

COLLINGHAM NEIGHBOURHOOD PLAN

Collingham Neighbourhood Plan Examination,
A Report to Leeds City Council

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Contents:

1. Introduction

2. Basic Conditions and Development Plan Status

3. Background Documents and the Collingham Neighbourhood Area

4. Public Consultation

5. The Neighbourhood Plan: Introductory Section

6. The Neighbourhood Plan: Policies

7. The Neighbourhood Plan: Other Matters

8. Summary

9. Referendum

1. Introduction

The Neighbourhood Plan

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in *italics*.

This Report provides the findings of the examination into the Collingham Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

Collingham Parish Council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Leeds City Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Collingham Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Leeds City Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Collingham Neighbourhood Area to which the Plan relates.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly specifies the plan period as *“2015 - 2028.”*

For clarity, whilst I acknowledge that the reference to the draft publication date on the front cover provided relevant information at the Submission stage, I now recommend:

- **Front cover, delete “Draft June 2016”**

In addition to the above, I recommend that, in the interests of precision and clarity, the Introduction confirms the plan period:

- **Page 6, Para 2.5, add to the final sentence “...this aim during the plan period *up to 2028.*”**

Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of all of the relevant information, I confirmed to Leeds City Council that I was satisfied that the Collingham Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:

- 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 of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.²

Paragraph 2.6 on page 6 provides a general reference to the basic conditions. Whilst I acknowledge that page 6 of the Neighbourhood Plan, quite rightly, seeks to use plain English that people can understand – as opposed to corporate or legislative gobbledegook – it is important that the basic conditions are not misinterpreted, as they are central to Neighbourhood Planning. In the light of this and in the interest of the Neighbourhood Plan being precise, I recommend:

- **Paragraph 2.6, change to “...or Order has regard to national planning policy and advice and is in general conformity with the strategic planning policies for the wider area adopted by the local authority, along with other legal requirements, people...a Referendum. If...”**

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.³

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

² Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

³ The Convention rights has the same meaning as in the Human Rights Act 1998.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the content of this Report, I am satisfied that these three points have been met.

In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁴. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.

“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.” (Planning Practice Guidance⁵).

This process is often referred to as a screening report, opinion, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

A Screening Report was produced by Leeds City Council and this was submitted alongside the Neighbourhood Plan. This established that:

“...the implementation of the policies contained within the CNP would not result in any likely significant environmental effects upon the environment but would result in positive effects in some cases...”

and went on to conclude that:

“...the assessment of the CNP policies identifies no significant negative effects and as such, the CNP does not require a full SEA to be undertaken.”

Each of the statutory consultees, Natural England, Historic England and the Environment Agency, were consulted on the Neighbourhood Plan. None of these bodies disagreed with the conclusion above and Historic England commented that:

“...there is no need for a Strategic Environmental Assessment.”

⁴ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

⁵ Paragraph 027, ibid

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

Leeds City Council also undertook a HRA Screening exercise and this was submitted alongside the Neighbourhood Plan as part of a combined *“Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report.”*

This identified the Kirk Deighton Special Area of Conservation (SAC) as the only international designated site within a 15km radius of the Neighbourhood Area. Further to assessment, it was concluded that the Neighbourhood Plan:

“...is unlikely to have any significant impact on the Kirk Deighton SAC...A full HRA of the CNP is not required as it does not contain any specific development allocations or policies or proposals that would significantly affect any European site alone or in conjunction with other projects or plans.”

Further to consultation, none of the statutory bodies raised any concerns with the above conclusion. Further, with regards to the Kirk Deighton SAC, Natural England noted that:

“...we do not consider that the plan is likely to impact this site...”

In addition to all of the above, national guidance establishes that ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations is placed on the local planning authority,

“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance⁶)

In undertaking the work that it has, Leeds City Council has considered the Neighbourhood Plan’s compatibility with EU obligations and, like the statutory consultees above, has raised no concerns in this regard.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

⁶ Paragraph 031, Reference: 11-031-20150209, Planning Practice Guidance

3. Background Documents and the Collingham Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Collingham Neighbourhood Plan. This has included the following main documents:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- Leeds Local Development Framework Core Strategy (2014)
- Unitary Development Plan (2001) (Saved Policies)
- Basic Conditions Statement
- Consultation Statement
- Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Collingham Neighbourhood Area.

