

Barwick in Elmet & Scholes Parish Council

**Barwick in Elmet & Scholes  
Neighbourhood Plan  
2017 - 2028**

**Independent Examiner's Report**

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13 July 2017

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## Summary

I have been appointed as the independent examiner of the Barwick in Elmet & Scholes Neighbourhood Development Plan. The Parish is located to the east of Leeds with two main villages of Barwick in Elmet and Scholes and further more scattered hamlets and farmsteads. It has a population of about 5, 000. With the exception of the two villages, the Parish is washed over by the Green Belt.

The Plan takes a straightforward approach to its presentation with policies clearly differentiated and photographs throughout the Plan add to its individuality. Policies cover a range of topics from heritage to local green spaces, from housing to community facilities and many more besides.

Further to consideration of the Plan and its policies I have recommended a number of modifications that are intended to ensure that the basic conditions are met satisfactorily and that the Plan is clear enabling it to provide a practical framework for decision-making.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Leeds City Council that the Barwick in Elmet & Scholes Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
13 July 2017



## 1.0 Introduction

This is the report of the independent examiner into the Barwick in Elmet & Scholes Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Leeds City Council (LCC) with the agreement of Barwick in Elmet & Scholes Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The examiner is required to check<sup>1</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

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<sup>1</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

The basic conditions<sup>2</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site<sup>3</sup> or a European offshore marine site<sup>4</sup> either alone or in combination with other plans or projects.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Leeds City Council. The plan then becomes part of the 'development plan' for the area and a

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<sup>2</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>3</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>4</sup> As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>5</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

statutory consideration in guiding future development and in the determination of planning applications within the plan area.

### **3.0 Neighbourhood plan preparation and the examination process**

A Consultation Statement has been submitted which meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work began on the Plan towards the end of 2011. A very useful and clear summary of the process and consultation steps undertaken is provided in Appendix 1 of the Consultation Statement. This approach is commended to other Groups.

Five surveys were undertaken. The first, a Parish survey, looked at key issues and aspirations and was sent to all households in the Parish and achieved a response rate of 23%. The second was specifically aimed at younger people. The third was aimed at businesses in Scholes, but yielded low results which resulted in informal meetings with businesses in Barwick in Elmet. The fourth focused on Scholes Lodge Farm, an open space owned by the Parish Council and aimed to ascertain views on the best use of this green space. The last was a housing needs survey undertaken by an independent consultant.

In addition public events, drop-in open days and written contributions all assisted to shape the Plan. The Group took advantage of Locality support and consultancy input.

Interestingly, different approaches were used in each village, for example a questionnaire was circulated to businesses in Scholes and landowners contacted in Barwick in Elmet.

Importantly progress was fed back to residents throughout the process in a variety of ways including public meetings and via a website and the quarterly Parish Newsletter. Facebook was also used and coverage gained in the local press. Collaborative working with other community groups was undertaken.

Pre-submission (Regulation 14) consultation took place between 11 April – 31 May 2016. An extension until 7 June 2016 was given to statutory consultees as the Parish Council explains some letters were delayed. The draft Plan was available online and at various locations in the Parish as well as available on request. A summary was delivered to every household and business in the Parish as well as contacting other relevant organisations and bodies. 18 responses were received. Appendix 4 of the Consultation Statement details the responses to the Regulation 14 consultation period and the response to them.

An informal consultation took place with residents, businesses and statutory consultees before the pre-submission consultation between 6 January – 28 February 2015 although this is not particularly clear from Table 1 in the Consultation Statement. This produced

177 responses. It is this figure which is referred to on page 7 of the Consultation Statement in relation to the formal pre-submission period of consultation and the Parish Council confirms this figure should be 18 rather than 177. Whilst it is not necessary for me to recommend any modifications in this respect, the Parish Council may wish to add a note to the Consultation Statement to clarify the position.

I consider there has been sustained and excellent engagement with, and feedback to, the community throughout the process.

Submission (Regulation 16) consultation was carried out between 30 January – 13 March 2017. The Regulation 16 stage attracted seven representations from different people or organisations. I have on occasion referred to a specific representation, but not others; this simply depends on the nature of the comments made. Whether or not I refer to a specific representation, I have considered and taken them all into account in preparing my report.

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>6</sup> Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further additions or amendments are required.

PPG explains<sup>8</sup> the general rule of thumb is that the examination will take the form of written representations,<sup>9</sup> but there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. I have sought clarification on a number of matters from the Parish Council and LCC in writing and my list of questions is attached to this report as Appendix 2. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

I made an unaccompanied site visit to Barwick in Elmet, Scholes and Potterton and the neighbourhood plan area on 9 April 2017.

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<sup>6</sup> PPG para 055 ref id 41-055-20140306

<sup>7</sup> *Ibid*

<sup>8</sup> *Ibid* para 056 ref id 41-056-20140306

<sup>9</sup> Schedule 4B (9) of the Town and Country Planning Act 1990

## 4.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

### Qualifying body

Barwick in Elmet and Scholes Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### Plan area

The Plan area was approved by Leeds City Council on 23 July 2013. The Plan area is not coterminous with the Parish administrative boundary; it excludes an area at the southern end of Barwick in Elmet and another area in the Scholes ward. The reasons for this are explained in section 2.4 of the Plan. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with the necessary requirements. The Plan area is clearly shown on pages 15 and 85 of the Plan.

### Plan period

The Plan covers the period 2017– 2028. This is clearly stated on the Plan’s front cover and confirmed in the Plan itself and in the Basic Conditions Statement (BCS).

### Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also usefully confirmed in BCS.

### Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community’s priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>10</sup> Subject to any such recommendations, this requirement can be satisfactorily met.

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<sup>10</sup> PPG para 004 ref id 41-004-20140306



## 5.0 The basic conditions

### Regard to national policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shape and direct development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.<sup>11</sup>

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.<sup>12</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [planningguidance.communities.gov.uk](http://planningguidance.communities.gov.uk). The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to this in preparing this report.

