

## **Leeds City Council**

### **Decision Statement – Thorp Arch Neighbourhood Plan**

#### **Planning & Compulsory Purchase Act 2004 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 Thorp Arch 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 Thorp Arch Neighbourhood Plan will proceed to referendum based on the Thorp Arch Neighbourhood Area as designated by Leeds City Council on 17<sup>th</sup> September 2012.
- 1.3 This Decision Statement, the examiner's report and the draft Thorp Arch Neighbourhood Plan and supporting documentation are available on the Council's website: <http://www.leeds.gov.uk/council/Pages/Neighbourhood-planning.aspx>. They are also on the Thorp Arch Neighbourhood Plan website <http://thorparchnp.org.uk/>
- 1.4 Hard copies of the Decision Statement and the examiner's report are available for inspection at:
- Leeds City Council, City Development Department, The Leonardo Building, 2 Rossington Street, Leeds, LS2 8HD (Mon, Tues, Thurs, Fri 8.30am – 5.00pm, Weds 9.30am – 5.00pm)
  - Wetherby Library, 17 Westgate, Wetherby, LS22 6LL (Mon 10.00 – 17.00, Tues 9.00 – 19.00, Weds – Fri 9.00 – 17.00, Sat 10.00 – 16.00)
  - Boston Spa Library, High Street, Boston Spa, Leeds, LS23 6BH (Mon, Fri, Sat 9.00 – 12.00, Weds 10.00 – 17.00)

##### **2. Decisions and Reasons**

- 2.1 The examiner has concluded that subject to the specified modifications being made to the Plan, the Thorp Arch 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 recommended modifications are set out in Table 1, followed by the Council's decision and reasons.

- 2.3 There is one recommendation in the examiner's report which contains a minor error with regard to referencing maps in the draft Neighbourhood Plan. This instance is highlighted in yellow in table 1 below and footnoted to explain the error and the Council's decision and reasons with regard to this recommendation.
- 2.4 In addition to those modifications put forward by the examiner, the Council is proposing 2 further modifications to the Plan to correct factual and grammatical errors. These modifications are detailed at the end of Table 1 and are highlighted in blue.
- 2.5 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
- 2.6 In accordance with statutory requirements, a referendum which poses the question "Do you want Leeds City Council to use the Neighbourhood Plan for Thorp Arch to help it decide planning applications in the neighbourhood area?" will be held in the Thorp Arch Neighbourhood Area.

**This Statement is dated 05<sup>th</sup> October 2017.**

**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
<b>Mapping</b>				
M1	Page 41, Policies Map	Show all the site specific policies on the Policies Map cross referenced to more detailed maps, where appropriate.	To ensure that the policies can be interpreted consistently by decision makers, it is considered that the Policies Map should be revised to include all the sites referred to under the policies with cross references in the key to the more detailed maps and from the Policy or justification.	Agree to modify the Policies Map as indicated to comply with the examiner's recommendations.
<b>2.0 Vision and Objectives</b>				
M2	Page 12, para 2.2	Revise objective iii) to read: "To provide new residential development that is well designed and that delivers housing that meets the needs and aspirations of the local community, with adequate parking and open spaces."	Objective iii) aims to identify an area (or areas) for appropriate small scale residential development. However the Plan has not allocated an area for residential development and as a consequence of my recommendation on Policy H1 it is recommended that objective iii) should be revised to underpin the remaining policy elements of Policies H1 and H2 without making reference to "small scale" development.	Agree to modify the text as indicated to comply with the examiner's recommendations.
<b>3.2 The Built Environment</b>				
<b>Policy BE2: Design and Development outside the Conservation Area</b>				
M3a	Page 17, Policy BE2	Revise the first line of Policy BE2 to read " <i>Throughout the Plan area outside the Thorp Arch Conservation Area...</i> "	The policy sets out three factors to be considered in the design of new development outside the conservation area. It is not clear whether the policy applies to all areas outside the conservation area which would include the Thorp Arch Trading Estate and the Prison or only to the residential areas referred to the justification.	Agree to modify the text as indicated to comply with the examiner's recommendations.
M3b	Page 17, Policy BE2	Revise criterion a) to read: "... so that <i>the height and massing of new development does not overwhelm...</i> "	It is unclear how the term "overwhelm neighbouring buildings" is to be interpreted by decision makers... To clarify the interpretation of the policy I have recommended a modification to this effect.	Agree to modify the text as indicated to comply with the examiner's recommendations.