Collingham Neighbourhood Area

The introduction to the Neighbourhood Plan confirms that the Neighbourhood Area forms one of two Neighbourhood Areas within the Parish of Collingham with Linton. Linton Neighbourhood Area has its own Neighbourhood Plan, which underwent a successful Referendum in December 2015, when 96% of residents voted in favour of it.

A plan on the inside cover of the Neighbourhood Plan shows the boundary of the Collingham Neighbourhood Area.

Further to an application made by Collingham with Linton Parish Council, Leeds City Council approved the designation of Collingham as a Neighbourhood Area on 15 August 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Collingham Neighbourhood Plan Consultation

A Consultation Statement was submitted to Leeds City Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*⁷.

The Consultation Statement provides information to demonstrate that community engagement was at the heart of the plan-making process and that it was carried out in a comprehensive manner.

The Neighbourhood Plan was produced by a Committee, formed out of a Drafting Committee and a Steering Group comprising members of the local community, including Parish Councillors. A set of Guiding Principles was established and a walk-in event, to introduce the plan, was held in September 2012. This was attended by 124 residents and was followed by a community survey, comprising a questionnaire completed by 259 residents. Then, in June 2013, a further walk-in event was held to present the results of the questionnaire, along with a display of the Vision and Guiding Principles for the emerging plan. Landowners also displayed masterplans for possible future developments.

The walk-in event was attended by 280 residents and resulted in 475 individual comments within 204 written representations. These were reported and helped inform Leeds City Council's Issues and Options for Site Allocations, as well as the emerging plan.

⁷Neighbourhood Planning (General) Regulations 2012.

Consultation was held with the local scout and guide group, along with Year 3 pupils at the local school. Letters were sent to local businesses, clubs and societies to stimulate interest and involvement in the emerging plan and subsequent meetings were held.

The Consultation Statement draws attention to an excellent working relationship with officers from Leeds City Council. I note in particular that ongoing communication with Leeds City Council provided the opportunity for the emerging plan to benefit from both professional knowledge and examples emerging from other plans being produced across the city.

Taking the results of consultation into account, the pre-submission draft plan was produced and underwent a seven-week consultation period between October and December 2015. Hard copies and electronic versions of documents were made widely available and each household and business received a letter setting out the reasons for the consultation and information on how to find the full version of the plan and submit comments.

The consultation was supported by two open events held at the Collingham Memorial Hall in November 2015.

The consultation resulted in the receipt of 50 response forms, with 205 individual comments. All of the comments were collated and considered. Agreed actions were reported.

The plan-making process was widely publicised, including through the distribution of newsletters, through the Parish Magazine, via information on a dedicated page of the Parish Council website, through use of social media and the Parish notice board, and via Tempo FM. The Consultation Statement also notes that 30 progress meetings were held and minutes provided.

The Consultation Statements provide significant evidence to demonstrate that engagement was encouraged, matters raised were considered and that the reporting process was transparent.

Taking everything into account, I am satisfied that the Neighbourhood Plan emerged through a consultation process that was robust.

5. The Neighbourhood Plan – Introductory Section

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.

The Introduction contains a number of errors and in making the recommendations below, I draw attention to the fact that, whilst it does not need to, a neighbourhood plan can allocate land for development.

I recommend:

- **Page 6, Para 2.2, first line, change to “*The planning system promotes sustainable development and the residents...*”**
- **Para 2.3, first sentence, change to “*This Plan does not identify specific sites...be built. Delete second sentence.*”**

Paragraphs 5.4, 5.5, 5.8 and 5.9 provide information that was relevant at the Submission stage, but which is now largely out of date. I recommend:

- **Page 9, delete Paras 5.4, 5.5, 5.8 and 5.9**

Part of Paragraph 7.2 reads as though it was a Policy, which it is not. I recommend:

- **Page 10, Para 7.2, delete last sentence (“*Accordingly they will be...dictate otherwise.*”)**