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.<sup>13</sup>

PPG indicates that a policy should be clear and unambiguous<sup>14</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.<sup>15</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>16</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>17</sup>

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<sup>11</sup> NPPF paras 14, 16

<sup>12</sup> *Ibid* para 184

<sup>13</sup> *Ibid* para 17

<sup>14</sup> PPG para 041 ref id 41-041-20140306

<sup>15</sup> *Ibid*

<sup>16</sup> *Ibid* para 040 ref id 41-040-20160211

<sup>17</sup> *Ibid*

The BCS sets out how the Plan has responded to national policy and guidance through a table which lists the Plan policies and highlights the most relevant paragraphs from the NPPF together with a brief comment.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole<sup>18</sup> constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.<sup>19</sup>

The BCS contains Table 3 which assesses each individual policy in the Plan in terms of economic, social and environmental factors.

### **General conformity with the strategic policies in the development plan**

The development plan consists of the Leeds City Council Core Strategy (CS) adopted on 12 November 2014 which sets out the spatial vision to 2028. Saved policies of the Leeds Unitary Development Plan Review (UDP), adopted in 2006, are also extant. The Natural Resources and Waste Local Plan adopted on 16 January 2013 may also be of relevance.

Spatial Policy 1 of the CS focuses the majority of new development in the Main Urban Area and Major Settlements. Smaller settlements will contribute to development with the scale of growth based on settlement size, function and sustainability. Both Barwick in Elmet and Scholes are identified in the settlement hierarchy as "smaller settlements". The priority will be previously developed land, other suitable infill sites and locations for extensions to the Main Urban Area or Major Settlements.

The CS explains that the level of housing growth is anticipated to be the highest of any authority in England. Spatial Policy 6 provides for some 70,000 dwellings (net). It is recognised that a review of the Green Belt will be progressed through a Site Allocations Plan. Within this context about 70% is anticipated to be within existing settlements, 21% on the edge of the Main Urban Area or Major Settlements and about 8% of urban extension land should be found on land adjoining the smaller settlements.

Spatial Policy 7 seeks some 7,500 dwellings to be provided within smaller settlements and distributes 5,000 dwellings (about 8%) to the Outer North East Housing Market Characteristic Area within which the Plan area falls. Spatial Policy 10 commits to a review of the Green Belt. The UDP designated land outside of the Green Belt as Protected Areas of Search (PAS) and it is intended new areas of PAS will be identified. The policy indicates that Green Belt release will be considered around the Smaller Settlements.

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<sup>18</sup> NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

<sup>19</sup> *ibid* para 7

Table 2 of the BCS lists the Plan policies alongside the CS policies with a brief comment on conformity.

LCC are currently producing a number of planning policy documents including a Site Allocations Plan. This was submitted to the Secretary of State on 5 May 2017.

### **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.<sup>20</sup>

### **Strategic Environmental Assessment**

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

A Screening Report dated August 2016 has been submitted. LCC has assessed the draft Plan of December 2015 and has determined that a SEA is not required. The requisite consultation with the statutory consultees was undertaken. All three statutory consultees responded and concur with the conclusions of the screening assessment that there will be no likely significant environmental effects and a SEA is not required.

EU obligations in respect of SEA have been satisfied.

### **Habitats Regulations Assessment**

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identified whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>21</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

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<sup>20</sup> PPG para 031 ref id 11-031-20150209

<sup>21</sup> *Ibid* para 047 ref id 11-047-20150209

The nearest European site to the Plan area is the Kirk Deighton Special Area of Conservation (SAC). Through the same screening process carried out in August 2016, LCC has confirmed that a HRA will not be required. Natural England concurs with this assessment.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in primary legislation as detailed in section 2.0 of this report. In my view, the Plan complies with this basic condition.

The Screening Report recognises that the Plan will need to be reassessed and updated in respect of both SEA and HRA if the contents of the Plan changes.

### **European Convention on Human Rights (ECHR)**

The BCS contains a short statement about fundamental rights and freedoms guaranteed under the ECHR and confirms the Plan complies with the Human Rights Act 1998. There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

## **6.0 Detailed comments on the Plan and its policies**

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in *bold italics*.

The Plan is very well presented. It has an eye-catching front cover, a welcoming foreword and a helpful contents page. It is clearly laid out with a number of photographs of the area and is easy to read and use. Policies are clearly differentiated in bold text and sit within coloured boxes. Overall the Plan takes an effective approach to its presentation and is of a high standard.

### **1. Executive Summary**

This is a clearly worded and helpful introduction to the Plan.

### **2. Background**

This clearly worded section explains the context and background to the Plan which has built on earlier work on a Parish Plan and Village Design Statement. The section contains a very helpful diagram of the process followed.

I recommend a minor wording change to section 2.3 in the interests of accuracy.

- **Change the words “Leeds Local Plan” to “Leeds *Development Plan*’ in the fifth paragraph of section 2,3 on page 13 of the Plan**

### **3. About the Neighbourhood Area**

This is a well-worded section that includes some contextual information about the Plan area.

### **4. Vision and objectives**

The vision for Barwick in Elmet & Scholes is:

“The Vision is for Barwick in Elmet and Scholes Neighbourhood Area to maintain its essential character as a rural community; within easy reach of the city environs, yet separate and distinct at the same time. In maintaining this identity, we wish to ensure that our citizens are given opportunities to contribute to the vitality of the community; opportunities to work and learn in the community; opportunities to live healthy and satisfying lives in the community.”

The vision is underpinned by five objectives. All relate to the development and use of land and are clearly articulated.

I note that a representation is concerned that the word “adequate” in the third objective may not reflect the NPPF’s stance on boosting housing supply; the word is usually taken to mean satisfactory or acceptable in quality or quantity when it is used as an adjective and so I do not consider the objective needs any revision in relation to my remit.

Given the changes recommended for Policy BE3 later on in my report, objective four should be revised to ensure the policies align with the objective and vice versa. Accordingly a modification is made.

- **Reword objective four to read: “To promote a sustainably maintained green corridor between urban east Leeds *towards Scholes to provide multi-functional green infrastructure.*”**

## 5. Key themes and policies

This section of the Plan contains the policies based around five themes.

