

HORSFORTH NEIGHBOURHOOD PLAN 2019-2028

Report to Leeds City Council of the Independent Examination

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Contents

1.	Executive Summary	3
2.	Introduction	4
3.	Compliance with matters other than the Basic Conditions	7
	Qualifying body	7
	Neighbourhood Area	7
	Land use issues	7
	Plan period	8
	Excluded development	8
4.	Consultation	9
5.	General comments on the Plan's presentation	11
	Vision and Objectives	11
	Other issues	11
6.	Compliance with the Basic Conditions	13
	National planning policy	13
	Sustainable development	14
	Development plan	14
	Strategic Environmental Assessment	15
	Habitats Regulations Assessment	15
	Other European obligations	16
7.	Detailed comments on the Plan policies	17
	Green Environment	17
	The Built Environment	20
	Housing	25
	Employment and Shopping	28
	Community Facilities and Services	31
	Traffic and Transport	33
8.	Recommendation and Referendum Area	38

1. Executive Summary

1. I was appointed by Leeds City Council with the support of Horsforth Town Council to carry out the independent examination of the Horsforth Neighbourhood Plan.

2. I undertook the examination by reviewing the Plan documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.

3. I consider the Plan to be an adequate expression of the community's views and ambitions for Horsforth. It is based on an effective programme of public consultation which has informed a Vision and ten Objectives for the Neighbourhood Area. These are translated into planning policies dealing with issues distinct to the locality. They are supported by other aspirations which go beyond the scope of the neighbourhood plan, including a programme of "community actions" and a project delivery plan. The Plan is supported by a Consultation Statement, Basic Conditions Statement, a Sustainability Assessment and screening reports for Strategic Environmental Assessment and Habitats Regulations Assessment. There is significant supporting evidence provided on most aspects of the Plan, including primary evidence produced during the Plan's preparation. There is a detailed Policy Proposals Map also provided online and there is good evidence of community support and the involvement of the local planning authority.

4. I have considered the 14 representations made on the submitted Plan and addressed them in this report as appropriate.

5. Subject to the recommended modifications set out in this report I conclude that the Horsforth Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a small number of additional recommendations.

6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area.

2. Introduction

7. This report sets out the findings of my independent examination of the Horsforth Neighbourhood Plan. The Plan was submitted to Leeds City Council by Horsforth Town Council as the Qualifying Body.

8. I was appointed as the independent examiner of the Horsforth Neighbourhood Plan by Leeds City Council with the agreement of Horsforth Town Council. My selection was facilitated by the Neighbourhood Planning Independent Examiner Referral Service.

9. I am independent of both Horsforth Town Council and Leeds City Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

10. My role is to examine the Neighbourhood Plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, and on the Plan addressing the required modifications recommended in this report.

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations, including the Conservation of Habitats and Species Regulations 2017.

12. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

13. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Horsforth Neighbourhood Plan
- the Basic Conditions Statement
- the Statement of Community Consultation
- the Sustainability Assessment
- the Strategic Environmental Assessment and Habitats Regulations Assessment screening reports and responses
- relevant parts of the development plan for Leeds comprising Leeds City Council Core Strategy (2014), Leeds Site Allocations Plan (2019), Leeds Unitary Development Plan Review (volumes 1 & 2) (2006) and Local Development Framework Policies Map (2018). The Leeds Core Strategy Selective Review was adopted at a late stage in the Examination. This was not material to my assessment.
- representations made on the submitted neighbourhood plan
- relevant material held on the Horsforth Town Council and Leeds City Council websites
- National Planning Policy Framework
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Horsforth Neighbourhood Plan was submitted in May 2019 and the National Planning Policy Framework (2018, updated) applies for the purposes of my examination.

15. Having considered the documents provided and the representations on the submitted Plan I was satisfied that the examination could be undertaken by written representations without the need for a public hearing.

16. I carried out an unaccompanied visit to the Neighbourhood Area during a September weekend. I visited the main locations identified on the Policy Proposals Map, including the housing sites and the proposed changes to the Character Area boundaries (including the addition of Upper West End Lane/Southway Estate), proposed Local Green Spaces, proposed Local Heritage Areas and proposed undesignated heritage assets. I also visited the local centres and their car parks and the campus of Leeds Trinity University.

17. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in “speech marks”. Modifications are also recommended to some parts of the supporting text. These modifications are numbered from M1. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets]. These optional modifications are numbered from OM1

18. Producing the Horsforth Neighbourhood Plan has clearly involved significant effort over seven years led by the Neighbourhood Plan Working Group. There has been significant community involvement. There is evidence of good collaboration with Leeds City Council and this will continue to be important in ensuring delivery of the Plan. The evident commitment of all those who have worked so hard over a long period of time to prepare the Plan is to be commended and I would like to thank all those at Leeds City Council and Horsforth Town Council who have supported this examination process.

3. Compliance with matters other than the Basic Conditions

19. I am required to check compliance of the Plan with a number of matters.

Qualifying body

20. I am satisfied that the Plan has been prepared by a suitable Qualifying Body – Horsforth Town Council – which being a town council is the only organisation that can prepare a neighbourhood plan for the area.

Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area and that this does not overlap with any other designated neighbourhood area. The Horsforth Neighbourhood Area was agreed by Leeds City Council on 16 July 2013. It covers the whole of Horsforth civil parish area plus an additional unparished area to the east which serves to provide an appropriate physical barrier along the Leeds-Harrogate railway line. The Statement of Community Consultation erroneously states that the neighbourhood area was designated in February 2013 – this was the date of application.