Whilst the historic plan presented on page 12 appears as though it may be interesting, its reproduction is blurred to the extent that it is illegible. If the plan is to be included, it is important that it is clearly presented. I recommend:

- **Page 12, delete “Map 2” and replace with a clearly legible reproduction. (If this is not possible, do not retain the existing, blurred plan)**

There is an error on Page 13. I recommend:

- **Page 13, Parag 9.3, line 4, change to “*...sports clubs...*”**

I note that, from Paragraph 9.10 through to the end of the Neighbourhood Plan, a gap between the Paragraph number and the text is introduced. As this does not appear prior to Paragraph 9.9, it results in an inconsistent approach which, whilst minor, does detract from the appearance of the document. Although not a serious matter, I note that it would improve the presentation if the approach was consistent throughout the Neighbourhood Plan.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Protecting the Village Setting

The final Paragraph on page 15 reads as though it was a Policy requirement, which it is not. I recommend:

- **Page 15, Para 11.5, change to *“Appendix 1 provides guidance in respect of the impact on village setting that might arise from planning proposals.”***

Policy A: Protecting the Village Setting

Paragraph 58 of the National Planning Policy Framework (the Framework) requires development to:

“...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;”

In general, Policy A seeks to protect local character and has regard to national policy. However, it is not clear how the first sentence of the Policy will be implemented. It requires all development to preserve Collingham’s village setting *“by taking into account”* that it is *“part of a community of small rural villages.”*

No detail is provided in respect of how, or why, being part of a community can, or should be, *“preserved.”* For example, the Policy does not set out the specific physical character traits of the *“community”* worthy of preservation. This part of the Policy does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

Further, it is not clear how, or why, all development can, or *“shall,”* have a positive impact on the special features of the village. The Policy provides no detail in respect of what these special features comprise, or why it would be relevant, or even possible, appropriate or viable, for every development to have a positive impact on them. This part of the Policy fails to have regard to Paragraph 173 of the Framework, which states that:

“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable.”

The Policy then goes on to introduce the rather vague statement, that “*good quality design shall reflect the character of the locality.*” This fails to have regard to Planning Practice Guidance, which requires land use planning policies to be precise and concise⁸. In making the recommendations below, I note that Policy D addresses design quality.

Chapter 11 of the Framework, “*Conserving and enhancing the natural environment,*” provides strong, positive support for protecting and enhancing biodiversity and goes on, in Paragraph 118, to recognise the importance of irreplaceable habitats and woodland. The third paragraph of the Policy has regard to this.

Whilst the final paragraph of the Policy is in general conformity with Leeds Local Development Framework Core Strategy (Core Strategy) Policy G1 (*Enhancing and Extending Green Infrastructure*), which recognises the importance of landscapes, including open land, the plan referred to in the Policy as “*Map 3*” is incorrectly titled as Policy A does not identify views and vistas to be protected.

Map 3 is not referred to in any other Policy in the Neighbourhood Plan. It is therefore unclear why it sets out, in tabular form, views “*to be protected.*” No Policy in the Neighbourhood Plan protects views. This is confusing and detracts from the precise nature of the document as a whole.

I recommend:

- **Policy A, delete first sentence**
- **Policy A, second sentence, change to “*Development must respect Collingham’s landscape character.*”**
- **Page 51, Map 3, delete the table alongside the plan.**
- **Page 51, delete the numbered arrows on the plan and delete the numbers “2” and ‘4”**
- **Page 51, change the title of the plan to “*Map 3, Open Landscape*”**
- **Page 15, delete Para 11.4**

Subject to the above, Policy A meets the basic conditions.

⁸ Ref: Planning Practice Guidance 41-041020140306.

Protecting Local Heritage Assets

Paragraph 12.2 states that Collingham is protected by a Village Design Statement. Whilst a Village Design Statement exists, it does not necessarily “*protect Collingham,*” as indicated.

I recommend:

- **Page 17, Para 12.2, delete last sentence and replace with “*Collingham has a Conservation Area Appraisal and Management Plan and a Village Design Statement.*”**

Policy B: Protecting Local Heritage Assets

National policy, in Chapter 12 of the Framework, “*Conserving and enhancing the historic environment,*” recognises heritage assets as irreplaceable and requires the conservation of heritage assets in a manner appropriate to their significance.