### *Landscape and the Environment*

#### Policy LE1 Conserving historic character

This policy seeks to ensure that development proposals reflect the character and appearance of the locality, encouraging landscaping and screening where appropriate.

The second element requires proposals to have “due regard” to various non-designated heritage assets which are identified on page 37 of the Plan and in Appendix 3. I have considered whether this phraseology is sufficiently precise to accord with national policy and guidance. The NPPF recognises that heritage assets are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance.<sup>22</sup> The policy also generally conforms with CS Policies P11 and P12 which are of particular relevance. With a modification to make this part of the policy more precise and clear, the policy will meet the basic conditions.

- **Add at the end of criterion (ii) “*in line with national policy and guidance and other development plan policies.*”**

#### Policy LE2 Enhancing the Public Rights of Way network

There are three elements to this policy. The first offers blanket support for proposals that improve public rights of way. Whilst I understand what is meant and sustainable transport modes are supported by national policy<sup>23</sup> as well as CS Policy T2, blanket support may inadvertently result in otherwise unacceptable development being permitted. A modification is therefore recommended to ensure this is avoided in the interests of clarity.

I also note that the Leeds Local Access Forum have recommended a map of the public rights of way network and a description of the routes is added to the Plan and that this information is readily available. Whilst this is not a recommendation I need to make in respect of the basic conditions, it would be helpful and I commend it to the Group for their consideration.

The second and third elements of the policy which support a footpath/cycleway along a former railway line and walking/cycling/horseriding provision along the East Leeds

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<sup>22</sup> NPPF para 126 and section 12

<sup>23</sup> *Ibid* para 35 and section 4

Orbital Road are clearly worded and help to achieve national policy aims of sustainable transport modes and encouraging healthier lifestyles.

- **Delete the words “Development proposals which would bring about” from criterion (i) so that the criterion begins “Improvements to...” and add at the end of this criterion “as part of otherwise acceptable schemes or as standalone proposals.”**

### **Policy LE3 Renewable Energy**

Support for renewable energy schemes is given by this policy subject to four criteria. Part of the Plan area falls within the Green Belt. In the Green Belt, the NPPF states that elements of many renewable energy projects will comprise inappropriate development and in such cases very special circumstances will need to be demonstrated. Those very special circumstances may include wider environmental benefits.<sup>24</sup> The policy needs to acknowledge the Green Belt issue in order to take account of national policy and guidance. Otherwise, the policy will support renewable energy whilst ensuring that any potential adverse impacts are addressed satisfactorily.

- **Add a new criterion (v) that reads: “Where proposals are sited in the Green Belt, proposals will be assessed in line with national and other policies on development in the Green Belt.”**

### ***The Built Environment***

There is a typographical error in the last paragraph on page 45 of the Plan that should be corrected as part of final editing (Area instead of Areaa).

### **Policy BE1 Achieving high quality and sympathetic building design**

High quality design is sought by this policy. It is clearly worded and seeks to ensure that new development is appropriate and reinforces the local distinctiveness of the Plan area. It will therefore help to achieve sustainable development and takes account of national policy and guidance which particularly seeks good design indicating it is indivisible from good planning.<sup>25</sup> It therefore meets the basic conditions and no modifications are recommended.

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<sup>24</sup> NPPF para 91

<sup>25</sup> *Ibid* para 56 and section 7

## Policy BE2 Streets and street scene

Opportunities for enhanced provision of walking are encouraged through this policy together with “sufficient on-road car parking spaces”. It would also be desirable to include off-street parking as an option and a modification is suggested to achieve this in the interest of achieving sustainable development.

As the policy does not specify what might constitute an appropriate and acceptable level of parking, there is arguably a lack of precision in the policy. However, I consider that some flexibility is needed given the character of the Plan area. A modification is therefore recommended to give more certainty.

- **Change criterion (ii) to read “Sufficient on *and /or off* road parking spaces...”**
- **Add to the end of criterion (ii): “*The exact provision will be determined on a site by site basis taking into account the nature of the development and the location of the site.*”**

## Policy BE3 ELOR green corridor

The East Leeds Orbital Road (ELOR) is a strategically important road scheme. Spatial Policy 11 of the CS sets out transport infrastructure investment priorities which include the East Leeds Extension and highways improvements just outside the Plan area.

Policy BE3 seeks to achieve a number of things. It seeks to create a green corridor between the eastern edge of the proposed ELOR. It seeks to do this to help mitigate concerns about the effects of the ELOR, particularly on the village of Scholes, by mitigating its visual impact including the separation between the ELOR and Scholes, potential environmental effects and providing opportunities for recreation.

A number of considerations therefore arise with this policy. Firstly, I was concerned that the Policies Map on page 85 of the Plan showed the proposed green corridor extending beyond the Plan area. Secondly, I was concerned that the proposed green corridor on the Policies Map would be difficult to define on the ground and this was confirmed by my site visit. Thirdly, the area shown on the Policies Map did not appear to tie up with the words in the policy which also wanted to reinforce and enhance Green Belt policy and ensure that Scholes did not merge with East Leeds as the area was relatively small. Fourthly, I was concerned whether a green corridor might adversely affect the deliverability of this strategically important route.

I therefore asked the Parish Council and LCC a number of queries about the ELOR and this policy.



In response to my queries, the Parish Council has helpfully clarified the extent of the proposed green corridor providing me with a further map which shows a slither of green corridor to the east of the proposed road clearly within the Plan area. I have also been provided with some suggested amendments to the wording of the policy.

LCC have informed me that they consider the policy to be aspirational, but that overall it is considered to be in general conformity with CS Policies SP11, P12 and G1. LCC recognises that CS Policy G1 enhances green infrastructure, but this corridor is not identified on Map 16 in the CS either as strategic green infrastructure or as an opportunity, but consider it to be in the 'spirit' of that CS policy. LCC suggest that modifications could be made to make it clear that the creation of a green corridor is not a requirement on the ELOR project.