- OM1 - [Correct the date of designation of the neighbourhood area to July 2013 in the Statement of Community Consultation]

22. A map of the neighbourhood area is included in the Plan. This is not of sufficient quality that the location of the boundary can be determined. The Policy Proposals Map provides an appropriately detailed mapping base for the neighbourhood area.

- OM2 - [Provide a link to the Policy Proposals Map in relation to Map 1]

Land use issues

23. I am satisfied that the Plan's policies relate to relevant land use planning issues. It addresses a significant number of issues which do not relate directly to the development

and use of land. These are readily distinguished from the Plan's policies and usually identified as being addressed through "Community Actions". This is an appropriate response to dealing with the range of issues raised through the preparation of the neighbourhood plan which cannot be addressed directly in planning policy.

Plan period

24. The period of the neighbourhood plan is stated as being from 2019 – 2028 on the cover of the Plan. This is also the length of period considered by the Plan's Vision and its consideration of the need for new housing in section 4.3. The Statement of Community Consultation and the Sustainability Assessment both erroneously refer to a period of 2019 – 2018.

- OM3 - [Correct the plan period in the Statement of Community Consultation and the Sustainability Assessment to 2019 – 2028]

Excluded development

25. I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).

4. Consultation

26. I have reviewed the Statement of Community Consultation and relevant information provided on the Horsforth Neighbourhood Plan website, including a significant number of appendices. This provides a clear record of the extensive consultation process undertaken in preparing the Plan.

27. The consultation process was managed by a Neighbourhood Plan Working Group that was open to interested individuals and comprised a mix of residents and town councillors.

28. An appropriate range of “*target consultees*” was identified by the Working Group. This included a number of businesses and the required statutory and other consultees.

29. Public consultation on the neighbourhood plan was achieved through a range of techniques including a website, questionnaire, presentations, leaflets, promotional banners and mailings. Seven stages of consultation have been identified, including focused consultation on housing and proposed site allocations. Resident questionnaires generated up to 1200 responses and over 100 businesses provided responses. Landowners affected by specific policies were consulted. The pre-submission consultation generated over 150 responses. These represent reasonable response rates.

30. Appendix 11 provides a summary table of the issues raised through pre-submission consultation and how these have been addressed in finalising the Plan. There is evidence of the Plan being amended in response to consultation feedback.

31. 14 representations have been made on the submitted Plan including six from individuals and others from statutory bodies, landowners and other interests. These are addressed later in this report.

32. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan over a long period of time. The Plan has been subject to wide public consultation at different stages in its development. The process has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. The local planning authority has been engaged throughout the process.

5. General comments on the Plan's presentation

Vision and Objectives

33. I have reviewed the Vision and the ten Objectives which structure the 28 Policies in the Plan. The Vision takes a positive approach to accommodating development which respects the area and is accompanied by necessary infrastructure. It reflects the feedback received through consultation. The approach is supportive of sustainable development.

34. The policies are distinguished from the rest of the Plan by the use of tinted boxes and "Policy" in the title. I am satisfied they are clearly differentiated from other aspects of the Plan.

Other issues

35. The bulk of the evidence base for the Plan is provided online and it is presented together in a single schedule.

36. The Plan includes a number of maps and these are of varying quality. A high quality Policy Proposals Map is provided, including online, and this should be referenced alongside other relevant maps. Specific issues of clarity are addressed in the comments below on specific policies.

- M1 - Use high definition map images at an appropriate scale throughout the Plan and provide a link to the Policy Proposals Map

37. The Plan is well structured and presented with a comprehensive Contents and an appropriate hierarchy of headings except in Section 4.3 where the individual sites (commencing with "*Brownberrie Lane*") should be subservient to the section heading "*Housing Sites – Development Requirements and Aspirations*". The second subsection in Section 4.6 should also be corrected in the Contents to reference equestrian provision.

- OM4 - [Amend the hierarchy of headings in Section 4.3 addressing individual sites]

- OM5 - [Amend the second subsection of Section 4.6 in the Contents to read “Improved Cycling, Walking and Equestrian Provision”]

38. The presentation of separate considerations within a number of policies is inconsistent and makes various use of letters (c), dashes (-) and bullets (●).

- OM6 - [Be consistent in the presentation of policy considerations]

6. Compliance with the Basic Conditions

National planning policy

39. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions statement which relates the Plan’s policies to the National Planning Policy Framework (NPPF) (February 2019).

40. The Basic Conditions statement provides a table testing compatibility of each of the Plan’s policies with relevant sections of the National Planning Policy Framework. This concludes that “*clear regard*” has been given to the NPPF.

41. There are some areas where the drafting of the Plan’s policies needs to be amended in order to meet the National Planning Policy Framework’s requirement for plans to provide a clear framework within which decisions on planning applications can be made. The policies should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16). It is also important for the Plan to address the requirement expressed in Planning Practice Guidance that “*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*” (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan’s policies do not always meet these requirements and a number of recommended changes are made as a result.

42. Generally, the Plan has regard to national planning policies and guidance but there are exceptions set out in my comments below. These cover both conflicts with national planning policy and the need for some policies to be more clearly expressed and/or evidenced.

43. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommendations on the Plan policies.

Sustainable development

44. The Plan must *“contribute to the achievement of sustainable development”*. This is addressed in the Basic Conditions statement with a summary of the Sustainability Assessment undertaken of the Plan. This provides a breakdown of the Plan policies according to their contribution to twelve sustainability benchmark criteria that address economic, social and/or environmental sustainability.