Whilst Policy B seeks to protect heritage assets, it does not comprise a land use planning policy, but rather, it simply requires the provision of a report by an “*appropriate expert.*”

No indication of who, or what, an appropriate expert might be is provided and consequently, the Policy is imprecise. Furthermore, no indication is provided in respect of who will assess the appropriate expert’s report, or on what basis. It is not clear, for example, what would happen if the appropriate expert’s report raised points which others disagreed with.

In this regard and in setting out the recommendations below, I am also mindful that the Policy refers to “*where development has the potential to have a negative impact.*” No indication is provided in respect of when, or where, this potential might arise, or what a negative impact is. The Policy is imprecise and it does not provide a decision maker with a clear indication of how to react to a development proposal.

I recommend:

- **Delete Policy B**
- **Add to list of Projects in the green box on page 20, “*The Parish Council will encourage development proposals to take full account of heritage assets and their settings.*”**

In making the recommendation above, I am mindful that national policy and the saved policies of the Leeds Unitary Development Plan (2001) (the UDP), afford significant and appropriate protection to designated and non-designated heritage assets.

I do not recommend the deletion of the heritage chapter of the Neighbourhood Plan, or “Map 4,” which provide helpful information that is distinctive to the Neighbourhood Area.

Archaeology

Policy C: Archaeology

UDP Policy N29 preserves sites and monuments of archaeological importance and sets out requirements relating to “*appropriate investigation*” in an Appendix.

Policy C is vague and imprecise. It simply refers to “*areas with an opportunity to encounter archaeological remains.*” No indication is provided of where these are or what the opportunities might be. Consequently, there is no clarity in terms of when, or where, the Policy might apply.

The Policy goes on to refer to “*appropriate investigations/recording.*” However, no indication is provided of what might be appropriate.

Taking the above into account, Policy C requires something to take place without providing any indication of precisely what should take place, when or where. The Policy is imprecise and fails to have regard to Planning Practice Guidance.

I recommend:

- **Delete Policy C**
- **Create a new “*Project: The Parish Council will seek to monitor planning applications and ensure that those impacting on areas where there may be archaeological remains provide for appropriate investigations and recording.*”**

Design of Development

Policy D: Design of Development

Good design is recognised by national policy as comprising

“a key aspect of sustainable development...indivisible from good planning”
(Paragraph 56, The Framework)

In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework).

Core Strategy Spatial Policy 1 (*Location of Development*) requires development to respect and enhance the identity of places and neighbourhoods; and Core Strategy Policy P10 (*Design*) requires the provision of good design.

In promoting good design, Policy D has regard to national policy and is in general conformity with the Core Strategy.

No changes recommended.

Community Involvement

Policy E: Community Involvement

The Framework, in Paragraph 188, recognises that:

“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.”

However, it then goes on to state that:

Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer.

(Paragraph 189)

Community involvement is of significant benefit, but it is not a statutory requirement and it is not open for the Neighbourhood Plan to seek to change the planning application system in the form of placing additional requirements upon developers and the local planning authority.

However, I recognise the importance of community involvement and the emphasis that the Neighbourhood Plan seeks to place upon it. I recommend:

- **Delete Policy E**
- **Create new “Project: The Parish Council will seek to encourage applications for the development of more than one dwelling, or other larger proposals, to incorporate a local statement of community involvement. This should explain how the community has been consulted; show that a range of means of engagement have been used; record the views expressed; and explain how these views have been taken into account. Prospective developers will be encouraged to submit the statement to the Parish Council.”**
- **Paragraph 15.1, line one, change to “The Parish Council seeks to encourage community...”**
- **Paragraph 15.1, delete “Many Policies allow for a degree of...will have a greater chance of approval.”**

Sustainable Development

The Environment Agency has proposed a number of small additions to Paragraph 16.3. I consider that these add to the clarity and precision of the Neighbourhood Plan and recommend:

- **Page 27, Para 16.3, line 4, add “...been classified as a *main* river by the...”**
- **Para 16.3, line 13, add “...funded by individuals *and the Environment Agency*. There is a genuine...”**
- **Para 16.3, add to the end “...flooding problem. *It is acknowledged that sustainable development that utilises the principles of the National Planning Policy Framework will, in so doing, prevent an increase in flood risk elsewhere.*”**

Policy F: Sustainable Development

The first part of Policy F requires any development on sites of more than 0.4 hectares to “*address any negative impact*” on “*services, infrastructure and facilities.*” This is a vague and imprecise requirement. No indication is provided of what any negative impact might be and services, infrastructure and facilities amount to a broad range of things.