If the revised and clearer and more precise notation provided to me by the Parish Council in response to my query replaces the existing notation for the green corridor on the Policies Map page 85 of the Plan, I am satisfied that the policy would be in general conformity with relevant strategic policies of the CS and that it would not be incompatible with the delivery of the ELOR. LCC have also helpfully confirmed that the (revised) designation does not conflict with strategic policies or constrain the delivery of the ELOR. This then is the first modification I recommend.

The policy needs to be clear and precise to take account of national policy and guidance. For this reason I suggest amending the wording of the policy and inserting a cross-reference to the amended Policies Map.

Criterion (iv) of the policy refers to the reinforcement and enhancement of Green Belt policy and the potential coalescence between urban East Leeds and Scholes. I have some sympathy with the principle of what this part of the policy is trying to achieve, but the wording confuses the issue for me.

Given the green corridor is now precisely defined and cross-referenced in the policy, I suggest that this criterion is deleted, but that additional wording is added at the start of the policy to ensure that any development in the area between the eastern edge of the ELOR towards the village of Scholes is considered in the light of the issues the policy aims to address to enable the policy to meet the basic conditions.

- **Replace the green corridor designation notation shown on the Policies Map on page 85 of the Plan with the amended designation sent in response to my query**
- **Change the wording of the first paragraph of the policy to read: *"A multi-functional green corridor as shown on the Policies Map should be created. Any development in the area between the green corridor towards Scholes should ensure that the separate identity of the village of Scholes is retained. This will serve to:...."* [retain criteria (i) to (iii) as existing]**
- **Delete criterion (iv) from the policy**

## Policy BE4 Drainage and flood prevention

The supporting text to this policy refers to an Appendix 2 which “details the extent of floodzones”. Appendix 2 attached to the Plan is the Character Area Assessment. In response to my query on this, the Parish Council suggest the reference should be removed but for other reasons. From my perspective this seems to be a straightforward presentational error and so references to Appendix 2 should be removed.

Turning now to the policy, national policy states that inappropriate development in areas at risk of flooding should be avoided as development should be directed away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.<sup>26</sup> The policy is a local expression reflecting CS Policy EN5. The policy is clearly worded and takes account of national policy and guidance and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended to the policy itself.

- **Delete the sentence that begins “Appendix 2 details the extent of...” from the first paragraph sitting underneath the subheading “Evidence” on page 55 of the Plan**

## Policy BE5 Light pollution in Potterton

PPG explains that artificial light provides valuable benefits to society, but is not always necessary.<sup>27</sup> The supporting text to the policy explains the rationale behind it. The policy is clearly worded. It meets the basic conditions and no modifications are recommended.

## *Housing*

### Policy H1 Provision of new housing

The preamble to the policy explains that the CS classifies both Barwick in Elmet and Scholes as ‘smaller settlements’. In such locations, the CS indicates that they should take no more than 11% of the additional housing growth.

The Plan area is close to, but not within the East Leeds Extension projected to provide some 5,000 dwellings.

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<sup>26</sup> NPPF para 100 and section 10

<sup>27</sup> PPG para 001 ref id 31-001-20140306

With the exception of the two villages of Barwick in Elmet and Scholes, the Parish falls within the Green Belt.

There is no requirement for neighbourhood plans to allocate sites.

A comprehensive Housing Evidence Base report carried out for the Parish in 2015 looked at local housing needs in the Parish arising from existing households and people that live with them.<sup>28</sup> This revealed there is a mismatch between the supply of housing and the requirements of households seeking to move in relation to house size, type, tenure and special features. The main priorities from the survey carried out were on plot parking, a garage, private garden, energy efficiency and housing suitable for first time buyers and older people.

The report estimated that 18 dwellings are needed over five years to meet identified local housing need, including seven that addressed mobility and support needs. Paragraph six of the preamble to the policy on page 61 of the Plan sets out this estimate, but it should be made clearer that this is in relation to local housing needs generated by the Parish and over a five year period to 2020. I also note the Plan sets out an intention to review which is not a requirement of neighbourhood planning but is to be welcomed.

The report concludes that there is “strong evidence to support policies that address imbalances in the parish household and dwelling profile and its predicted demographic change”.<sup>29</sup>

Policy H1 seeks to readdress this imbalance by requiring schemes over five units to provide a range of house sizes and types. Whilst the threshold of five units could be regarded as low, given the characteristics of the Plan area, I consider this to be acceptable. In addition the NPPF supports the delivery of a wide choice of housing.<sup>30</sup> It encourages a mix of housing to deliver the size, type, tenure and range of housing needed in the area. I accept that the Plan will cover a period far longer than the five years requirement for 18 or so dwellings highlighted in the Housing Evidence Base report and suggest a modification to acknowledge that. However, Policy H1 does not impose any maximum or cap on numbers, but seeks rather to ensure that a range of housing is provided. I consider that the first part of the policy is likely to achieve that.

However, the second part of the policy welcomes such schemes where a statement of community involvement, an infrastructure delivery plan and reference to the most recent housing needs survey is provided. The policy does not require the submission of the three statements, but states “Proposals...which provide the following would be welcomed.”

There are a number of issues here. The wording of the policy could be interpreted to mean that any proposals providing those three documents would be welcomed. This is

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<sup>28</sup> Housing Evidence Base by Chris Broughton Associates dated May 2015 page 3

<sup>29</sup> Housing Evidence Base by Chris Broughton Associates dated May 2015 page 59

<sup>30</sup> NPPF section 6

not what is meant I suspect. Indeed in response to my query the Parish Council has confirmed that for schemes over five units, they would expect to see the three documents at pre or during application stage.

Secondly, it is the local planning authority that sets out the required documents that need to accompany the submission of planning applications. To set out these additional requirements for schemes of five or more units would be onerous on both LCC and the development industry.

However, a statement of community involvement could be encouraged as the NPPF recognises the benefits of early community engagement, but goes on to state that local planning authorities cannot require a developer engages with them.<sup>31</sup> In relation to infrastructure this is covered by CS Policy H2 and in any case would form part of the consideration of any planning application. In relation to consideration of up to date housing needs, this seems sensible. Therefore a modification is made to address these concerns and to make sure the policy meets the basic conditions and in particular takes account of national policy.