45. This shows some negative effects relating to some of the site allocations for housing and on both the movement and natural resources criteria. These allocations have already been adopted by Leeds City Council in the Site Allocations Plan. The overall conclusion is that the Plan makes a positive contribution to the achievement of sustainable development.

46. I concur with the conclusion of the Sustainability Assessment and am satisfied that the Plan meets this Basic Condition.

Development plan

47. The Plan must be *“in general conformity with the strategic policies of the development plan”*. In response to my request Leeds City Council confirmed its view that the policies in the Core Strategy are the strategic policies for the purposes of neighbourhood planning.

48. The Basic Conditions Statement provides a summary table relating each Plan policy to the relevant development plan policies and concludes that it is *“clearly in general conformity”*. Leeds City Council has indicated to me that *“the Council considers that the policies in the draft Horsforth Neighbourhood Plan are in general conformity with the strategic policies of the development plan.”*

49. I deal with representations on general conformity in my assessment of the Plan’s policies. My own assessment is that the Plan is in general conformity with the strategic policies of the development plan subject to addressing my detailed comments and recommendations on the Plan policies below.

Strategic Environmental Assessment

50. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects.

51. This requirement has been addressed as part of the Screening Report provided by Leeds City Council in June 2017. This concludes that the Plan *“is unlikely to give rise to any significant environmental effects”* and that an SEA is not required. The three statutory consultation bodies have been consulted and Historic England and the Environment Agency agree with this conclusion. Natural England offers no view.

52. I have considered whether the changes made to the Plan since the screening report was prepared are significant and concluded that they are not material to this assessment. Consequently, I conclude that the Plan meets this Basic Condition.

Habitats Regulations Assessment

53. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. This requirement is addressed through a Habitats Regulations Assessment screening report undertaken by Leeds City Council in June 2017 and updated in October 2018 and May 2019. This addresses the compliance of the Plan with relevant legal judgments on the application of the Habitats Regulations that have been made during its preparation.

54. The screening report concludes no Appropriate Assessment is required as the Plan is *“unlikely to.....have significant effects on a European site”*. The updated assessment concludes that *“measures intended to avoid or reduce the harmful effects of the plan have not been relied on in order to screen out the neighbourhood plan.....and that the draft plan meets the revised Basic Condition.”*

55. The three statutory consultation bodies have been consulted and Natural England agrees the Plan will not have any likely significant effects on European Designated Sites.

56. The Plan meets this Basic Condition.

Other European obligations

57. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. This is asserted in the Basic Conditions Statement although no evidence is provided. I am satisfied that the Plan has appropriate regard to the rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and no contrary evidence has been presented. There has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate and transparent manner. The Plan meets this Basic Condition.

7. Detailed comments on the Plan policies

58. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that it meets the Basic Conditions. I provide comments on all policies in order to give clarity on whether the Plan meets the Basic Conditions. The final Policy numbering and some of the supporting text will need to be amended to take account of the recommended changes.

Green Environment

59. **Policy GE1** – This establishes the policy approach for development in the Special Landscape Area.

60. The Special Landscape Area is defined in Policy N37 of the Leeds Unitary Development Plan and this establishes a general policy approach to development. Policy GE1 develops this for the specific character of the Special Landscape Area within the neighbourhood area. This is an appropriate approach.

61. Policy GE1 is restrictively worded in defining what will make development "*acceptable*". National planning policy requires neighbourhood plans to be positive in approach and for planning policies to avoid being inflexible.

62. The Policy is supported by Map 2 which defines the boundaries of the Special Landscape Area. This is at too small a scale and the boundaries are too vaguely represented to provide the clarity necessary. The Special Landscape Area is clearly defined on the Policy Proposals Map and online and these sources should be referenced.

63. Policy GE1 does not meet the Basic Conditions.

- **M2 - Amend Policy GE1 to replace "*will be acceptable, provided it would*" with "*should*"**

- M3 - Provide a link to a high definition map depicting the boundary of the Special Landscape Area associated with Map 2

64. **Policy GE2** – This defines the local green infrastructure and establishes the policy approach.

65. The Policy complements and updates the approach established by Leeds City Council providing locally significant additions to the strategic green infrastructure established in the Core Strategy and shown in Map 3. The value of this green infrastructure is evidenced in the Unitary Development Plan. This is an appropriate approach.

66. WYG on behalf of Leeds City College seeks an amendment to the Strategic Green Infrastructure boundary established by the Core Strategy in 2014 given the subsequent allocation of some areas for development. As WYG acknowledges, Strategic Green Infrastructure is a non-neighbourhood plan designation and this means it is a matter for Leeds City Council to consider as part of any future Local Plan review rather than a matter for the neighbourhood plan. I note that developed sites can also play an important green infrastructure function and that, contrary to WYG's representations on behalf of Leeds City College, this function need not relate to the level of public access.

67. I note the concerns of West Yorkshire Ecology Service that the Plan does not address the designated Local Wildlife Sites or the habitats network. The scope of a neighbourhood plan is a decision for the Town Council. I note that the protection and enhancement of wildlife sites and the habitats network is addressed in the Leeds Core Strategy by Policies G8 and G9. The neighbourhood plan should not repeat policies found elsewhere in the development plan.

68. Policy GE2 meets the Basic Conditions.

69. **Policy GE3** – This designates 15 Local Green Spaces.

