

# **SHADWELL NEIGHBOURHOOD PLAN**

**Report to Leeds City Council of the Independent Examination**

**By Independent Examiner, Tony Burton CBE BA MPhil (Town Planning) HonFRIBA FRSA**

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# 1. Executive Summary

1. I was appointed by Leeds City Council with the support of Shadwell Parish Council to carry out the independent examination of the Shadwell 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 Shadwell. It is based on an effective programme of public consultation which has informed a Vision to 2033 and nine Objectives. These are translated into ten planning policies dealing with issues distinct to the locality and seven Community Action Projects. There is a commitment to supporting delivery of the Plan. The Plan is supported by a Consultation Statement, Basic Conditions Statement and a Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report. Supporting evidence is provided on most aspects of the Plan, including primary evidence produced during the Plan's preparation. There is good evidence of community support and of the involvement of the local planning authority.
4. I have considered the 12 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 Shadwell Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a 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 Shadwell Neighbourhood Plan. The Plan was submitted to Leeds City Council by Shadwell Parish Council as the Qualifying Body.

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

9. I am independent of both Shadwell Parish 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 Shadwell Neighbourhood Plan
- the Basic Conditions Statement
- the Statement of Community Consultation
- Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report
- the relevant parts of the development plan comprising Leeds City Council’s Core Strategy (2014), Core Strategy Selective Review (2019) and Site Allocations Plan (2019)
- representations made on the submitted neighbourhood plan
- relevant material held on the Shadwell Parish Council and Leeds City Council websites
- National Planning Policy Framework (2019)
- Planning Practice Guidance
- relevant Ministerial Statements

14. Shadwell Parish Council resolved to submit the Plan in March 2020 and the National Planning Policy Framework (February 2019) 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 on a weekday during September and in accordance with Government guidance that *“Where site visits are required or necessary, they should be undertaken in line with the Government’s guidance on*

*social distancing and safety requirements*” (Written Ministerial Statement, Virtual working and planning - Responding to Covid-19 Restrictions, 13 May 2020). I visited the main locations addressed in the Plan, including the Local Green Spaces, each of the character areas, a majority of the non-designated heritage assets, the named community facilities, each of the views not previously identified in the Conservation Area Appraisal and Management Plans and the village envelope boundary.

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 although other consequential changes will need to be made. These recommended modifications are numbered from M1 and are necessary for the Plan to meet the Basic Conditions. 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 Shadwell Neighbourhood Plan has clearly involved significant effort over many years led by the Neighbourhood Plan Steering Group and drawing on earlier work preparing the Shadwell Parish Plan in 2005. There has been significant community involvement. There is evidence of 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 such 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 Shadwell Parish 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. The neighbourhood plan has been prepared by a suitable Qualifying Body – Shadwell Parish Council – which being a parish 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 which comprises the area of Shadwell Parish Council and was agreed by Leeds City Council in September 2012.

22. A map of the neighbourhood area is included in the Plan as Map 1. Although details of the neighbourhood area are available online, the map provided with the Plan is not of sufficient quality that the detailed location of the boundary can be determined.

- OM1 - [Provide a link to a suitable map which depicts the boundary of the neighbourhood area at an appropriate scale]

#### Land use issues

23. I am satisfied that the Plan's policies relate to relevant land use planning issues.

#### Plan period

24. The period of the neighbourhood plan to 2033 is referenced only indirectly in the Vision statement (paragraph 2.1.3). This aligns with the development plan for Leeds. It is unclear what start date is intended. In response to my request Shadwell Parish Council has confirmed that the intended period starts in 2020. There is no requirement for the neighbourhood plan period to align with the Local Plan as suggested in representations from Iain Bath Planning.

- OM2 – [Confirm the period of the Plan on the front cover as 2020-2033]

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 Consultation Statement, its Appendices and relevant information provided on the Shadwell Neighbourhood Plan website. This provides a clear record of the extensive consultation process undertaken in preparing the Plan since 2013.

27. Public consultation on the neighbourhood plan was achieved through a range of techniques including a website, public meetings, Open Days, banners, social media, leaflets, local newspaper, surveys, events, community walkabout, drop-in sessions, exhibitions, and door drops. It included leaflets being delivered to every address within the boundary on two occasions. These attracted a significant number of responses with almost half of those approached providing feedback and a good turnout to the public exhibition on issues and options. The consultation process included a meeting with the major landowner who has also responded to the Plan. A targeted survey on traffic calming was undertaken and young people were engaged through a meeting with the Shadwell Primary School Council. Those responsible for significant community facilities in the neighbourhood area were also approached for their views.

28. The Plan was subject to Regulation 14 consultation in 2018 and this was promoted through various channels, including social media, the parish newsletter and flyers to every household and business in the neighbourhood area. The draft plan was made available online (through both the parish council and Leeds City Council) and in the library and post office/shop. An Open Day was held during the pre-submission consultation, including attendance from the three ward councillors and MP.