- **Add a new paragraph seven to the preamble to the policy on page 61 of the Plan that reads: *“This estimate of 18 dwellings is in relation to local housing needs in the Parish arising from existing households and the people that live with them over a five year period to 2020. It is recognised that this locally generated need will change over time and does not take account of other housing requirements that the Parish may need to accommodate over the Plan period.”***
- **Add at the end of paragraph one of the policy: *“It is expected that such schemes will take account of the most up to date housing needs information available.”***
- **Delete the paragraph in the policy which begins “Proposals for new housing developments...” and criteria (i) to (iii) inclusive from the policy but then move the deleted paragraph to the supporting text with criteria (i) and (ii) [criterion (iii) remains in the policy although in a different form and therefore will not move to the supporting text]**

## **Policy H2 Type and design of new housing developments**

This policy seeks to deliver high quality developments that reflect the local characteristics of the Plan area. The policy is clearly written and sets out support for the reuse of redundant buildings and previously developed land as well as appropriate backland and garden development. The policy’s requirements reflect both the character and local distinctiveness of the area. As a result it takes account of national

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<sup>31</sup> NPPF para 189

policy and guidance, is in general conformity with CS Spatial Policy 1 in its priorities and seeking to respect and enhance local character and CS Policy P10 on design and will help to achieve sustainable development. It meets the basic conditions and accordingly no modifications are recommended.

Before I move onto the next section of the Plan, I noticed that the CS contains Policies H1 and H2. I therefore asked the Parish Council if they might like to consider renaming these two policies to avoid confusion. Happily they agreed and therefore a modification is made in the interests of clarity.

- **Rename Policies H1 and H2 in the Plan HO1 and HO2 respectively**

### ***The Economy***

#### **Policy E1 Small business development**

The preamble to the policy explains that the local community relies heavily on the high number of small businesses located in, and which provide a service to, the Plan area. Policy E1 supports both the creation of, and the expansion of, business development subject to acceptable impacts from traffic, noise, odour, light or other pollution. The approach of the Plan is to be 'open for business'. This chimes with the NPPF's aim of supporting sustainable economic growth in the rural areas,<sup>32</sup> generally conforms with CS Spatial Policy 8, EC1 and EC2 and will help to achieve sustainable development. The policy therefore meets the basic conditions and no modifications are recommended.

#### **Policy E2 Farm diversification**

Recognising the importance of the farming community, this policy supports farm diversification schemes where production from the land can continue and there is sustained or increased local employment subject to satisfactory landscape and traffic considerations. The support for farm diversification reflects that given by the NPPF<sup>33</sup> and amongst other things, CS Spatial Policy 8 promotes the development and diversification of agricultural and other land based businesses and the policy will help to achieve sustainable development. The policy therefore meets the basic conditions and no modifications are suggested.

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<sup>32</sup> NPPF section 3

<sup>33</sup> *Ibid* para 28

## Policy E3 Industrial and business parks

Policy E3 firstly supports the expansion of existing employment sites provided any harmful effect on residents is minimised. These include Morwick Hall, a brownfield site in the Green Belt with some listed buildings, Aberford Road in Barwick in Elmet, a brownfield site in the Green Belt and a Special Landscape Area which also partly falls within the Leeds Habitat Network and a broader area of Strategic Green Infrastructure and Holmecroft a brownfield site in the Green Belt. All three sites are covered by Policy Minerals 3 Minerals Safeguarding Areas – surface coal in the Natural Resources and Waste Local Plan.

Secondly, new sites are supported on brownfield land subject to satisfactory transport and amenity considerations.

The NPPF seeks to build a strong and competitive economy.<sup>34</sup> It is clear that planning should not act as an impediment to sustainable growth.<sup>35</sup> Whilst I can understand the desire to use previously developed land, and indeed this is encouraged by one of the NPPF's core planning principles, the restriction of new industrial or business estates to such sites is overly restrictive and does not take account of national policy's support for economic growth. It also does not reflect CS Spatial Policy 8 which sets out economic development priorities including the promotion of a strong local economy, but does not restrict this in Small Settlements to previously developed land. CS Spatial Policy 9 supports traditional employment land use across the whole of the District. It might also inhibit the achievement of sustainable development. This part of the policy therefore does not meet these three basic conditions.

In order to meet the basic conditions, the policy requires modification.

- **Reword part b) of the policy to read: “New industrial/business estates will be supported *in suitable locations which* are well linked into transport infrastructure and *will not create disruption to or negatively impact upon residential areas. Those proposals which reuse brownfield i.e. previously developed land provided it is not of a high environmental quality will be particularly welcomed.*”**

## Policy E4 Village hubs

This policy seeks to support commercial activity along Station Road in Scholes and Main Street in Barwick in Elmet. The Plan recognises that both village centres provide a range of local services.

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<sup>34</sup> NPPF section 1

<sup>35</sup> *ibid* para 19

Neither Barwick in Elmet or Scholes are identified as local centres in the CS. The policy seeks to identify two village hubs. These are notated as “village centres” on the Policies Maps. I have assumed that the village hubs and the village centres are one and the same thing. In response to my query on this, the Parish Council confirms that this is the case and suggests the notation on the Policies Map be revised to “village hubs”. This also reflects the wording of the policy which refers to “hubs”.

The Policies Maps show these centres as linear frontages. I saw on my visit to the villages that these consist of a mix of commercial and residential properties. Given that the hubs are shown on the Policies Maps, it would be useful to refer to these areas consistently and to cross reference the Policies Maps within the policy itself in the interests of clarity.

The policy is in two parts and the first element supports use classes A1 – A5 where these meet a need and help to sustain a balanced local economy. Given the nature of the hubs as discussed above, a caveat needs to be added in relation to the impact on nearby residents for example in relation to deliveries or hours of operation, to ensure that this part of the policy will achieve sustainable development and a good standard of amenity for existing occupants of land and buildings, one of the NPPF’s core planning principles.<sup>36</sup>

The second part resists change of use from use classes A1 – A5 unless the premises have been actively marketed and no demand exists.