70. The Policy is supported by an assessment in Appendix 2 of candidate locations against the criteria for Local Green Spaces in national planning policy. The candidate list was derived from consultation and there is evidence of strong community support for the designations. The assessment is clear and well presented. It includes appropriately large scale maps and the sites are also identified on the Policy Proposals Map. Four sites were rejected through this process. One consequence of this is that the numbering of the proposed Local Green Spaces does not run sequentially and Appendix 2 includes sites not designated. This is a possible source of confusion once the Plan has been made. My assessment on visiting each of the proposed Local Green Spaces aligns with that provided in Appendix 2 with one exception. This includes noting the positive contribution made by those sites which include adopted highway and which gave concern to Leeds City Council at an earlier consultation stage. These sites are still appropriate for Local Green Space designation which relates only to planning applications for development. Leeds City Council has not made any representations on their inclusion in the submitted Plan.

71. The evidence supporting designation of land at West End/The Avenue as Local Green Space (reference 19) is heavily caveated. It *“may be”* accessible, *“may be”* used, is *“very likely”* to be wildlife rich, is *“probably”* associated with wildlife significance, *“may also”* have recreational significance, is *“likely”* to be demonstrably special and is of benefit only to a *“limited”* community. The site is entirely bounded by private dwellings and has no physical and limited visual access from public land. Although there is no requirement for Local Green Space to be publicly accessible, there is a need for its benefits to be evidenced and demonstrable. This is not the case and I recommend it is deleted.

72. The policy approach for Local Green Space should align with that of Green Belt. This applies the *“very special circumstances”* test to *“inappropriate”* development and not to all development.

73. Policy GE3 does not meet the Basic Conditions.

- **M4 - Amend Policy GE3 to:**
 - **insert *“Inappropriate”* before *“development”* in the second sentence**

- delete ***“Land at West End/The Avenue (19)”***

- M5 - Make consequential changes including to the Policy Proposals Map and Appendix 2 to exclude those areas of Local Green Space not designated
- OM7 - [Renumber the Local Green Spaces so they are sequential]

74. **Policy GE4** – This supports development which enhances protected green spaces.

75. This Policy is positively worded and supportive of development. The reference to development which complies with other plan policies is superfluous as all planning applications are considered in the light of all development plan policies.

76. Policy GE4 meets the Basic Conditions.

- OM8 - [Delete *“, and which complies with other policies in this Neighbourhood Plan or the Local Plan”*]

The Built Environment

77. **Policy BE1** – This is a comprehensive policy establishing the distinct policy approaches for each of ten character areas.

78. The Policy is supported by the Horsforth Design Statement, adopted as a Supplementary Planning Document in 2010, and four Conservation Area Appraisal and Management Plans. The character areas have been adapted to accommodate proposals to change a Local Heritage Area boundary and to include an additional area, Old Mill Beck, covering the extended neighbourhood area to the east. There is also relevant evidence defining views and vistas provided in Appendix 4. This combines to provide a strong evidence base and there is evidence of public support for the approach. The boundaries of the ten character areas are clear from the Policy Proposals Map. The Policy wording is supportive and enabling.

79. I note West Yorkshire Ecology Service's concern that Policy BE1 should also make provision for species related enhancement. Policy BE1 is an expression of the character of different areas and provision for wildlife should be addressed elsewhere in the Plan. Its omission is not a breach of the Basic Conditions.

80. I share WYG's concern on behalf of Leeds City College that the description of Character Area 9 as "*Green Belt*" is unhelpful but recognise this is the name used by the adopted Horsforth Design Statement. The boundary of the Green Belt as planning policy is, however, readily available and there are clear advantages in using consistent terminology in describing the character areas. My other recommendations concerning the references to Policy GE1 and GE2 address WYG's concerns on behalf of Leeds City College relating to their land. I am content that the wording of Policy BE1 is clear in describing the additional considerations for Rawdon Cragg Wood Conservation Area such that they do not apply to other parts of Character Area 9.

81. For Area 4 the reference to circumstances "*where permission is required*" is superfluous as planning policies only apply when a planning application is required. For Area 6 examples, such as "*keyhole-shaped recessed porches*", need to be evidenced in the supporting text. For Areas 7, 9 and 10 the cross-referencing of other Plan policies is superfluous as planning applications must be considered against all development plan policies. The reference to "*Policy BE2*" in Area 7 should in any case be to Policy BE3.

82. The Policy is supported by Map 4 which defines the boundaries of the Character Areas. This is at too small a scale and the boundaries are too vaguely represented to provide the necessary clarity. The Character Areas are clearly defined on the Policy Proposals Map and online and these sources should be referenced. There is an error in the name of Character Area 9 in Map 4.

83. Policy BE1 meets the Basic Conditions.

- **M6 - Amend Policy BE1 to:**
 - [Delete "*where permission is required*" in Area 4c]

- **[Delete the bracketed text at the end of Area 6]**
 - **[Delete the first bullet of Area 7 and Area 10 and the first two bullets of Area 9]**
- OM9 - [Correct the name of Character Area 9 “*Green Belt*” in Map 4]
 - M7 - Provide a link to a high definition map depicting the boundary of the Character Areas associated with Map 4

84. **Policy BE2** – This establishes the policy approach to shop lighting and signage.

85. The Policy relates only to issues of amenity and public safety as required by national planning policy (NPPF paragraph 132). It is supported by the same evidence base as Policy BE1.

86. The Policy does not make it clear whether all of the criteria apply to each application.

87. Policy BE2 meets the Basic Conditions.

- **OM10 - [Amend Policy BE2 to add “; and” at end of the third bullet]**

88. **Policy BE3** – This establishes specific design considerations for the Upper West End Lane/Southway Estate area.

89. The Policy is a response to representations from the local community supported by relevant evidence of the special character of this area which is provided in Appendix 5. The boundary is defined on the Policy Proposals Map.