M3c	Page 17, Policy BE2	Add an additional criterion " <i>d) Innovative building designs will be encouraged, where appropriate.</i> "	Representations have been made that the policy should include opportunities for the use of more modern design and technology where this may be economically viable and achieves high levels of sustainability. The NPPF paragraph 66 states that policies should not stifle innovation although it is proper to reinforce local distinctiveness. As there are areas of large scale non residential development in the plan area I consider that it would be appropriate to make provision for innovative building designs where appropriate.	Agree to modify the text as indicated to comply with the examiner's recommendations.
<b>Policy BE3: Local Green Spaces</b>				
M4a	Pages 17 to 18, Local Green Spaces, Policy BE3	Revise the Policy Title to "Green Spaces"	Policy BE3 designates the areas a Local Green Space, however it does not include a planning policy to consider any development proposals on the sites. It is recommended that a policy statement on development on the sites should be included in the policy in accordance with NPPF paragraph 78.	Agree to modify the text as indicated to comply with the examiner's recommendations.
M4b	Pages 17 to 18, Local Green Spaces, Policy BE3	Revise the first paragraph to read: " <i>The following sites shown on the Policies Map and Maps 7, 7a and 7b are designated as Local Green Spaces:</i> " and delete the final paragraph.	The final part of the policy refers to the extent of the Local Green Spaces being "illustrated" on the Policies Map where the sites are marked with a symbol. To ensure that the policy is clear and unambiguous, the key to the Policies Map should be cross referenced to the more detailed maps showing the site boundaries in Maps 7, 7a) and 7b) as set out in recommendation 1.	Agree to modify the text as indicated to comply with the examiner's recommendations. <sup>1</sup>
M4c	Pages 17 to 18, Local Green Spaces, Policy BE3	Add the following after the first paragraph: " <i>Proposals for development on these Local Green Spaces will only be permitted in very special circumstances in accordance with national policy on Green Belts.</i> "	Policy BE3 designates the areas a Local Green Space, however it does not include a planning policy to consider any development proposals on the sites. It is recommended that a policy statement on development on the sites should be	Agree to modify the text as indicated to comply with the examiner's recommendations.

<sup>1</sup> M4b (page 28 of the examiner's report) recommends that Policy BE3 is revised and includes references to the Policies Map and Map 7. Maps 7a and 7b in the Thorp Arch Neighbourhood Plan also show Local Green Spaces and have therefore been included in M4b.

			included in the policy in accordance with NPPF paragraph 78.	
M4d	Pages 17 to 18, Local Green Spaces, Policy BE3, page 41, Policies Map and, pages 66 – 67, Map 7	Delete sites C, D, F and K and remove from the Policies Map and Map 7.	<p>Site C: The cricket ground has been subject to safeguarding under the Leeds UDP Saved Policy N6. Core Strategy Policy G6 protects green space from development unless the exceptional circumstances are satisfied. The emerging Site Allocations Local Plan continues to safeguard the cricket pitch.</p> <p>In the circumstances it is considered that the cricket pitch is suitably safeguarded by the Local Plan policies and its allocation as a Local Green Space may prevent the enhancement of the built facilities on the site. It is recommended therefore that it should not be allocated as a Local Green Space and reference should be made in the Neighbourhood Plan to it being safeguarded under Local Plan Policies.</p> <p>Site D: Site D TABS North Entrance is a small area of highway verge. The assessment states that it has historic value. I have asked the Qualifying Body to explain this further. They have stated that the Parish Council is in the process of acquiring the site. They consider that it has historic importance as it forms part of the North Lodge entrance to Thorp Arch Hall. I am not convinced that there is sufficient robust evidence to justify designating this small area of highway verge as a Local Green Space. It is therefore recommended that it should be deleted.</p> <p>Site F: The site is a small field to the east of the tennis court. There is a well used public footpath along the southern side of the field leading to the</p>	Agree to modify the text and maps as indicated to comply with the examiner's recommendations.