The policy takes account of the NPPF’s support for a prosperous rural economy and its promotion of the retention and development of local services and community facilities.<sup>37</sup> Whilst the policy does not specify any period for marketing, given the nature of the village hubs as discussed above, this will mean that a decision can be made flexibly and on a case-by-case basis. However, in the interests of clarity and precision as required by national policy and guidance, this should be made clear in the policy itself.

Therefore to meet the basic conditions, the following modifications are recommended.

- **Change the “Village centres” notation/key shown on the Policies Maps to “Village hubs”**
- **In the first sentence of the policy, add “as shown on the Policies Maps for Scholes and Barwick in Elmet” after “The following streets...”**
- **Add at the end of criterion (i) a new sentence that reads: “Any new development must demonstrate a satisfactory impact on the living conditions of nearby residents.”**
- **Add at the end of criterion (ii) a new sentence that reads: “Demonstration of active marketing and the lack of demand for such units will be determined on a**

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<sup>36</sup> NPPF para 17

<sup>37</sup> *Ibid* para 28

*case by case basis bearing in mind the location, the use and circumstances of the proposed change of use.”*

## **Community Facilities**

### **Policy CF1 Community services and facilities**

In line with the NPPF which seeks to promote the retention and development of local services and community facilities in villages,<sup>38</sup> this policy seeks to retain and enhance community facilities including public houses, village halls and Scholes library. It supports changes of use of such buildings but only where the land or building has fallen out of use or a beneficial need for the new proposal is demonstrated. The policy is clearly worded and, taking its lead from CS Policy P9, provides a practical framework for this Plan area. It meets the basic conditions and no modifications are recommended.

### **Policy CF2 Primary schools**

Both Barwick in Elmet and Scholes have primary schools. This policy lends support to the expansion of the primary schools. It is clearly written and provides a practical framework for decision-making. It meets the basic conditions and no modifications are recommended.

### **Policy CF3 Local green spaces**

Policy CF3 seeks to designate 18 areas of Local Green Space (LGS). The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>39</sup> The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment.

The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. It makes it clear that the designation should only be used where the green space is in reasonably close proximity to the community it serves, it is demonstrably special to the local community and holds a particular local significance for example because of its beauty, wildlife, tranquility, recreational value, historic significance and where the area is local in character and not an extensive tract of land.<sup>40</sup> Further guidance about LGSs is given in PPG.

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<sup>38</sup> NPPF para 28

<sup>39</sup> *Ibid* paras 76, 77 and 78

<sup>40</sup> *Ibid* para 77



All proposed LGSs are clearly shown on the Policies Maps for the two villages and are shown individually in Appendix 4 of the Plan. Appendix 5 of the Plan offers a detailed description of each area. The maps and the approach of appendices of supporting information for the proposed LGSs are exemplary and I commend this approach to other Groups. I visited each on my site visit and discuss each in turn.

Beginning with the village of Barwick in Elmet, the **Barwick in Elmet allotments** is a well-used allotment site accessed by a single track lane and is located on the eastern side of the village adjacent to the primary school and sports ground. It is clearly a well-used and thriving community resource which is valued for its tranquility and the opportunity to grow produce and take exercise. It is local in character and readily accessible to the village. It falls within the Green Belt.

**Jack Heaps Field** is a well-defined and self-contained area in the heart of the village along the Main Street and surrounded on three sides by housing. It includes tennis courts and a play area. It falls within the Conservation Area and the supporting information indicates it is used for various village community activities including fairs.

**Hall Tower Field and Wendel Hill** (sites 3a and 3b) are formed of three areas. Hall Tower Field and Wendel Hill together are a Scheduled Ancient Monument being an Iron Age hill fort. Indeed the remains of the tower of the motte which is a predominant cone shaped hill and ditch and bank as well as other features are clearly visible from nearby footpaths and the wider area. The space falls within the Conservation Area. As well as its historic significance, it is a tranquil area that forms an integral part of the village's character.

**Jubilee Gardens** is in part adjacent to site 3a. Yet its character is very different. It is a small garden area walled on two sides with a gated entrance and houses back onto the area. It contains trees, a path and seating together with views of the conical hill. It is an oasis of calm and is a 'closed cemetery' and so also of historic value.

**Barwick in Elmet football and cricket pitches and bowling green** consist of the playing fields and a bowling green. The areas are located close to the village hall and the primary school. The proposed designation washes over the cricket and football buildings and car park. It is a well-defined area, close to housing and other village amenities.

**Long Lane Beck** is to the southern built up edge of the village. It is a footpath and open space which runs along the treed banks of the Beck and has footpaths links to the adjoining houses. It is an exceptionally pleasant walk with a well-made path which then opens out onto a green area with seating. It is of high recreational value and is important to the setting of the village.

**Woodland between Long Lane and Gascoigne Court** is a relatively narrow strip of land consisting of woodland and landscaping/planting/grass verge which is prominent on entering the village from a southerly direction. It provides both a setting and screening

for houses, contained some village notices/signs at the time of my visit and is visually special as a 'gateway' to the village.

**All Saints Church churchyard and grounds** is located centrally in the village and is a prominent building. The grounds consist of the churchyards and were a haven of quiet contemplation and peace. There are views from the area. It falls within the Conservation Area.

**Grassed junction area of The Boyle and Rakehill Road** is a small area at the junction of The Boyle and Rakehill Road containing flower beds, a mangle and wheelbarrow. It is important visually to the local community who clearly take pride in its appearance on this prominent corner.

Turning now to the village of Scholes, **Scholes allotments** is to be found on the edge of the village accessed by an unmade track. Houses back onto the site and although it is on the village edge is still in close proximity and convenient for the community it serves. The supporting information states that this area forms part of a larger PAS site in the UDP and this has been confirmed by LCC.