Consequently, it is not clear how the first part of the Policy might be implemented and it fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

The second sentence of Policy F, which seeks to prevent an increase in flood risk resulting from Collingham Beck or the River Wharfe has regard to the Framework, which is explicit in stating that:

“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere...”

The last part of Policy F is imprecise. It requires development proposals on agricultural land to “*assess the impact on the remaining agricultural business and where appropriate provide mitigating measures.*” No indication of what should be assessed, on what basis and why this would be a relevant land use planning matter is provided. No indication of when it would be appropriate to provide a mitigating measure, or what an appropriate mitigating measure needs to be, is provided.

Further to the above, it is not clear on what basis the Policy seeks to afford particular protection to “*good quality agricultural land.*” The Framework requires the economic and other benefits of the best and most versatile agricultural land to be taken into account and only where:

“...significant development of agricultural land is demonstrated to be necessary...seek to use areas of poorer quality land in preference to that of a higher quality.”
(Paragraph 112)

No evidence is provided to demonstrate that national nor local planning policy seeks to “*mitigate*” the impacts of the development of good agricultural quality land on agricultural businesses; or that doing so contributes to the achievement of sustainable development.

Taking the above into account, I recommend:

- **Policy F, delete the first and last sentences**
- **Paragraph 16.6, change second sentence to “...businesses is *considered to be important.*” (delete rest of sentence)**

Housing Type

Paragraph 17.9 on page 29 reads as though it forms part of a Policy, which it does not. I recommend:

- **Page 29, Para 17.9, change first sentence to “*The Parish Council considers that proposals should therefore include smaller housing designed to the latest accessible housing standards and that consideration should be given to...*”**

Policy G: Housing Type

The Framework seeks to promote the delivery of:

“...a wide choice of high quality homes...” (Paragraph 50)

Paragraph 50 goes on to require plans to:

“...identify the size, type, tenure and range of housing that is required in particular locations.”

The Policy requires any development of more than one house to provide a mix of dwellings including dwellings with fewer than four bedrooms. Thus, whilst the development of one house comprising four or more bedrooms would comply with the Policy, a development of two houses could not include a dwelling of four or more bedrooms – as the Policy clearly sets out a requirement for “*dwellings.*”

Further, taking this to its logical conclusion, a development comprising 98 dwellings with four or more bedrooms and two dwellings of less than four bedrooms would comply with the Policy.

Policy G’s lack of precision results in an imprecise Policy that fails to provide for a mix of dwellings and does not achieve its intention. As a consequence, the Policy does not have regard to national policy and advice and does not meet the basic conditions.

Taking all of the above into account, along with the supporting information on pages 29 and 30 into account, I recommend:

- **Change Policy G to “*Developments of more than two dwellings should provide a mix of housing types and sizes to reflect the changing needs of an ageing demographic profile and the corresponding need for the provision of more smaller dwellings.*”**

Village Facilities and Services

Policy H: Village Facilities and Services

Chapter 3 of the Framework, “*Supporting a prosperous rural economy,*” promotes economic growth in rural areas, including the development of local services and community facilities in villages. Paragraph 28 of the Framework goes on to support the retention of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Policy H seeks to protect important village facilities and services. It has regard to national policy and contributes to the achievement of sustainable development.

The Policy refers to “*a period*” of marketing. A period of time could comprise, for example, five minutes. In the interest of ensuring that Policy H is precise, having regard to national advice, as set out in Planning Practice Guidance and referred to earlier, I recommend:

- **Policy H, line 2, change to “...unless it can be demonstrated, *further to a period of at least six months active marketing, that...*”**

Parking

Policy I: Parking

Paragraph 40 of the Framework supports plans that:

“...seek to improve the quality of parking in town centres so that it is convenient, safe and secure...”