			<p>church. Apart from this there is no public access to the remainder of the field. The Qualifying Body argues that the meadow has been uncultivated for many years. On my site visit I could not distinguish any discernible difference between this field and other meadows adjacent that would make it more special than other nearby fields to justify its designation. I am not satisfied that the site meets the criteria of NPPF paragraph 77 and therefore recommend that site F should be deleted.</p> <p>Site K: site K is part of a site that has been included in the Submission draft Site Allocations Plan for housing development to meet the strategic needs of outer north east Leeds. It is considered that its designation as a Local Green Space does not have regard to national policy and would not meet the Basic Conditions.</p> <p>If the site is allocated for housing development in the Site Allocations Plan there will be a need to include some greenspace within the site. It is suggested that the Neighbourhood Plan Policy could include an additional item to guide the type of green space to be provided on the site, subject to further consultation.</p>	
M4e	Pages 66 to 67, Map 7	Correct the boundaries on Map 7 for sites G and H to include the small area at its south west corner.	I have concerns about the Map for sites G and H which appear to be incorrectly drawn and omit small areas of land. The Qualifying Body has explained that there are proposals to improve the access way to the church on land adjacent to site H. they confirm that the maps should be revised to include these small areas of land. I have recommended modifications to correct the maps in this respect.	Agree to modify the map as indicated to comply with the examiner's recommendations.

M4f	Page 41, Policies Map and pages 66 to 67, Map 7	<p>Show the cricket pitch with a different notation on the Policies Map and Map 7 as a Safeguarded Pitch and include the following policy to safeguard the cricket pitch:</p> <p><i>“The cricket ground is a safeguarded playing pitch under Core Strategy Policy G6.”</i></p>	<p>The cricket ground has been subject to safeguarding under the Leeds UDP Saved Policy N6. Core Strategy Policy G6 protects green space from development unless the exceptional circumstances are satisfied. The emerging Site Allocations Local Plan continues to safeguard the cricket pitch.</p> <p>In the circumstances it is considered that the cricket pitch is suitably safeguarded by the Local Plan policies and its allocation as a Local Green Space may prevent the enhancement of the built facilities on the site. It is recommended therefore that it should not be allocated as a Local Green Space and reference should be made in the Neighbourhood Plan to it being safeguarded under Local Plan Policies.</p>	Agree to modify the maps as indicated to comply with the examiner’s recommendations.
M4g	Pages 17 to 18, Local Green Spaces, Policy BE3	<p>Revise the supporting text in the justification to explain how this aspect of the policy is to be interpreted. <i>“The Core Strategy policy safeguards the cricket pitch but includes some flexibility to consider any future proposals for the improvement of the facilities on the site. Any proposals for the re-use of the existing sports ground should demonstrate that reasonable efforts have been made to secure its continued use as a cricket pitch or other form of green space and/or alternative green space provision is made in an accessible location in the plan area.”</i></p>	<p>The cricket ground has been subject to safeguarding under the Leeds UDP Saved Policy N6. Core Strategy Policy G6 protects green space from development unless the exceptional circumstances are satisfied. The emerging Site Allocations Local Plan continues to safeguard the cricket pitch.</p> <p>In the circumstances it is considered that the cricket pitch is suitably safeguarded by the Local Plan policies and its allocation as a Local Green Space may prevent the enhancement of the built facilities on the site. It is recommended therefore that it should not be allocated as a Local Green Space and reference should be made in the Neighbourhood Plan to it being safeguarded under Local Plan Policies.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations.