I have considered whether the proposed LGS designation would be at odds with UDP Policy N34 or the CS which refers to PAS at page 58. Given the current use of the site and its location and the extent of the larger PAS site of which it forms part, I consider that the designation is not incompatible and that the designation of this relatively small area would be consistent with local planning for sustainable development and that the aim of plan making would not be undermined.<sup>41</sup> I am also mindful that there are no extant planning permissions on the site.<sup>42</sup> The site is also a registered Asset of Community Value.

LCC indicate that this proposed LGS appears to be part of a residential curtilage in the south east corner. It is not particularly clear from the maps. Clearly the designation should only relate to the allotments and not include any other land. Therefore in the interests of clarity, a modification is suggested to allow this to be checked and made clear on the maps if needs be.

**Green Court open space** consists of three areas which form part of the Green Court development. There are two areas to the front. The first is open to the street and contains a magnificent tree. It is an important open space and distinctive feature along the road and is valued for its visual contribution and the supporting information also indicates it is used as a play area. The second area to the front is largely hidden from public view and is to the front of a garage court. The third area primarily acts as a setting for the housing development.

**Playing fields** consists of a number of sports areas including tennis courts, bowling green, a cricket square and playing fields of some 2 hectares in size. In addition there is a scout hut. The proposed LGS designation washes over the buildings on the site as

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<sup>41</sup> PPG para 007 ref id 37-007-20140306

<sup>42</sup> *Ibid* para 008 ref id 37-008-20140306

well. The area is distinctive and located on the eastern edge of the village. It is valued for its recreational value, but also for its views and ecology.

**Station Road verges, trees and war memorial** is a long, skinny, linear space. It consists of the wide grass verge along the western side of Station Road which contains a number of important trees together with the war memorial at the southern end which is a triangle of grass with flower beds and a plaque.

The supporting information explains that the trees represent those who died in the two World Wars and the community values this area both for its historical value and visual amenity. Although it is not very clear from the Policies Map, both sides of the road are proposed to be included and this is clear from Appendix 3 which explains that memorial trees on the western side commemorate the fallen in the Great War and those on the eastern side in the Second World War, 23 trees one for each person who died. For clarity, the Policies Map should be made more precise and the map in Appendix 4 corrected.

**Disused railway cutting between Chippy's Pond and Scholes Lane** is a local nature area. I saw at my visit there is limited public access as the area is overgrown. The supporting information states that the area is valued for its wildlife and as a green corridor and that there are aspirations to provide a cycleway along the cutting. It is an interesting green feature of the village and is also of historic significance helping to demonstrate the evolving nature of the village.

**Disused railway embankment to the rear of Nook Road** would of course at one stage been continuous with the previous proposed LGS. Like the previous proposed LGS, the area is hard to access and is, for the most part, very overgrown. It is valued for its ecology and historical significance and, as per the previous proposal, there are aspirations for a Sustrans cycleway along it.

**St Philips Church surrounds** is a well-defined, grassed area which also contains a car park around St Philips Church, a striking building within the Conservation Area. It makes an important contribution to the setting of the Church and the village and allows views across adjoining farmland and is an important space. The buildings themselves are not washed over by the proposed designation.

**Scholes Lodge Farm Field** is a field to the southern edge of the village. From Leeds Road, the field rises towards Main Street. Most of the field's perimeter is therefore abutted by residential properties or a road. It is a well-contained area with footpaths and trees. The supporting information explains this is designated by the Parish Council, who own the land, as public open space. It contains the remains of a rare medieval moated farmhouse and so is of archaeological and historical significance. It is also valued for its recreational and wildlife value. It also falls within the Conservation Area.

**Manor House surrounds** consists of a number of areas of green space with trees, seating and flower beds and a wildlife garden in and around this sheltered housing complex. It is a well-maintained space and is valued by residents and the wider

community alike for its visual amenity, recreational space and is an important attribute of the housing as well as providing a green lung opposite St Philips Church in the heart of the village. In addition the linked areas also provide a footpath link.

Some of the proposed LGSs fall within the Green Belt and/or a Conservation Area. I have considered whether there is any additional local benefit to be gained from designation as a LGS as advised by PPG.<sup>43</sup> I consider that the LGS designation expresses the areas of particular significance and importance to the local community and therefore there is added value.

In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily.

Turning now to the wording of the policy, I recommend that the policy includes a cross reference to both the Policies Maps and the individual LGS maps which clearly show the extent of the LGSs to add clarity and precision.

- **Change the first sentence of the policy to read: “The following *areas as shown on the accompanying maps XXXX* [insert references to both Policies Maps and those contained in Appendix 4] are designated as Local Green Spaces:”**
- **Check the map for number 10, Scholes allotments to see if it includes residential curtilages and if so correct it so that the extent of the proposed LGS is limited to the allotment site in Appendix 4 and on the Policies Maps**
- **Correct the map for number 13, grass verges, memorial trees and war memorial, Station Road so that it shows both sides of the road in Appendix 4**

## **Policies Maps**

Three Policies Maps are included; one is the Plan area, the other two for the villages of Barwick in Elmet and Scholes. All are clear. I have recommended a modification to the Policies Maps for the two villages in relation to Policy E4. In addition to that revision, both village Policies Maps should be retitled to reflect the fact they do not only show the Local Green Spaces, but also the village hubs and the Conservation Area.

- **Retitle the Policies Maps for both Barwick in Elmet and Scholes to “*Local Green Spaces, Village Hub and Conservation Area*”**

## **6. Review and Implementation**

This short section recognises the dynamic nature of planning setting out the intention to review the Plan every five years. This is to be welcomed.

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<sup>43</sup> PPG para 010 ref id 37-010-20140306

## 7. Appendices

A list of supporting documents is highlighted in this section with information about where such documents can be obtained.

Five appendices are attached to the Plan itself. Appendix 1 is the Housing Evidence Base. Consideration should be given to whether it would be beneficial to retain this document separately.

Appendix 2 is the Character Area Assessment and again consideration could be given as to whether this should be retained as a separate document. The Character Area Assessment contains a list of non-designated features of local significance. An analysis of non-designated heritage features is contained in Appendix 3. Appendix 3 also mentions a 'local list'. A neighbourhood plan can identify features of local importance but it cannot designate a local list. It is therefore suggested that any references to a local list be removed.