29. There is evidence of the consultation including the required statutory and other consultees. 163 comments were received from 26 individuals and organisations. These were published online. There is good evidence of sound analysis of the responses and subsequent amendments to the Plan. There is also evidence of additional consideration being given to address concerns about the process from a local landowner, including through a meeting.

30. 12 representations have been made on the submitted Plan including from individuals, statutory bodies, landowners, community organisations, voluntary groups and the local authority. These have all been considered and are addressed as appropriate in this report. There is a good degree of support for the Plan.

31. 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 participation rates have been good. The process has allowed community input to shape the Plan as it has developed and as proposals have been firmed up with changes being made to the Plan throughout the process. The local planning authority has been engaged in the preparation of the Plan.

## 5. General comments on the Plan's presentation

### Vision and Objectives

32. I have reviewed the Vision and the nine Objectives which structure the ten Policies in the Plan. The Vision seeks to manage development and change in ways that respect the neighbourhood area's identity while protecting community facilities, improving opportunities to move around safely and providing accommodation that meets the needs of residents. The approach reflects the feedback received through consultation and, while conservation focused, it is supportive of sustainable development. This is also true of the Objectives.

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

### Other issues

34. The evidence base for the Plan is provided online and in references throughout the Plan's documentation. I comment on its adequacy in relation to individual policies where relevant.

35. The Plan includes a number of Maps and these are of varying quality in the printed Plan. They do not provide sufficiently accurate boundaries or locations for a number of Plan policies. The maps are not available separately online and are only in downloads of the Plan. It would be helpful if larger scale, high resolution copies were available.

- OM3 – [Provide a link alongside each Map to a high resolution, online version at an appropriate scale]

36. The Plan is clearly set out and presented with a comprehensive table of contents and an appropriate hierarchy of headings. There are a small number of inconsistencies between the Contents and the Map titles.

- OM4 - [In the Contents:
  - Add “Parish and” after “*Shadwell*” in Map 1
  - Delete “*Shadwell*” and “, (with extant hedge overlay)” in Map 9]

37. The Plan uses a variety of different tints to emphasise different sections. The purpose is not always clear, including use of a Yellow tint for the opening paragraph for each Policy and tints in paragraph 1.2.1 and on pages 71 and 72. Shadwell Parish Council has explained the use of yellow tint as referencing back to the Vision but the wording at the beginning of each Policy section is not consistent with that used in the Vision. The priority is to ensure that the Policies are clearly distinguished from the rest of the Plan.

- OM5 – [Review and reduce the use of tints throughout the Plan to maximise clarity]

38. The use of acronyms or abbreviations in the Plan is not always clear, including use of “NP” for “neighbourhood plan” and “CS” for “Core Strategy”

- OM6 – [Review the use of acronyms and abbreviations throughout the Plan to maximise clarity]

39. The dates for the key periods of public consultation in paragraph 1.3.3 do not always align with those provided in the Consultation Statement. An example is on Policy Intentions which runs from June 2017 to September 2018 in the Consultation Statement and from April 2015 to September 2018 in the main Plan. The period of pre-submission consultation also ran from September to November 2018 and not October to November 2018 as indicated in the fourth main bullet.

- OM7 – [Align the dates for the main consultation periods in paragraph 1.3.3 with those in the Consultation Statement]

40. Leeds Access Forum and Leeds City Council make representations to update the Plan in respect of a footpath between Winn Moor Lane and Redhall which was recently turned

down as a right of way and a connecting bridleway that has recently been dedicated and recorded on the Definitive Map and Statement. These routes are not directly addressed in the Plan's policies. Shadwell Parish Council has agreed to update the Plan.

- OM8 – [Update the Plan to reflect changes to the Definitive Map and Statement recording public rights of way within the neighbourhood area]

41. I have considered representations from Robert Wilkinson that there is no year given for designation of the Shadwell Holywell Triangle Conservation Area and also determined that the date included in the Plan is incorrect.

- OM9 – [In paragraph 14.3.1 replace “7<sup>th</sup> October” with “8<sup>th</sup> November 2019”]

## 6. Compliance with the Basic Conditions

### National planning policy

42. 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).

43. The Basic Conditions statement provides a table that tests compatibility of each of ten policies with relevant sections of the National Planning Policy Framework. It states that each policy “*has had regard*” to the NPPF and concludes that the Plan “*has been prepared in conformity*” with it.

44. 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 development proposals*” (paragraph 16). It is also important for the Plan to address the requirement expressed in national planning policy and 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 modifications are made as a result.

45. Generally, I conclude that 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.

46. 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

47. The Plan must “*contribute to the achievement of sustainable development*”. This is addressed in the Basic Conditions statement and supported by a Table considering the nature of the impact of each policy on the economic, social and environmental limbs of sustainable development on a range from “*strongly positive*” to “*strongly negative*”.

48. The review identifies two areas of negative economic impact – control over development in the rural environment and protection of trees, hedges and gardens. The controls consequent on protection of Conservation Areas, non-designated heritage assets and Local Green Spaces are considered to have a neutral economic impact and the provision of housing a neutral environmental impact.