90. I have considered whether the addition of a separate character area to the ten which cover the entire neighbourhood area is appropriate. There is a risk of creating unnecessary ambiguity in conflict with national planning policy by having a supplementary character area.

91. The area defined in Policy BE3 is almost all in Character Area 7 and there is no substantive evidence provided for the small variations south of Lee Lane West or for the inclusion of Lee Lane Farm. My own assessment on visiting the area is that the Horsforth Design Statement provides a stronger evidence base for defining the character area boundaries and I did not find reason to justify the addition of an overlapping character area. I conclude that the intent of Policy BE3 can best be achieved through an amendment to Policy BE2 which integrates it into the considerations for Area 7.

92. Policy BE3 does not meet the Basic Conditions.

- **M8 - Delete Policy BE3 and make consequential amendments to the numbering of the Plan**
- **M9 - Insert the wording of Policy BE3 into the considerations for Area 7 in Policy BE1 after “*in the area*” and replace the “-“ for each consideration with letters “a) to i)”**
- M10 - Amend the Policy Proposals Map to align the boundary of the Upper West End Lane/Southway Estate with that of the boundary between Area 7 and Area 9 along Lee Lane West, including the deletion of Lee Lane Farm
- M11 - Make consequential changes to the supporting text and Policy Proposals Map Key

93. **Policy BE4** – This defines two Local Heritage Areas where sympathetic enhancement is supported.

94. The Policy is supported by evidence in Appendix 6 defining the Local Heritage Areas based on an assessment of the properties contained within them. The boundaries are clearly presented on the Policy Proposals Map. The merits of these areas being recognised as undesignated heritage assets are provided by the evidence presented and my own visual assessment of both areas confirmed their historic interest.

95. It is important that the two Local Heritage Areas are not confused with being Conservation Areas. The merits for whether they are “*worthy of similar protection*” is not a matter for a neighbourhood plan and Conservation Area designations are made by Leeds City Council.

96. Policy BE4 meets the Basic Conditions

- OM11 - [Replace “*similar protection*” with “local protection as a non-designated heritage asset” in the supporting text in last paragraph of page 23]

97. **Policy BE5** – This establishes the policy approach to development in the North Road / Scotland Lane Local Heritage Area

98. Policy BE5 is supported by the same evidence base as Policy BE4. It is non-prescriptive and positively worded. It is unclear whether all of the policy considerations apply to each planning application.

99. Policy BE5 meets the Basic Conditions.

- OM12 - [Add “; and” to the end of the penultimate bullet point and end all except the last bullet point with a semi-colon.]

100. **Policy BE6** – This establishes the policy approach to development in The Brownberries Local Heritage Area

101. Policy BE6 is supported by the same evidence base as Policy BE4. It is non-prescriptive and positively worded. It is unclear whether all of the policy considerations apply to each planning application.

102. Policy BE6 meets the Basic Conditions.

- OM13 - [Add “; and” to the end of the penultimate bullet point and end all except the last bullet point with a semi-colon.]

103. **Policy BE7** – This identifies four non-designated assets and establishes the policy approach to their protection.

104. The Policy is supported by an assessment of the four proposed non-designated assets in Appendix 7 and there is evidence of strong public support for the approach. My own visual assessment of the four proposed non-designated assets accords with the evidence presented. There is an error in the Policy wording and on the Policy Proposals Map which describe Stanhope Drive “*Poplar*” Tree Avenue and not “*Lime*”.

105. For consistency Policy BE7 should also address the non-designated assets represented by the two Local Heritage Areas in Policy BE4.

106. Policy BE7 meets the Basic Conditions.

- **M12 – Amend Policy BE7 to replace “*Poplar*” with “*Lime*”** and make the same correction to the Policy Proposals Map
- **OM14 - [Amend Policy BE7 to add “Local Heritage Areas (Policy BE4)” as an additional bullet]**

Housing

107. The Plan is informed by extensive consultation on proposals developed by Leeds City Council for accommodating future housing development. It is guided by the Local Plan in determining the level and location of future housing development and places specific policy consideration on six future housing sites identified by Leeds City Council in the Site Allocations Plan. The Site Allocations Plan was adopted after submission of the neighbourhood plan and the supporting text needs to reflect this.

108. **Policies H1 to H6** – These establish local policy requirements for six housing sites.

109. These sites are clearly identified on the Policy Proposals Map.

110. I note the concerns expressed by WYG on behalf of Leeds City College that Policy H3 is not consistent with Leeds City Council's recently adopted Site Allocations Plan. It considers this to be a breach of the Basic Conditions because the site allocation is a strategic policy, the effect of Policy H3 will be to *"constrain the delivery"*, and there has not been sufficient consultation. I also note that Leeds City Council believes the Plan has regard to its strategic planning policies and that these are provided by the Core Strategy. While it would have been preferable to see wider and earlier consultation with landowners on Policy H3, I do not consider the policy considerations in Policy H3 are either in conflict with the Site Allocations Plan or are unreasonable. With regard to the specific representations on vehicle access I note that Policy H3 presents a flexible approach with options and that the Site Allocation Plan also states that *"Horsforth roundabout will require alteration"*. I also make recommendations below to increase the flexibility of all of Policies H1 to H6 so that these are consistent with national Planning Practice Guidance and do not *"constrain the delivery"*. The considerations of Policy H3 are not binding. WYG acting on behalf of Leeds City College correctly identifies an error in the Site Allocations Plan reference number used for the site adjacent to that in Policy H3.