Appendices 4 and 5 refer to the Local Green Spaces. I have already made a recommendation in relation to Policy CF3 regarding the map in Appendix 4 for LGS No. 13. In response to my query LCC confirms that the sentence Barwick in Elmet allotments lie within the village Conservation Area is incorrect. In the interests of accuracy this should be corrected.

- **Remove any references to a "Local List" from Appendix 3**
- **Remove the reference to Barwick in Elmet allotments falling within the village Conservation Area on page 18 of Appendix 5**

## 7.0 Conclusions and recommendations

I am satisfied that the Barwick in Elmet & Scholes Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Leeds City Council that, subject to the modifications proposed in this report, the Barwick in Elmet & Scholes Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Barwick in Elmet & Scholes Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Barwick in Elmet & Scholes Neighbourhood Plan area as approved by Leeds City Council on 23 July 2013.

*Ann Skippers* MRTPI

Ann Skippers Planning

13 July 2017

## **Appendix 1**

### **List of key documents specific to this examination**

Barwick in Elmet & Scholes Neighbourhood Plan 2017 - 2028 Submission draft  
December 2016

Appendices 1 – 5 including Housing Evidence Base dated May 2015 (Chris Broughton Associates), Character Area Assessment dated December 2016, Non-designated Heritage Features, Local Green Spaces Maps and details of the proposed Local Green Spaces.

Basic Conditions Statement dated 1 December 2016 including Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report dated August 2016

Consultation Statement dated 18 December 2016

Leeds Core Strategy adopted 12 November 2014

Unitary Development Plan Review 2006 Volume 1 Written Statement and Volume 2 Appendices adopted 19 July 2006

Natural Resources and Waste Local Plan adopted January 2013

Various evidence documents and other information on [www.barwickandscholesneighbourhoodplan.co.uk](http://www.barwickandscholesneighbourhoodplan.co.uk)

**List ends**

## Appendix 2

### Questions of clarification to LCC and the Parish Council

#### Barwick in Elmet and Scholes Neighbourhood Plan Examination

#### Questions of clarification from the Examiner to the Parish Council and LCC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Please confirm the date of Plan area designation.
2. Please confirm the date of the Regulation 14 period of consultation.
3. The Consultation Statement explains that 177 responses were received to the Regulation 14 period of consultation. Appendix 4 of the Consultation Statement details the responses to the Regulation 14 consultation. Please confirm if all 177 responses are detailed in the Appendix.
4. Policy BE2 criterion (ii) seeks on-road parking. Was this the intention or is this a typographical error?
5. Policy BE3 refers to the ELOR green corridor. The following queries arise:
  - a. Please could LCC indicate i) whether or not they consider this policy to be in general conformity with the relevant strategic policies of the development plan (and specify the relevant policies) and ii) whether the green corridor proposed has the potential to adversely affect the delivery of a strategic proposal/designation or the route of the ELOR?
  - b. The green corridor is shown on a map but seems to include land outside the Plan area. At my site visit it was impossible to tell where the green corridor might start and end. In addition the description in Policy BE3 does not appear to coincide with the line shown on the map. Please clarify i) the intention of this policy and ii) the area to which the policy applies.
6. The preamble to Policy BE4 refers to Appendix 2. Is this correct and if not, what action should be taken?
7. What is the rationale for the five dwelling threshold in Policy H1? How do the three criteria for a statement of community involvement, infrastructure delivery plan and housing needs information tie in with any validation requirements for planning applications LCC might have?
8. Please could LCC confirm whether or not in their view the approach of the Plan and the level of housing achievable in Policies H1 and H2 is in general conformity with the strategic policies of the development plan.



9. Do Barwick in Elmet and Scholes have existing settlement boundaries and are these from the UDP? Will the emerging Site Allocations Plan (SAP) review or revise the settlement boundaries? What is the latest position on the SAP?
10. The preamble to Policy E3 refers to existing business park/industrial estates at Morwick Hall and Aberford Road and an area at Holmecroft. Please could these be indicated on a map and also confirm whether any of these sites are in the Green Belt or subject to any strategic policy at LCC level.
11. Policy E4 refers to village hubs, but the Policies Maps refer to village centres. Are these one and the same thing?
12. Policy CF3 seeks to designate a number of local green spaces. Please explain the relationship of Site 10 (Allotments in Scholes) with any strategic policy of relevance at LCC level or current and extant planning permission(s). It is also referred to as an asset of community value and as a protected area of search; is this right? In other words, I would like to establish the status of this site and to be aware of any designations or proposals of relevance that might affect it.
13. The proposed Local Green Space at Station Road (verges, trees and war memorial) seems to include only the western side of Station Road. Is this right?
14. Is the Barwick in Elmet Conservation Area shown correctly on the Policies Maps? If not, please send a corrected Conservation Area boundary map. The reason for the query is that page 19 of Appendix 5 (Local Green Space) indicates that the Barwick in Elmet allotments fall within the Conservation Area, is this correct?
15. The Character Area Assessment (Appendix 2 to the Plan) contains a list of non-designated features of local significance. An analysis of non-designated heritage features is then contained in Appendix 3. However, the identified heritage features are not exactly the same in the two Appendices. Is this right and if so, how might this be rectified?
16. Appendix 3 also refers to a 'local list'. Was it the intention that those features in Appendix 3 would become a local list?
17. A representation has been received from Rural Solutions on behalf of the Shinn Family. At paragraph 3.23 reference is made to Appendix A. Please could you check the submission and see if Appendix A was submitted and forward that to me if so? It seems that the Appendix relates to the SHLAA assessment for the site concerned and presumably if Appendix A was not submitted, then I can view the SHLAA for the same information?
18. The Core Strategy contains policies H1 and H2 as does the (neighbourhood) Plan. Would it avoid any potential confusion if the policies in the neighbourhood plan were changed to something else for example HO1 and HO2? If this is agreed, would the Group like to suggest another number/title?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.  
Ann Skippers  
16 April 2017