49. While the detailed scoring of impacts could be debated I consider the overall assessment to be sound and I am satisfied that the Plan meets this Basic Condition.

#### Development plan

50. The Plan must be “*in general conformity with the strategic policies of the development plan*”.

51. The Basic Conditions Statement provides a summary table relating each Plan policy to the relevant Leeds development plan policy. This identifies no issues of conformity. An assessment against the policies in the Leeds Core Strategy Selective Review which was adopted during preparation of the Plan was undertaken in collaboration with Leeds City Council and concluded that the Plan “*is considered to conform*”.

52. I requested a view from Leeds City Council on conformity with the development plan and it stated that “*the Council considers that the policies in the draft Shadwell Neighbourhood Plan are in general conformity with the strategic policies of the Development Plan*”. I am satisfied the Plan meets this Basic Condition.

### Strategic Environmental Assessment

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

54. The need for a Strategic Environmental Assessment is dealt with by a Screening Report published by Leeds City Council in September 2018. This concluded *“that it is unlikely that any significant environmental effects will arise as a result of the draft Shadwell Neighbourhood Plan. Consequently, the assessment within Table 1 concludes (subject to HRA screening outcome) that an SEA is not required”*. Environment Agency, Historic England and Natural England agreed with this conclusion.

55. I have considered whether the changes made to the submitted plan are significant for the purposes of Strategic Environmental Assessment and concluded they are not and a fresh screening is not required.

56. I conclude that the Plan meets this Basic Condition.

### Habitats Regulations Assessment

57. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites.

58. The need for a Habitats Regulations Assessment is dealt with by a Screening Report published by Leeds City Council in September 2018. This identified only one internationally designated site within 15 km of the Neighbourhood Area at Kirk Deighton SAC and concluded *“that none of the policies in the Draft Shadwell Neighbourhood Plan are likely to have a significant effect on the Kirk Deighton SAC, whether alone or in combination with other projects.”* It also considered the Plan to be in general conformity with development plan policies already subject to a Habitats Regulation Assessment. Natural England did not disagree with this conclusion.

59. I have considered whether the changes made to the submitted plan are significant for the purposes of Habitats Regulations Assessment and concluded they are not and a fresh screening is not required.

60. I conclude that the Plan meets this Basic Condition.

#### Other European obligations

61. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement asserts that this is the case and I am satisfied that the Plan has appropriate regard to the rights and freedoms guaranteed under the ECHR and to the Equality Act 2010. 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 with changes made to the Plan.

62. I conclude that the Plan meets this Basic Condition.

## 7. Detailed comments on the Plan policies

63. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that they meet the Basic Conditions. I provide comments on all policies in order to give clarity on whether each meets the Basic Conditions. Some of the supporting text, Appendix lettering and Contents will need to be amended to take account of the recommended modifications.

### General Policy

64. **Policy GEN1** – This establishes a general approach to managing development across the different issues covered by the Plan.

65. The Policy is supportive of development which meets all or some of five criteria. It applies to all development although planning policies are only relevant to development for which a planning application is required and the criteria will not be appropriate to many small scale or householder developments. The supporting text references evidence relating to some but not all of the issues addressed by the criteria and there is a limited evidence base. Its purpose is described in terms of supporting the views expressed during public engagement. My recommendation addresses this issue and is also intended to provide a more consistent approach to the wording of policies throughout the Plan.

66. The Policy addresses issues covered elsewhere in the Plan. Nevertheless, it does not create any significant ambiguity and is positively worded.

67. Policy GEN1 does not meet the Basic Conditions.

- **M1 – Amend Policy GEN1 to:**
  - **Replace “*Development should*” with “Proposals for development should, where appropriate,”**

## Development in Conservation Areas

68. **Policy HLC1** – This requires a statement addressing the historic significance and potential impact of development in Conservation Areas to accompany relevant planning applications.

69. The Policy is justified in terms of the requirements in both national planning policy and the Leeds Core Strategy for additional information to be provided where heritage assets are affected. The Policy informs rather than “*defines*” this requirement. I note that the Policy goes beyond the requirements set out in Leeds City Council’s *Validation criteria checklists for planning applications – information requirements*. I have considered whether the Policy introduces an additional and unduly onerous burden on applicants. I note that it has been amended through consultation to ensure that the detail of the accompanying statement is proportionate to the “*scale*” of the development although scale is not always commensurate with impact.

70. The Policy references evidence of historic significance as provided in Appendix B. The source of this information is the two Conservation Area Appraisal and Management Plans and these should be directly referenced.

71. The Policy drafting references both “*new*” development and “*extensions*”. All development is either new or involves a change to a new use and extensions are by definition just one type of development in planning law.

