaries and frontages are green barriers/hedges. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it	Agree to modify the text as indicated to comply with the examiner's recommendations.

			is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.	
6	Page 40 Policy GE4	In Policy GE4 delete part a) and transfer the text to the green space and environment community actions in part 12.7 of the Neighbourhood Plan	Part a) of the policy relating to the introduction of a strategic planting scheme including arrangements for reduced mowing regimes on areas of public greenspace and roadside verges is a community aspiration not capable of implementation through the determination of development proposals. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.	Agree to modify the text as indicated to comply with the examiner's recommendations.
7	Page 44 Policy TC1	In Policy TC1 in the final paragraph replace the text after "Centre" with "or elsewhere in the Neighbourhood Area, will only be supported in accordance with the extant cumulative impact licensing policy." In the Policy title insert "of uses" after "mix" Include a map of the spatial extent of Headingley Town Centre in the Neighbourhood Plan	The final paragraph requires correction with respect to the word "However" and the approach adopted is not evidenced. The policy title is ambiguous. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework. Paragraph 86 of the Framework states planning policies should define the extent of town centres and primary shopping areas. The policy refers to map 20 within support documents where the spatial extent of Headingley Town Centre is defined.	Agree to modify the text as indicated and include a map showing the spatial extent of Headingley Town Centre in the neighbourhood plan to comply with the examiner's recommendations.

			I consider this map should be included in the Neighbourhood Plan in order to assist users.	
8	Page 50 Policy GA3	In Policy GA3 • in Part a) of the policy the link to maps should be more precise so that a user is directed to the public rights of way map and the ginnels map • in Part d) of the policy adjust the link to take a plan user to the connectivity improvements map. This map should be adjusted to reflect the policy wording • in Part g) insert "Headingley" before "Stadium"	Part a) of the policy provides a link to maps to support the plan. The reference should be more precise so that a user is directed to the public rights of way map and the ginnels map. Part d) of the policy refers to map 22. The link takes a plan user to maps to support the plan. None of these is labelled map 22. One of the maps is titled connectivity improvements and identifies several routes. Part g) includes the imprecise term "Stadium". I have recommended a modification in these respects so that the policy "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.	Agree to modify the text as indicated to comply with the examiner's recommendations.
9	Throughout	Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and necessary clarity, and correct identified errors.	I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.	Agree to modify the text, figures and images and supporting documents, to comply with the examiner's recommendations.

			The representation of an individual states paragraph 8.9 of the Neighbourhood Plan requires correction. The Neighbourhood Forum has commented “There is some confusion here. The Rose Court which is 'at risk' is the building at 29 Headingley Lane, which is currently under development as apartments. The 'Rose Court' which is to be used as a SEND school is what was originally named Buckingham Villas on Buckingham Road (it was renamed Ford House by Leeds Girls High School, and later Rose Court; it is now returning to its original name). The Neighbourhood Forum suggest the second sentence of paragraph 8.9 is replaced with “The name Rose Court has been used for two adjacent buildings, one is now a school and the other is being redeveloped as apartments.” I recommend this modification is made in the interests of clarity for users of the Neighbourhood Plan.	