111. I note the concerns of Anne Bell that Policy H3 will create congestion at Horsforth Roundabout and also note that the site is allocated in an adopted plan and that Policy H3 seeks to ensure the road system can *"accommodate development traffic"*.

112. My own review of the sites indicates that the policy considerations are reasonable and appropriate to the neighbourhood plan's role in providing more local detail than the Local Plan.

113. The drafting of Policies H1 to H6 is too prescriptive in stating what *"will"* be required of planning applications on each of the sites. Policies H1, H2, H3, H5 and H6 also include

unnecessary references to compliance with other policies in the Plan. All planning applications are considered against all policies in the development plan. Since the content of Policy H5 relates only to other Plan policies it does not serve a “clear purpose” (NPPF, paragraph 16) and should be deleted although I do not consider this is a breach of the Basic Conditions. I also agreed with WYG’s representations on behalf of Leeds Trinity University that Policy ES2 is not relevant to Policy H5 as the site will not functionally be part of Leeds Trinity University.

114. Policies H1, H2, H3, H4, H5 and H6 do not meet the Basic Conditions.

- **M13 - Amend Policies H1, H2, H3, H4, H5 and H6 to replace “will” with “should” after “Map”**
- **OM15 - [Delete Policy H5 and make consequential changes to the supporting text and Policy Proposals Map]**
- **M14 - Delete the last bullet of Policy H5 (if retained)**

- OM16 - [Amend the supporting text in the penultimate paragraph of page 27 to recognise the Site Allocations Plan is now adopted and includes the six sites identified in the neighbourhood plan]
- OM17 - [Correct the reference number (from “HG2” to “HG1” in the supporting text for Policy H3 relating to the area of recently granted planning permission.)]

115. **Policy H7** – This establishes a policy requirement for mixed housing with an emphasis on mixed tenure, and provision of family and starter homes and accommodation designed for the elderly.

116. The Policy is intended to secure a greater mix of housing on sites smaller than the thresholds identified in the Local Plan and there is evidence of public support for the approach. The Policy lacks an evidence base on the nature of future housing needs (NPPF, paragraph 61) and I have considered whether this is a breach of the Basic Conditions. I am

satisfied that the evidence supporting a housing mix in the Local Plan is relevant and the Policy is drafted so that it is enabling and non-prescriptive in its approach.

117. Policy H7 meets the Basic Conditions.

118. **Policy H8** – This supports housing for independent living in developments between 5 and 50 dwellings.

119. The Policy is intended to secure the supply of houses for independent living on sites smaller than the 50 dwelling threshold in the Local Plan. There is evidence of public support for the approach. The Policy lacks an evidence base as to the scale and nature of the need for housing for independent living and the Policy is prescriptive in setting a threshold for its delivery on development sites as small as five dwellings. This is not consistent with national planning policy (NPPF, paragraph 61) and there is an insufficient evidence base to justify the approach. I recommend the issue is addressed less prescriptively as part of an amended Policy H7.

120. Policy H8 does not meet the Basic Conditions.

- **M15 - Delete Policy H8 and make consequential changes to the supporting text**
- **M16 - Add “Housing for independent living” as an additional bullet in Policy H7**

Employment and Shopping

121. **Policy ES1** – This restricts conversion to A5 hot food take away uses in specified centres.

122. Policy ES1 is supported by evidence of the quantum and percentage of A5 uses across the entire neighbourhood area (22 units, 8%). There is also evidence of public support and the policy approach is similar to that of Strategic Policy P4 in relation to restaurants, cafes and hot food takeaways in smaller parades. Leeds City Council has

recently adopted a *Hot Food Takeaway* Supplementary Planning Document including guidance on the acceptable level of clustering of A5 uses.

123. On request I was provided with a breakdown of the quantum and percentage of different uses for each of the recognised centres. This also resulted in clarification of the figures which showed that the proportion of A5 uses is significantly higher than shown in the Plan (38 units, 13%). A5 uses comprise 11% of units in Town Street and 15% in New Road Side.

124. Policy ES1 is negatively worded in stating that proposals for A5 uses “*will be resisted*” and the evidence base is insufficient to justify such a restrictive approach. The Policy also lacks clarity in determining what constitutes “*concentrations of A5 uses*” and the policy considerations are relevant to all changes of use to A5 not only those from other A use classes.

125. Policy ES1 does not meet the Basic Conditions.

- **M17 – Replace Policy ES1 with “Proposals for the change of use to A5 hot food takeaway should demonstrate that they will not:**
 - a) **Undermine the vitality and viability of existing retail uses to meet day to day local needs;**
 - b) **Increase the need to travel; and**
 - c) **Lead to a concentration of A5 uses which will detrimentally impact on the community, including consideration of:**
 - **cumulative impact, particularly upon the amenity of the area and traffic generation, especially where concentrations of A5 uses already exist; and**
 - **the impact of any proposal involving evening opening in relation to the proximity of the premises (and associated parking requirements) to residential accommodation, the nature and character of the neighbourhood and existing noise levels. ”**

- M18 - Add the following to the supporting text “In assessing concentrations of A5 uses regard will be had to the guidance on clustering provide in Leeds City Council’s Supplementary Planning Document *Hot Food Takeways* (April 2019).”
- M19 - Update the supporting text and evidence with the revised information on the breakdown of different uses across the neighbourhood area

126. **Policy ES2** – This establishes policy considerations for development at Leeds Trinity University.

127. The Policy is supported by the results of public consultation over policy requirements to guide any expansion of Leeds Trinity University.