72. Policy HLC1 does not meet the Basic Conditions.

- **M2 – Amend Policy HLC1 to:**
  - **Delete “*new*” and “*and extensions*” in the first line**
  - **Add “and impact” after “*scale*”**
  - **Add “and the relevant Conservation Area Appraisal and Management Plan” after “*Appendix B*”**
  
- OM10 – [Replace “*defines*” with “informs” at end of paragraph 4.3.1]

### Non-Designated Heritage Assets

73. **Policy HLC2** – This establishes a policy requirement for developments affecting non-designated heritage assets to demonstrate an understanding of their historic significance and how the development will affect the asset.

74. The Policy approach applies to all non-designated heritage assets including identifying 29 buildings and structures with specific and substantive supporting evidence in Appendix A. The methodology used in Appendix A is based on the approach established by Historic England to local listing. I am satisfied it is sufficiently robust and have visited most of the assets assessed. The use of neighbourhood plans to identify non-designated assets is supported by Planning Practice Guidance (Paragraph: 040 Reference ID: 18a-040-20190723).

75. There is some debate as to whether an area identified in Map 9 should be identified as having *“Ridge and Furrow evidence”*. This is disputed on behalf of the landowner in representations from Iain Bath Planning. I note that this area has been removed from the list of non-designated heritage assets following earlier representations and the supporting text is both factual in its reference to the Historic Environment Record and open to the physical evidence being *“post-enclosure and the result of steam ploughing”*. I am content with the way in which this information is presented in the Plan and it has no direct bearing on a heritage asset specified in its policies.

76. The 29 non-designated heritage assets are identified on Map 4 along with eight character areas. As presented it is unclear whether the Policy relates to the eight character areas. This includes, as raised in representations by Robert Wilkinson, the *“Countryside”* character area. Shadwell Parish Council has confirmed the decision was taken to include the countryside as a non-designated heritage asset following representations from Historic England on the draft Plan.

77. Planning Practice Guidance includes *“landscapes”* within the scope of what can be a non-designated heritage asset (Paragraph: 039 Reference ID: 18a-039-20190723). The value of the *“rural landscape”* is included in paragraph 5.2.3 but only in respect of Appendix A

(where “*historic landscape*” is used) and detail of the eight character areas is provided in Appendix B. Appendix B relates the character areas only to Policy HLC3. Paragraph 14.6.30 of Appendix A also identifies the “*Countryside*” as described in paragraph 14.1.3 but not paragraph 15.5.8 as being considered a heritage asset. The “*countryside*” is much broader than the “*rural/historic landscape*” and while it is appropriate as a character area it does not meet the requirements for a non-designated heritage asset. To avoid potential confusion I recommend that this distinction is made between Policy HLC2 and Policy HLC3 and that “*historic landscape*” is added to the boxed list of non-designated heritage assets on page 13. The Plan should also be clearer that Policy HLC2 relates to non-designated heritage assets and Character Areas are addressed in Policy HLC3.

78. Policy HLC2 applies only to assets outside the Conservation Areas but refers also to Map 3 which provides information on the two Conservation Areas and includes the same non-designated heritage assets as Map 4 for a part of the neighbourhood area.

79. There is a risk of confusion between the two maps and I recommend they are renamed and Map 3 addresses only Conservation Area issues. Map 3, Map 4 and the maps included in Appendix A also need to be available at a large scale enabling detailed boundaries and locations to be identified.

80. The Policy includes superfluous drafting relating the specific attributes of individual assets to the wider future of Shadwell. The Policy relates to the significance of specific assets rather than their cumulative benefit to the area.

81. The description for asset 28 refers variously to both “*stone*” and “*stones*”. The pair of stones at the entrance to Dan Quarry is included and so references should be plural.

82. Policy HLC2 does not meet the Basic Conditions.

- **M3 - Amend Policy HLC2 to:**
  - **Replace “*Maps 3 and 4 and in the appendix*” with “*Map 4 and in Appendix A*”**

- Delete *“in ways which will be particularly beneficial to the future of Shadwell”*
  
- M4 – Rename Map 3 “Conservation Areas” and delete the non-designated heritage assets shown
- M5 – Provide larger scale versions of Map 3, Map 4 and the map extracts in Appendix A in the final plan and/or via a link
- M6 – Add “(including the historic landscape)” in the Key to Map 4 after *“Non-designated heritage asset”*
- M7 – Add “30. Historic landscape” to the boxed list of non-designated heritage assets on page 13
- M8 - Delete *“In addition to these buildings and structures”* in paragraph 5.2.3
- M9 – Insert a new paragraph after 5.2.3 – “The boundary of the historic landscape as a non-designated heritage asset is coincident with that of the Countryside as a Character Area. Character Areas, identified in Map 4 and Appendix B, are addressed by Policy HLC3.”
  
- OM11 – [Amend description for asset 28 to refer to “stones”]

### Positive Design

83. **Policy HLC3** – This establishes policy requirements for the design of new development and its impact on character areas, local views and other considerations across the whole neighbourhood area.