Further, in Chapter 3, *“Supporting a prosperous rural economy,”* the Framework promotes the retention and development of community facilities.

Policy I is a positive policy that supports the improvement of central parking facilities. It has regard to national policy. However, the final part of the Policy reads as a statement, rather than a land use planning policy and it fails to provide for the balanced consideration of planning proposals.

I recommend:

- **Policy I, change last sentence to “The loss of public parking spaces *will be resisted.*”**

Green Infrastructure

There is a mistake in Paragraph 20.7 where the supporting text refers to Policy C instead of Policy D. Furthermore, Policy D does not protect, or provide for “*on-going provision of*” green verges and boundaries.

I recommend:

- **Page 39, Para 20.7, delete “Protection and on-going provision of these...Design and Development.”**

Policy J: Green Infrastructure

Core Strategy Policy 13 (*Strategic Green Infrastructure*) recognises that green infrastructure performs many important functions and provides opportunities for recreation. It identifies key corridors, including the Wharfe Valley, and promotes the maintenance and enhancement of green infrastructure within them.

Policy J seeks to protect and extend areas of green infrastructure. However, the Policy is set out in an unclear and imprecise manner.

The first sentence of Policy J does not make sense. It states that where development is acceptable it should then go on to “*ensure*” various things. If a development is acceptable, then it is acceptable – there is no need for it to go on and ensure that other things take place.

Furthermore, the first sentence of Policy J refers to areas “*defined*” on Maps 5, 6 and 7. The reference to the “*Maps*” is confusing and adds to the imprecise nature of Policy J. Map 6 is an Environment Agency Flood Risk map. It does not define areas of green infrastructure.

Map 7 is entitled “*Designated Green Space*” but none of the Policies of the Neighbourhood Plan designate “*Green Space*.” No indication of what a “*Green Space*” designation might comprise is provided. Whilst I note that a table in Appendix 1 “*describes the Green Space available in Collingham,*” this is simply background information and does not form part of a Policy.

Map 5 shows areas of “*green infrastructure*” and as such, it does appear to relate to Policy J. There is scope for clearer wording in the Policy, enabling it to relate to Map 5 in a more appropriate, precise manner and I make recommendations in this regard, below.

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Para 77)

Consequently, when designating Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

However, Policy J does not identify *“Local Green Space”* and there is no suggestion that it seeks to introduce a policy requirement to rule out all development other than in very special circumstances. Further, there is no substantive evidence to demonstrate that Policy J has emerged through a process that has regard to Policies 76 and 77 of the Framework.

However, the Framework promotes biodiversity and seeks to conserve and enhance the natural environment (Paragraph 109) and taking this, Core Strategy Policy 13 and the information before me into account, I recommend:

- **Policy J, delete and replace with *“The retention, improvement and/or linking of areas of green infrastructure, identified on Map 5, will be supported. The provision of street trees and increased provision of locally appropriate species of woodland is encouraged.”***
- **Delete Map 7. Plan-makers may wish to include it in Appendix 1, however, in so doing, its title should be changed to *“Areas of green space”***

Footpaths, Cycleways and Bridleways

Part of Paragraph 21.5 on page 41 reads as though it was a Policy, which it is not. I recommend:

- **Page 41, Para 21.5, second sentence, change to “*The Parish Council would like these to be safeguarded...*”**

Policy K: Footpaths, Cycleways and Bridleways

The Framework recognises that public rights of way contribute to the health of communities. Paragraph 75 states that:

“Planning policies should protect and enhance public rights of way and access...provide better facilities for users, for example by adding links to existing rights of way networks...”

Whilst, to some degree, Policy K has regard to this, the wording of the Policy imposes potentially onerous requirements on development, regardless of whether such requirements are necessary, directly related to development and fairly and reasonably related in scale and kind to development. Consequently, the Policy does not have regard to Paragraph 204 of the Framework, which requires planning obligations to meet these three tests.