128. WYG on behalf of Leeds Trinity University has made representations on the clarity of wording, accuracy of the site description and the approach to providing additional on-campus car parking provision.

129. I have considered whether “*desirability*” is an appropriate term for a plan policy and conclude that it provides a sufficiently clear sense of the outcome sought. I disagree with WYG’s representations on behalf of Leeds Trinity University that the Plan’s supporting text does not accurately describe the context for building heights. It references one five-storey building and seeks a “*pragmatic approach, based on buildings heights being in keeping with the local topography, as well as with the existing built character*”.

130. There is a tension between the desirability of maintaining existing car parking capacity and of increasing it which is not resolved by the Policy and which is a potential source of confusion. Horsforth Town Council has clarified that the principle concern relates to parking on local roads outside the campus and this also corresponds with WYG’s representations on behalf of Leeds Trinity University. This parking pressure can be addressed in a number of ways not just through increased parking provision on-campus.

131. It is unclear that all the criteria in Policy ES2 apply to relevant planning applications.

132. Policy ES2 does not meet the Basic Conditions.

- **M20 - Amend Policy ES2 to:**
 - **replace the third bullet with “The benefits for the surrounding area of reducing parking pressure on local roads.”**
 - **add “and” to the end of the penultimate bullet**

Community Facilities and Services

133. **Policy CFS1** – This protects and enhances an identified list of community facilities.

134. The Policy is supported by a list of 19 community facilities, 15 of which have only a website link by way of evidence. Nevertheless, the 19 community facilities are prima facie of value to the local community and this was confirmed during my visit.

135. WYG on behalf of Leeds Trinity University has made representations that provision of the Leeds Trinity University Sports Centre facilities for the community is a management decision and not one which should be fettered by planning policy. My assessment of Policy CFS1 is that it takes a wider view of what constitutes “community need” than this and it would include the use of the Sports Centre facilities by students who are a part of the Horsforth community. Core Strategy Policy P9 already makes similar provision for the provision of alternative facilities and the main effect of Policy CFS1 is to provide local detail on what constitutes community facilities in the area. Policy CFS1 would not fetter whether Leeds Trinity University continued to make its facilities available to the wider community and I recommend an addition to the supporting text to clarify this.

136. Policy CFS1 contains superfluous references to development “requiring planning permission” and that which is “acceptable in principle”. In response to my request Horsforth Town Council has confirmed that the reference to “commercially provided facilities” relates to any facility listing “charges for its use or hire”. It then identifies four different ways in which charges are made. The term is confusing and does not provide the clarity necessary

for an effective policy. Those cases where a facility may need to close on commercial grounds are addressed by the requirement that a *“continuing community need is identified”*.

137. Policy CFS1 does not meet the Basic Conditions.

- **M21 - Amend Policy CFS1 to:**
 - Delete *“requiring planning permission”* in the first line
 - Delete the second paragraph beginning *“Commercially provided facilities”*
 - Delete *“acceptable in principle”* in the last paragraph
- M22 - Add *“(including the student community)”* after *“community”* in the second line of the last paragraph before the Policy Box on page 37

138. **Policy CFS2** – This encourages the development of new community facilities.

139. The Policy is encouraging and positively worded.

140. Policy CFS2 meets the Basic Conditions.

141. **Policy CFS3** – This establishes the policy approach to schools development.

142. The Policy is supported by evidence that schools development will take place during the lifetime of the Plan. The drafting is such that it is unclear whether all the considerations apply.

143. Policy CFS3 meets the Basic Conditions.

- **OM18 - [Amend Policy CFS3 to add “and” at the end of the second bullet]**

144. **Policy CFS4** – This establishes a policy expectation for the provision of drop off points within school grounds.

145. The Policy is enabling and non-prescriptive. It could be combined with Policy CFS3 but also stands alone.

146. Policy CFS4 meets the Basic Conditions.

Traffic and Transport

147. Policies TT1 and TT2 are supported by evidence commissioned by Horsforth Town Council which identifies the importance of some car parks to business and shopping functions and capacity issues in some locations. National planning policy is supportive of increasing modal choice, reducing the need to travel and improving the quality (not quantity) of town centre parking (NPPF, section 9). Leeds City Council Core Strategy Policy T1 recognises the need to provide “adequate parking” to ensure the health and vitality of town centres. Leeds City Council’s Supplementary Planning Document *Parking* (2016) encourages new off-street car parking in town centres to meet excess demand where measures to manage existing car parks and reduce demand have been taken (paragraph 6.4.6).

148. Policies TT1 and TT2 refer to “Horsforth’s centres”, “existing centres” and “identified centres” and indicate that they are shown on the Policy Proposals Map. The Policy Proposals Map has three blue hatched “Town and Local Centres”. This is a potential source of confusion and a single description is recommended.

149. **Policy TT1** – This establishes the policy approach to public car parks, seeking to protect existing capacity and increase it at selected locations.

150. The Policy identifies two locations “in Horsforth’s centres” where loss of car parking capacity to development “will be resisted”. These are shown on the Policy Proposals Map. Fink Hill Car Park is located within the designated Centre. The former Adult Care Services Car Park is not located in the designated Centre and it is therefore unclear which Town or Local centre should be providing compensatory parking. It is unclear from the numbering

on the Policy Proposals Map which car park is which and the red diagonal shading is also unclear. The Policy is negatively worded.

151. The evidence base shows that the two locations are only sometimes at full capacity, there are significant periods when they are well below capacity and there is capacity elsewhere in the designated centre.