84. The Policy is supported by *“Guidance for Development”* contained in Appendix B *“Local Character and Design Guidance”*. This guidance is presented in tinted boxes in paragraph 15.6 which separates it from the information on local character also included in Appendix B. Shadwell Parish Council has explained the format in terms of the Design Guidance arising from the preceding character appraisal but this is not entirely clear. I recommend the two are presented in separate appendices and the Design Guidance addresses only matters relating to design. The reference to community projects should be

addressed elsewhere in the Plan. The Design Guidance also needs to be consistent with national policy, be evidence based and contain correct references to other aspects of the Plan. I recommend a number of changes to achieve this.

85. Given the need for neighbourhood plans to be worded positively I have considered the appropriateness of the Design Guidance that *“The extent of the built-up part of the village should not grow”* and the reference to the Village Envelope in Map 2. The Village Envelope is addressed in Policy ENV1. For the purposes of Policy HLC3 I am satisfied that the approach presented in Appendix B is consistent with the strategic approach of the Leeds development plan which establishes a Green Belt boundary around the built-up area of Shadwell that aligns with the Village Envelope.

86. The Policy is supported by information on 26 different views in Map 5 and in a numbered list provided in a tinted box after Map 5. These have been identified through local knowledge and walkabouts and the importance of local views is also addressed in the character appraisal. Shadwell Parish Council has confirmed that the significance of the views lies in their role in demonstrating the close connection with the surrounding countryside. Map 3 also shows the views identified in the two Conservation Area Appraisal and Management Plans, including local views internal to the Conservation Area. Shadwell Parish Council has confirmed that the views out of the Conservation Area in Map 3 should also be in Map 5. Because of the different way in which the views are presented in the two Maps this is not clear. There is also a view in Map 3 looking north from Shadwell Lane which is missing from Map 5. For the sake of clarity all the longer views referenced in the Policy should be provided in Map 5. There are a number of errors in the cardinal points used in the list of views provided after Map 5. I have visited each of the views and am content that they make a significant contribution.

87. The Policy also relates to the character areas identified in Appendix B and Map 4 and the drafting can be improved to clarify this. I note that the whole neighbourhood area is included in a Conservation Area or character area except for a part of the built up area west of the cricket ground. Shadwell Parish Council has confirmed this is a deliberate omission and it does not have a direct impact on the compliance of Policy HLC3 with the Basic

Conditions. Development in this area needs to have regard to the Design Guidance under Policy HLC3.

88. The policy intention to achieve “*excellence in design*” lacks clarity and the Plan’s references to national policy provide a more robust description of the ambition for high quality design.

89. Policy HLC3 does not meet the Basic Conditions.

- **M10 – Replace Policy HCL3 with “Proposals for development should be of high quality design that respects local distinctiveness and character and has regard to the Character Area appraisal in Appendix B and Map 4 and the Design Guidance in Appendix C. Development proposals should respect:**
  - **the scale of buildings in their locality, their materials and detailed design features;**
  - **townscape setting, including the Gateways, Landmark Structures and local views identified in Map 3;**
  - **the views of surrounding countryside identified in Map 5; and**
  - **the spaces between buildings , including existing trees, hedges and planting and hard landscape features such as boundary walls, fences and natural paving materials.”**
  
- **M11 - Move the text in paragraph 15.6 into a new Appendix C “Design Guidance” and amend the Design Guidance to:**
  - Replace the bullets with numbers
  - Replace the first bullet with “The following guidance applies to development throughout the neighbourhood area. There is additional guidance on development in the Conservation Area Appraisal and Management Plans.”
  - Delete the third bullet point
  - Delete the last sentence of the seventh bullet relating to “*enabling development*”
  - Update and correct the references in the eight bullet

- Delete “*only*” in the second sentence of the tenth bullet
- Delete the eleventh bullet relating to tenanted properties being less well managed, for the lack of evidence
- Replace the first sentence of the thirteenth bullet with “Development should respect the character of neighbouring development, particularly in the estate areas where there is a consistent pattern of design, and high quality contemporary design is acceptable for new buildings where this will enhance the overall character of Shadwell.”
- Replace the first sentence of the seventeenth bullet with “Renewable energy developments should respect the significance and character of heritage assets.”
- Replace “*and certainly never*” with “or” in the seventeenth bullet
- Delete the eighteenth bullet
- M12 – Amend the detail of the Views identified in the tinted box after paragraph 6.2.5 as follows:
  - V1 – replace “*west*” with “*east*” and “*Moor*” with “*Moors*”
  - V2 – replace “*east*” with “*west*”
  - M1 – replace “*northward*” with “*southward*”
  - M2 – replace “*eastward*” with “*westward*”
  - M15 – insert “*north*” before “*eastward*”
- M13 – Add the distant view north of Shadwell Lane in Map 3 to the views in Map 5
- OM12 – [Replace “*Excellence in*” with “High quality” in paragraph 6.2.1]

### Rural environment

90. **Policy ENV1** – This defines the Village Envelope within which development should be located unless it is appropriate to the Green Belt or allocated in a development plan.