M4h	Pages 17 to 18, Local Green Spaces, Policy BE3	Add the following additional text to the justification: <i>"If the housing site north of the prison is allocated for housing development in the Site Allocations Plan, green space shall be provided on the site in accordance with locally identified needs [or specific proposal such as a football pitch or allotments]."</i>	If the site is allocated for housing development in the Site Allocations Plan there will be a need to include some greenspace within the site. It is suggested that the Neighbourhood Plan Policy could include an additional item to guide the type of green space to be provided on the site, subject to further consultation.	Agree to modify the text as indicated to comply with the examiner's recommendations.
<b>Policy BE4: Protecting non designated heritage features</b>				
M5a	Pages 18 to 20, Protecting non designated heritage features, Policy BE4	Revise the title and first paragraph of Policy BE4 to read: "Protecting Non-Designated Heritage Assets: The following have been identified as non-designated heritage assets:"	The policy refers to non-designated heritage "features". The terminology used in both the NPPF and Core Strategy is "assets" and it is recommended that this word is used in the policy and justification to ensure consistency.  The opening paragraph of the policy should be worded more clearly to state that the assets are identified as non-designated heritage assets.	Agree to modify the text as indicated to comply with the examiner's recommendations.
M5b	Pages 18 to 20, Protecting non designated heritage features, Policy BE4	Revise the Policy and justification to refer to "assets" instead of "features".	The policy refers to non-designated heritage "features". The terminology used in both the NPPF and Core Strategy is "assets" and it is recommended that this word is used in the policy and justification to ensure consistency.	Agree to modify the text as indicated to comply with the examiner's recommendations.
M5c	Pages 18 to 20, Protecting non designated heritage features, Policy BE4	After a) the old railway bridge and d) Thorp Arch Mill weir add <i>"(part within Thorp Arch parish)"</i>	<i>"... the Mill weir and railway bridge are partly outside the plan area and consequently only those parts in the plan area are identified through this policy."</i>	Agree to modify the text as indicated to comply with the examiner's recommendations.
M5d	Page 41, Policies Map and Maps 8a to 8d, Appendices	Show the buildings and features and their curtilages on the Policies Map linked to more detailed maps showing the location and curtilages. Include descriptions and photographs of each property in an Appendix.	It would be helpful to plan users to include a map linked to the Policies Map showing the locations and curtilages of the buildings and structures together with photographs of each property with its description in an Appendix.	Agree to modify the maps as indicated to comply with the examiner's recommendations.
<b>3.3 The Built Environment</b>				
<b>Policy CNE1: Protecting countryside character</b>				

M6a	Page 26, Policy CNE1	Revise the first paragraph of Policy CNE1 to read: “Proposals for development <i>outside</i> the built up areas shown on the Policies Map should...”	To ensure that the policy can be interpreted consistently by decision makers, the boundaries of the built up area should be shown on the Policies Map. As the policy refers to the countryside outside the built up areas, it is recommended that the built up areas should include Thorp Arch village, the housing areas, the prison and Thorp Arch Trading Estate.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
M6b	Page 41, Policies Map	Show the boundaries of the built up areas on the Policies Map which should include Thorp Arch village, the housing areas, the prison and Thorp Arch Estate.	To ensure that the policy can be interpreted consistently by decision makers, the boundaries of the built up area should be shown on the Policies Map. As the policy refers to the countryside outside the built up areas, it is recommended that the built up areas should include Thorp Arch village, the housing areas, the prison and Thorp Arch Trading Estate.	Agree to modify the map as indicated to comply with the examiner’s recommendations.
M6c	Page 24, Map 2: Key Views, page 41, Policies Map	Link the map of key viewpoints to the Policies Map.	Thirteen viewpoints are identified on Map 2.... In accordance with Recommendation 1, Map 2 should be linked to the Policies Map.	Agree to modify the map as indicated to comply with the examiner’s recommendations.
<b>Policy CNE4: Enhancing Biodiversity</b>				
M7	Page 41, Policies Map, page 30, Policy CNE4	Include the Sites of Ecological and Geological Importance and any other biodiversity sites relevant to Policy CNE4 and on a Map linked to the Policies Map and cross reference it from the justification.	Sites of Ecological and Geological Importance / Local Wildlife Sites are shown on an unnumbered map on page 22 of the Plan. The map also shows qualifying SEGI/LWS and sites lost to development. It would be helpful to decision makers to include a map showing only those sites to which this policy applies linked to the Policies Map and referred to in the justification.	Agree to modify the text and map as indicated to comply with the examiner’s recommendations.
<b>3.4 Housing Development</b>				
<b>Policy H1: Residential development</b>				
M8a	Pages 31 – 33, Policy H1	Delete the first and second paragraphs of Policy H1: “Development of the site of the former Social Club... nearby Walton Chase.” and replace with “ <i>The site of the former social club is a housing commitment.</i> ” Include the	The first part of the policy states that the Plan supports the development of the former social club site for housing development of between 20 and 30 dwellings. The Qualifying Body has informed me that outline planning permission was granted in June 2017 for 23 dwellings on the site.	Agree to modify the text as indicated to comply with the examiner’s recommendations.