152. The Policy encourages development which provides capacity in designated centres or at the railway station that exceeds recommended parking standards. There is no information provided on the source of these parking standards and the reference to compatibility with other Plan policies is superfluous. It also encourages additional capacity at Fink Hill car park.

153. I do not find the evidence base supports such an encouraging approach to increasing parking capacity in Horsforth's centres. It shows a degree of parking stress and the Policy does not consider alternatives to reducing demand. Three of the car parks are not pay and display and the car park with the most capacity is pay and display. My visit confirmed there is also significant additional short stay parking available which is not included in the study, including a major supermarket and an additional private car park off Fink Hill. The evidence base is not sufficient to justify exceeding recommended parking standards established by Leeds City Council.

154. Policy TT1 does not meet the Basic Conditions.

- **M23 - Amend Policy TT1 to:**
 - **Delete "*in Horsforth's centres*" in the first sentence**
 - **Replace "*which would result in the loss of car parking capacity will be resisted*" with "*should not result in the loss of car parking capacity*" in the first sentence**
 - **Add "*which results in the loss of existing car parking capacity*" after "*permitted*" in the second sentence**

- Replace “*will be expected*” with “**should be provided**” in the second sentence
 - Delete “*or greater*” in the second sentence
 - Replace “*identified centres*” with “**nearest Town or Local Centre**” in the second sentence
 - Replace “*existing centres*” with “**Town or Local Centre**” in the second paragraph
 - Replace “, *in excess of recommended parking standards*”, and which *complies with other policies in this Neighbourhood Plan or in the Local Plan, will be encouraged*” with “**will be supported.**” in the second paragraph
 - Replace “*is particularly encouraged*” with “**will be supported**” in the third paragraph
- OM19 - [Add numbers relating to those on the Policy Proposals Map after each of the named car parks (e.g. (1) and (2))]
 - OM20 - [Add “Recommended parking standards for Horsforth are provided in Leeds City Council’s Supplementary Planning Document *Parking (2016)*” to the supporting text.]

155. **Policy TT2** - This establishes the policy approach to private car parks, seeking to protect existing capacity and increase it at selected locations.

156. The Policy identifies three locations where loss of car parking capacity to development “*will not be supported*” unless it meets specific criteria. These are shown on the Policy Proposals Map. It is unclear from the numbering on the Policy Proposals Map which car park is which. The Policy is negatively worded.

157. The evidence base shows that the two of the three locations are only sometimes at full capacity, there are significant periods when they are well below capacity and there is capacity elsewhere in the designated centre. One of the car parks – the only one to be pay and display – is never more than half full.

158. The Policy encourages development which provides capacity in designated centres or at the railway station that exceeds recommended parking standards. There is no information provided on the source of these parking standards and the reference to compatibility with other Plan policies is superfluous. It also encourages additional capacity at the “Crabtree” Site car park.

159. As with Policy TT1 I do not find the evidence base supports such an encouraging approach to increasing parking capacity in Horsforth’s centres. It shows a degree of parking stress and the Policy does not consider alternatives to reducing demand, including use of pay and display. There is evidence that Maverick’s Car Park is under and not over used. My visit confirmed there is also significant additional short stay parking available which is not included in the study, including a major supermarket and an additional private car park off Fink Hill. The evidence base is not sufficient to justify exceeding recommended parking standards established by Leeds City Council.

160. Policy TT2 does not meet the Basic Conditions.

- **M24 - Amend Policy TT2 to:**
 - **Replace “Horsforth’s” with “Town or Local” in the first sentence**
 - **Replace “*will not be supported unless: - It can be clearly demonstrated*” with “should demonstrate” in the first sentence**
 - **Delete “Maverick’s Car Park (off Feast Field)” and make consequential changes to the Policy Proposals Map**
 - **Replace “*in excess of recommended parking standards*”, and which *complies with other policies in this Neighbourhood Plan or in the Local Plan, will be encouraged*” with “will be supported.” in the second paragraph**
 - **Replace “*is particularly encouraged*” with “will be supported” in the third paragraph**

- **OM21 - [Add numbers relating to those on the Policy Proposals Map after each of the named car parks (e.g. (1) and (2))]**

161. **Policy TT3** – This established the policy framework for the relationship between new development and cycling, walking and equestrian provision.

162. The Policy is supported by Map 7 depicting the existing footpath, cycleway and bridleway network and evidence of strong public support. Map 7 is poorly reproduced although the detail of the network is also provided on the Policy Proposals Map. Map 7 is also labelled as Map 6.

163. I note John Barber’s representations that further improvements to the cycleway network are needed and are not achieved by the neighbourhood plan. I also note the intention of the plan is to support new and improved provision for cycling.

164. Policy TT3 requires all development likely to increase usage of the network to provide connections or contribute to new provision. This would affect development with only a marginal impact on the network and is both too onerous and not justified by the evidence.

165. The Policy is too prescriptive in stating what development “*must*” ensure and includes superfluous references to the need for compliance with other Plan policies.

166. Policy TT3 does not meet the Basic Conditions.

- **M25 - Amend Policy TT3 to:**
 - Add “*significantly*” after “*likely to*” in the second paragraph
 - Delete “*and which comply with other policies in this Neighbourhood Plan or in the Local Plan*” in the third paragraph
 - Replace “*must*” with “*should*” in the fourth paragraph
 - Delete “*, subject to compliance with other policies in this Neighbourhood Plan or in the Local Plan*” in the fifth paragraph

- M26 - Replace Map 7 with a higher quality definition and delete the Map 6 - Cycleways and Footpath Network” title

8. Recommendation and Referendum Area

167. I am satisfied the Horsforth Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.