91. The Village Envelope shown in Map 2 is coincident with the Leeds Green Belt boundary and the Policy is consistent with the strategic approach in the development plan. Given the alignment with the Green Belt boundary I am content that no further evidence is needed to support definition of the Village Envelope but Map 2 is not provided at a scale

large enough to determine the detailed boundary. Definition of the village envelope rather than the policy approach to the rural environment is the main focus of the Policy.

92. The Policy is not consistent with Green Belt policy which also permits inappropriate development in very special circumstances.

93. The second part of the Policy addresses similar considerations to those in Policy HLC3. This introduces potential ambiguity and unnecessary duplication in conflict with national planning policy (NPPF, paragraph 16). I recommend that Policy HLC3 is used to address these considerations. My recommended modifications further clarify the consideration that should be given to the *"Countryside"* character area.

94. The Policy drafting is intended to accommodate future changes to the Leeds development plan which may result in sites being allocated for development in the area. This should reference the *"Local Plan"* rather than the *"Local Development Framework"*.

95. I have considered Yorkshire Wildlife Trust's representations for the the Policy to address the significance of Pitts Wood but concluded that this is inappropriate as it would fundamentally alter the policy approach by referencing a specific site.

96. Policy ENV1 does not meet the Basic Conditions.

- **M14 – Amend Policy ENV1 to:**
  - **Retitle it as "Village envelope and the rural environment" [with consequential changes to the supporting text]**
  - **Delete *"the purposes of"***
  - **Insert "or can demonstrate very special circumstances, " after *"Green Belt"* in the first paragraph**
  - **Replace *"Local Development Framework"* with *"Local Plan"***
  - **Delete the second paragraph**

- M15 – Replace paragraph 7.2.9 with “Policy HCL3: Positive Design applies to any development outside the village envelope in the Countryside character area.”
- M16 - Provide a larger scale versions of Map 2 in the final plan or via a link

### Trees, Hedges and Gardens

97. **Policy ENV2** – This establishes the policy approach to development in residential gardens and for the retention of trees and hedges.

98. The Policy is supported by evidence of the importance of woodland, trees, hedges and gardens to the character and wildlife of Shadwell. There is strong public support evident from the consultation process. The policy expectation that lost trees and hedges will be replaced on a three-for-one basis is supported by Policy Land 2 in the adopted Leeds Natural Resources and Waste Local Plan.

99. While it is appropriate to have strongly worded policies given national planning policy for “*policies to resist inappropriate development of residential gardens*” (NPPF, paragraph 70) the Policy drafting is overly restrictive in stating what will “*only be permitted*” and not permitting even minor negative impacts on the landscape.

100. There is some duplication and ambiguity in the second part of the Policy between requiring “*strong justification*” for the removal of trees and only removing those shown to be required by an “*arboricultural survey or any other reason*”. It is not appropriate to elevate within the Policy the role of the Parish Council in identifying locations for new planting and there will be occasions where this is not possible or desirable on site. The Policy drafting should be consistent with other policies.

101. Policy ENV2 does not meet the Basic Conditions.

- **M17 - Amend Policy ENV2 to:**
  - **Insert “Proposals for” before “Development”**
  - **Replace “will only be permitted where it will” with “should”**

- Insert “significantly” before “reduce” in the second bullet
- Delete “Only tree and hedge plants shown by an arboricultural survey or any other reason to require removal should be removed and”
- Insert “Where trees and hedge plants are removed they” before “should be replaced”
- Insert “unless otherwise agreed” after “within the site”
- Move “Where that provision is agreed to be elsewhere, suitable locations are to be selected in consultations with the Parish Council, and” to the supporting text
- Replace “planting” with “Replacement planting should be” before “carried out at”

### Local Green Spaces

102. **Policy ENV3** – This designates nine Local Green Spaces which are subject to a restrictive development management approach.

103. The power to designate Local Green Space is one of the most significant available to neighbourhood plans. The value of green spaces to Shadwell is clear from the public consultation and there has been specific consultation on the proposals for designating Local Green Spaces.

104. National planning policy sets out requirements to be met by potential Local Green Spaces (NPPF, paragraph 100) and the Policy is supported by an assessment of each proposal. It is notable that two of the potential sites are considered to meet the criteria and not put forward for designation due to objections from the Highways Authority. I note that highways land has been designated as Local Green Space in other neighbourhood plans. A further three locations have been considered and been rejected as not meeting the criteria.

105. I have visited each of the nine sites and am satisfied by the assessment process. Each of the nine sites meets the criteria for designation. LGS9 should be described as woodland rather than as a garden and there are no shrubs in LGS8.

106. The location of each Local Green Space is shown on Map 6 and in the supporting Appendix (now Appendix D in the light of other recommended modifications). Map 6 includes a number of other similar sites and there is potential for confusion, including with the “Leeds Green Space”. The other sites are not addressed in the Plan’s policies and I recommend that Map 6 deals exclusively with the Local Green Space designations in the Plan. Map 6 is not drawn at a large enough scale for their boundaries to be clearly identified. The supporting Appendix does provide larger scale maps. The depiction of LGS8, LGS9 and the Ridge and Furrow Field uses a different colour shading which is a source of potential confusion.