		details of the planning permission in the justification.	<p>The SEA screening report makes it clear that this is not a housing allocation.</p> <p>Site 4079 has been cleared and unless other uses are proposed, it has the potential to be redeveloped for housing. Housing development on the site would not constrain the delivery of the larger site, provided that it was appropriately designed and laid out. However, the statement of support for this site in the policy is an aspiration and not an allocation and its purpose is unclear. In view of the planning permission granted for the site, it is recommended that the first part of Policy H1 should be revised to refer to the housing development on the site as a commitment.</p>	
M8b	Pages 31 – 33, Policy H1	Revise the last two sentences of the final paragraph of section ii) Evidence of the introduction to the policy to read <i>“The site of the former prison social club (SHLAA site 4079) is considered to be suitable for housing development. The Council resolved to approve outline planning permission in June 2017 for 23 dwellings on the site subject to the approval of reserved matters and a Section 106 Agreement.”</i>	The site is part of a larger site of 6.3ha that is included in the submission draft Leeds Site Allocations Plan for 142 dwellings. The background text to Policy H1 has been superseded by the submission of the Site Allocations Plan. The Site Allocations Plan is undergoing examination at present and the strategic site has not yet been allocated. It would be helpful to include reference to the housing allocation proposed in the Site Allocations Plan.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
M8c	Pages 31 – 33, Policy H1	Update the introduction to Policy H1 to include reference to the proposed housing allocation in the Site Allocations Plan. Correct the typographical error in the final paragraph of the Issues section.	The site is part of a larger site of 6.3ha that is included in the submission draft Leeds Site Allocations Plan for 142 dwellings. The background text to Policy H1 has been superseded by the submission of the Site Allocations Plan. The Site Allocations Plan is undergoing examination at present and the strategic site has not yet been allocated. It would be helpful to include reference	Agree to modify the text as indicated to comply with the examiner’s recommendations.

			to the housing allocation proposed in the Site Allocations Plan.	
<b>3.5 Community and Recreational Facilities</b>				
<b>Policy CF1: Retention and provision of community and recreational facilities</b>				
M9	Page 35, Policy CF1	Delete the first paragraph from Policy CF1.	The PPG states that neighbourhood plans are to be used to set policies to be used in determining planning applications. It is considered that support for the ongoing maintenance and viability of a community facility is a community aspiration rather than a matter to be considered in determining planning applications and as such should be included in the community projects section of the plan.	Agree to modify the text as indicated to comply with the examiner's recommendations.
<b>3.6 Supporting the Local Economy</b>				
<b>Policy LE1: Thorp Arch Trading Estate</b>				
M10a	Pages 36 to 38, Policy LE1	Delete Policy LE1 and the supporting text under paragraph 3.6.1.	<p>The first part of Policy LE1 is an aspiration of the Neighbourhood Plan and not an allocation. The SEA screening states that the Neighbourhood Plan does not include any allocations. As such the statements in the policy simply reflect the views expressed by the community through ongoing consultation on the Neighbourhood Plan. It is not written in a manner that would enable it to be used in the consideration of planning applications. It is therefore considered to be unclear and superfluous.</p> <p>In any case the Thorp Arch Estate is an important employment site crossing the boundary of the two parishes. NPPF paragraph 22 states that "<i>Planning policies should avoid the long term protection of sites for employment use where there is no reasonable prospect of a site being used for that purpose.</i>" No evidence has been provided to support the Neighbourhood Plan proposals to demonstrate the long term viability of the site for</p>	Agree to modify the text as indicated to comply with the examiner's recommendations.