In addition, the final sentence of Policy K requires development to take into account something that doesn't exist and which may never exist. It is not the role of land use planning policies to impose such requirements on development and there is no evidence to demonstrate that doing so has regard to Paragraph 204 of the Framework, or to Paragraph 173, which requires plans to pay careful attention to viability and be deliverable.

Taking all of the above into account, and having particular regard to Paragraph 75 of the Framework, I recommend:

- **Change Policy K to “*The protection, improvement and expansion of the public rights of way network will be supported.*”**

Highway Safety and Traffic Impact

Policy L: Highway Safety and Traffic Impact

The Framework establishes that:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Policy L seeks to impose a requirement for all development to contribute to “free flowing traffic” in residential areas and to reduce the speed of traffic throughout the Neighbourhood Area.

Whilst I note that there is anecdotal evidence of “speeding vehicles and dangerous overtaking” no substantive evidence has been presented to demonstrate that any severe residual cumulative impacts have arisen from existing development in the Neighbourhood Area or will arise from future development.

The Policy provides no clarity in respect of what “reasonable measures” are, or how development can contribute to free flowing traffic, or why it should need to. There is no indication of how development can reduce the speed of traffic throughout the Neighbourhood Area, or why doing so would meet the requirements of Paragraph 204 of the Framework.

The fact that traffic exists, that the amount of traffic is probably increasing and that people don’t like congestion when it arises, is not unusual. However, Policy L fails to set out a precise land use planning policy that has regard to national policy. Rather, it sets out requirements for things to happen, without evidence to demonstrate why the requirements are necessary or relevant to development, or how they will realistically be implemented.

Policy L is imprecise and it does not have regard to national policy. It does not contribute to the achievement of sustainable development and it fails to meet the basic conditions.

Taking the above into account, for clarity, I recommend:

- **Delete Policy L**

Footway and Pedestrian Safety

Part of Paragraph 23.4 on page 45 reads as though it was a Policy, which it is not. I recommend:

- **Page 45, Para 23.4, last sentence, change to “...Harewood Road. *The Parish Council considers that such measures, if introduced, should follow the principles set out in the...*”**

Policy M: Footway and Pedestrian Safety

Policy M is vague and imprecise.

It states that the “*development of multiple dwellings will seek to provide and improve the safety of walking or cycling...*” The Neighbourhood Plan does not allocate any land for multiple dwellings. No indication is provided of what development, where, will provide for the requirements of Policy M, or how it will do so in an appropriate, viable manner.

Whilst the Policy goes on to refer to specific projects, there is no evidence to link any of these to development, having regard to Paragraphs 173 and 204 of the Framework, as referred to earlier in this Report.

Policy M does not have regard to national policy. It does not meet the basic conditions.

I recommend:

- **Delete Policy M**
- **In the green box, add a “*Project: the Parish Council will seek to work with third parties to provide new crossings on the A659 and the A58 and complete footways and provide new surfacing and drop kerbs on routes leading to the village centre and primary school.*”**

7. The Neighbourhood Plan: Other Matters

I note that the recommendations made in this Report will have a subsequent impact on page numbering and Contents. I recommend:

- **Update the Contents page (page 3) and page/paragraph numbering to reflect the recommendations above**

8. Summary

I have recommended a number of modifications further to consideration of the Collingham Neighbourhood Plan against the basic conditions.

Subject to these modifications, I confirm that:

- 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 of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

Taking the above into account, I find that the Collingham Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Leeds City Council that, subject to the modifications proposed, the **Collingham Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

I am required to consider whether the Referendum Area should be extended beyond the Collingham Neighbourhood Area. There are, according to the Consultation Statement, 42 properties within the neighbouring Parish of East Keswick that effectively form part of the built-up area of Collingham. Given their location, I consider that these properties will be affected by the Policies of the Neighbourhood Plan.

Consequently, I recommend that, for the purposes of a Referendum, the Neighbourhood Area be expanded to include those properties in East Keswick that form part of the built-up area of Collingham. Consequently, the Plan should proceed to a Referendum based on the Neighbourhood Area approved by Leeds City Council on 15 August 2013, plus the aforementioned properties in East Keswick.

Nigel McGurk, October 2016
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