107. I note that LGS2, LGS3 and LGS9 are already designated as Green Belt. The planning policy for Green Belt is the same as Local Green Space and so there is no policy benefit in these designations. Nevertheless I acknowledge the local support for recognising these sites and also that their designation as Local Green Space increases local influence over their future policy status. This is not inconsistent with Planning Practice Guidance.

108. The drafting of the approach to development on Local Green Space is not consistent with national planning policy which restricts only “*inappropriate*” development (NPPF, paragraph 143).

109. Policy ENV3 does not meet the Basic Conditions.

- **M18 – Amend Policy ENV3 to:**
  - **Replace “*the Appendix*” with “Appendix D”**
  - **Insert “*Inappropriate*” before “*Development*”**
  - **Replace “*will not be acceptable other than*” with “*should not be approved except*”**
  
- M19 – Amend Map 6 to show only the Local Green Spaces designated in Policy ENV3 and retitle it as “Local Green Spaces”

- OM13 – [Amend the description of LGS9 to woodland and delete reference to shrubs in LGS8]
- OM14 – [Provide a larger scale versions of Map 3 in the final plan or via a link]

### Retention of Community Facilities

110. **Policy COM1** – This identifies ten community facilities with strict controls over change of use.

111. There has been specific consultation on and prioritisation of the community facilities identified in the Policy and included in Map 7 and the supporting Appendix (now Appendix E in the light of other recommended modifications). This includes consultation with owners/operators of the facilities.

112. I have visited each of the community facilities and am satisfied with the evidence supporting their particular value to the local community.

113. The Policy controls changes in use while the policy intention and supporting text also refers to loss through development. This creates a potential ambiguity. It is possible that a building could be demolished causing a loss of the community facility without any application for a change of use. The Policy also needs to make provision for an alternative being provided elsewhere.

114. Changes to the Use Classes Order were introduced during the course of my Examination. All but one of the community facilities identified in the Policy falls into the new F Use Class, with public houses now being sui generis. It would aid clarity if this was referenced in the supporting text.

115. There is an inconsistency in the name of the Recreational Centre between Map 7 and both the Policy and Appendix. The drafting of the supporting Appendix fails to provide an identifying letter for Shadwell Tennis Club. The Policy drafting should also be consistent with other policies.

116. Policy COM1 does not meet the Basic Conditions.

- **M20 – Amend Policy COM1 to:**
  - **Replace “to change the use” with “for development which would result in the loss, including through a change of use,”**
  - **In “new or” after “suitable”**
  
- OM15 – [Rename Community Facility D “Shadwell Recreational Centre” in Map 7]
- OM16 – [In paragraph 17.2.10 title add “J.” before “Shadwell” ]
- OM17 – [Add to supporting text “Policy COM1 is consistent with the F1 Use Class for Local Community and Learning and public houses being sui generis.”]

#### Infrastructure Provision and Design

117. **Policy INF1** – This supports telecommunications and low-carbon energy developments subject to their impact on local character.

118. The Policy is positively worded and consistent with national planning policy. These developments are subject to other Plan policies and there is a risk of unnecessary duplication. I am nevertheless content that by adopting a positive approach to telecommunications and low-carbon energy developments Policy INF1 adds to the development plan policy framework for Shadwell.

119. The Policy relates to “small-scale” low-carbon energy production equipment and no definition of small-scale is provided beyond a reference to “single dwelling solutions” in the supporting text. I recommend further clarity is provided.

120. The Policy does not support development having “unacceptable” impacts. This does not provide necessary clarity for decision-makers required to assess what is unacceptable.

121. The Policy identifies “character”, “any heritage assets” and “views and vistas shown on Map 5” as the key considerations when assessing the impact of development. There are additional views shown on Map 3 and this risks introducing ambiguity into the Policy.

122. Policy INF1 does not meet the Basic Conditions.

- **M21 – Amend Policy INF1 to:**
  - **Add “, domestic” after “small”**
  - **Replace “unacceptable” with “significant adverse”**
  - **Add “identified” before “views” and delete “shown on Map 5”**

#### Housing Mix

123. **Policy HOU1** – This requires new residential development of three or more dwellings to provide an increasing proportion of homes of one or two bedrooms suitable for older people or one- and/or two-person households dependent on the total number of homes provided.

124. There are no housing sites identified in the Plan and it is predicated on future housing needs being met on unallocated sites. There is evidence of this being achieved, with the supporting text referencing 17 homes being completed within the Village Envelope between 2013 and 2018.