			<p>employment use. It is considered that the first part of the policy is aspirational and not supported by robust evidence. It is recommended therefore that the first part of Policy LE1 be deleted.</p> <p>The second part of the policy sets out three matters that development proposals within the Thorp Arch Trading Estate should satisfy... Core Strategy Policy T2 addresses traffic impacts. Policy G8 and to some extent Policy G9 address the impact on environmentally protected areas. Only criterion c) that requires new development to demonstrate that it provides new employment opportunities is not addressed by a strategic policy.</p> <p>It would be usual to expect that mixed use developments seeking to develop or expand on an employment area would provide employment opportunities; therefore, it is not considered necessary to make this a policy requirement.</p> <p>It is considered that this part of the policy is superfluous as these matters are factors that are covered by policies in the Core Strategy and the policy adds no matters of local significance. It is recommended therefore that the second part of the policy be deleted. In order to ensure that there is a consistent policy approach to the whole employment area which crosses parish boundaries, it would be appropriate for the policy covering future development proposals to be set out in the Local Plan."</p>	
M10b	Pages 42 to 44, Section 4	Add a community aspiration to Section 4 along the lines of <i>"The Parish Council will support the retention / allocation</i>	It is appreciated that the community has expressed support for the retention of the Trading Estate as a location for mixed use employment	Agree to modify the text as indicated to comply with the examiner's recommendations.

		<i>of the Thorp Arch Trading Estate for mixed use employment.</i> ” Move the relevant background text to Section 4.	and this approach has been agreed with Walton Parish Council. It is considered that it may be appropriate for this aspiration to be expressed as a community aspiration within Section 4 of the Plan.	
<b>Policy LE2: Supporting small scale business growth</b>				
M11	Page 39, Policy LE2	Revise Policy LE2 to read: “The development of new and <i>the extension of existing businesses should be of a scale</i> that is appropriate to the location and should not: a) <i>Give rise to an increase in traffic movements or the use of heavy goods vehicles that would have an unacceptable impact on the local road network; or</i> b) <i>Have an unacceptable impact on residential amenity in terms of noise or light pollution.</i> ”	The policy wording is considered to be imprecise and unclear and modifications are proposed to ensure that it can be used consistently by decision makers.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
<b>Policy LE3: Farm diversification</b>				
M12	Page 40, Policy LE3	Revise Policy LE3 to read: “Development proposals for the diversifications of farms <i>should:</i> a) Not have a significant negative effect up the landscape; b) Manage any significant increases in traffic arising from the diversification so as to minimise its impact <i>on the local road network; and</i> c) Help to sustain local employment.”	The policy wording is considered to be imprecise and unclear and modifications are proposed to ensure that it can be used consistently by decision makers.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
<b>Additional Modifications to the Plan</b>				
<b>Modification Number</b>	<b>Page / Part of the Plan</b>	<b>Leeds City Council’s Modification</b>	<b>Leeds City Council’s Reason</b>	<b>Leeds City Council’s Decision</b>
N/A	All of the Plan	Conduct a spelling and grammar check of the whole of the Plan document and	To improve the clarity of the Plan.	Correct all grammatical and typographical errors in the Plan.

		correct grammatical and typographical errors.		
N/A	Page 11, penultimate paragraph	Change the number of dwellings from 332 to 350.	Following the completion of Walton Gardens and Walton Place, the number of dwellings in Thorp Arch neighbourhood area is now 350.	Correct the stated factual error.