125. I note Carter Jonas’ representations on behalf of Lady Elizabeth Hastings Estate Charity that the Plan should be identifying sites for housing development. This is not a requirement of national planning policy and the choice of policy issues to be included in a neighbourhood plan is entirely discretionary. The Plan also states that “*no specific deliverable sites were identified within the village envelope*” through the public engagement and evidence gathering stages. This provides evidence that the encouragement in national planning policy for neighbourhood planning to “*consider*” allocations (NPPF, paragraph 69) has been addressed.

126. Policy HOU1 seeks to prioritise the needs of older people and/or one- and two-person households in new one and two bedroom housing. This is supported by evidence of both the significantly higher proportion of households aged 65 plus when compared to Leeds as a whole and the expected future growth in the number of older households. There is also evidence of older people wanting to move but being unable to do so because of the lack of suitable homes in the area. There is a lack of equivalent evidence of the need for homes suitable for one- and two- person households.

127. Shadwell Parish Council has indicated that the main intention of Policy HOU1 is to address the shortage of smaller dwellings. The supporting text equates smaller dwellings with meeting the need from older people to downsize and younger people to find lower cost accommodation. During consultation there is some evidence of public views that there are insufficient low-cost/affordable/starter homes but no evidence is provided that links the provision of small dwellings with meeting affordable housing needs and the Policy includes no controls over affordability or tenure. Dwelling size is not an appropriate proxy for affordability.

128. Leeds Core Strategy Policy H4 supports housing development providing an appropriate mix of dwelling types and sizes to meet needs and establishes a Leeds-wide target for 10% one-bed and 50% two-bed dwellings. There is no evidence presented in the Plan that this target should be varied within the neighbourhood area and if implemented Policy H4 would increase the proportion of smaller homes. On request I was sent further information, including from Leeds Strategic Housing Market Assessment. This Study indicates the market demand for one and two bedroom dwellings is above supply. I was informed that Policy H4 is *“vague on housing mix on smaller sites”* and Leeds City Council acknowledges that Policy H4’s support for one and two bed roomed properties is rarely being achieved outside the City Centre and more guidance is needed to achieve an appropriate housing mix. I was also informed that in the last decade there have been 21 applications for residential development proposing *“a total of 59 new dwellings, over 50% of which were for 4+ bed dwellings, 24% were for 3 bed dwellings and 22% for 2 bed dwellings. None were for 1 bed dwellings. Of the 59 new homes proposed, 29 were approved. 62% of the approved new dwellings have been 4+ bedrooms, 17% were 3 bed dwellings and 21%*

were 2 bed dwellings. This shows that existing policy for housing mix is not helping to deliver homes in accordance with housing needs in Shadwell.”

129. It is Leeds City Council’s view, shared by Shadwell Parish Council, that *“a more specific and prescribed approach is justified in Shadwell to help meet the identified needs in the area. It is considered that it is within the scope of the NP to provide a more prescribed approach than set out in Local Plan policy and still meet the requirements of the Basic Conditions as it upholds the general principle that the strategic policy is concerned with and provides an additional level of detail without undermining the strategic policy (in line with Planning Practice Guidance, Para 073, Reference ID: 41-074-20140306).”*

130. I am persuaded that there is both evidence and support for the Plan to go further than Policy H4 in meeting identified needs for smaller dwellings.

131. I have considered whether Policy HOU1 addresses meeting these needs in an appropriate way. Policy H4 supports providing a Housing Needs Assessment for developments of 250 homes or more. By contrast Policy HOU1 could relate a Housing Needs Assessment to a development as small as three homes. There is no evidence presented for such an extreme reduction in the threshold for providing a Housing Needs Assessment. Implementation of the Policy should be informed by evidence of Shadwell’s identified housing needs but this should not be a requirement placed on applicants of small residential developments.

132. The Policy stipulates that approximately one third of dwellings on sites for different numbers of new homes ranging from 3-5 to 12-14 should be one and two bedroom and suitable for older people and one- and two-person households. There is a lack of evidence supporting this prescriptive approach and on request Shadwell Parish Council informed me that it *“was arrived at by a consideration of what might be reasonable for a small builder in terms of viability”*. This is insufficient evidence to justify such inflexible requirements, especially for such small developments.

133. Policy HOU1's intention is consistent with national planning policy and supports Local Plan Policy H4. Adequate evidence has been provided to support the need for to make provision for smaller dwellings in Shadwell. The approach proposed is, however, too inflexible and not adequately justified. I recommend achievement of the policy objective with a less prescriptive approach. The effectiveness of the Policy will be helped by the provision of evidence of what is an appropriate mix of dwelling types and sizes that meet identified local housing needs in the neighbourhood area.

134. Policy HOU1 does not meet the Basic Conditions.

- **M22 - Replace Policy HOU1 with "Proposals for housing development on non-allocated sites should provide an appropriate mix of dwelling types and sizes that meets identified local housing needs, including smaller dwellings that make provision for older people and one- and two-person households."**

## **8. Recommendation and Referendum Area**

135. I am satisfied the Shadwell 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. Shadwell Parish Council sees no benefit in extending the referendum area beyond the Neighbourhood Area and I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.