

GARFORTH NEIGHBOURHOOD PLAN

Report to Leeds City Council of the Independent Examination

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Contents

1.	Executive Summary	3
2.	Introduction	4
3.	Compliance with matters other than the Basic Conditions	7
	Qualifying body	7
	Neighbourhood Area	7
	Land use issues	7
	Plan period	7
	Excluded development	7
4.	Consultation	8
5.	General comments on the Plan's presentation	10
	Vision and Objectives	10
	Other issues	10
6.	Compliance with the Basic Conditions	12
	National planning policy	12
	Sustainable development	13
	Development plan	13
	Strategic Environmental Assessment	14
	Habitats Regulations Assessment	14
	Other European obligations	14
7.	Detailed comments on the Plan policies	16
	Housing and The Built Environment	16
	Business, Employment and Town Centre	26
	Transport	34
	Green Space and The Rural Environment	35
	Community and Leisure	48
	Education and Health	50
8.	Recommendation and Referendum Area	53

1. Executive Summary

1. I was appointed by Leeds City Council with the support of Garforth Neighbourhood Forum to carry out the independent examination of the Garforth Neighbourhood Plan.
2. I undertook the examination by reviewing the submitted Plan, associated 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 Garforth. It is based on an effective programme of public consultation which has informed a Vision to 2033. This is to be achieved through a set of 25 objectives structured into six themes and 49 planning policies largely dealing with matters distinct to the locality. The Plan also includes a number of projects to support delivery of the objectives. The Plan is supported by a Consultation Statement and Basic Conditions Statement and a Strategic Environmental Assessment and Habitats Regulations Assessment screening report. There is supporting evidence provided and there is evidence of community support and the involvement of the local planning authority.
4. I have considered the 15 separate representations made on the submitted Plan. These are addressed in this report as appropriate.
5. Subject to the recommended modifications set out in this report I conclude that the Garforth Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a number of additional optional recommendations.
6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area of Garforth.

2. Introduction

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

8. I was appointed as the independent examiner of the Garforth Neighbourhood Plan by Leeds City Council with the agreement of Garforth Neighbourhood Forum.

9. I am independent of Garforth Neighbourhood Forum 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 (as amended). 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. An additional Basic Condition was introduced by Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in 2018 that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. 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 Garforth Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- the Strategic Environmental and Habitats Regulations Assessment screening report
- the relevant parts of the existing development plan, comprising Leeds Core Strategy (November 2014) (as amended by Core Strategy Selective Review, September 2019) Site Allocations Plan (SAP) (July 2019), Natural Resources and Waste Local Plan (NRWLP) (January 2013; revised Sept 2015) and saved policies of the Unitary Development Plan (UDP) (2006)
- representations made on the submitted neighbourhood plan
- relevant material held on the Garforth Neighbourhood Forum and Leeds City Council websites
- National Planning Policy Framework (2021)
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Plan was initiated under an earlier version of the National Planning Policy Framework than that used for my examination but the consultation on the submitted Plan took place after the most recent NPPF's publication in July 2021 and this is addressed by the Basic Conditions Statement.

15. No representations were received requesting a public hearing and 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 hearing.

16. I carried out an unaccompanied visit to the Neighbourhood Area on a weekday during January. I visited the main locations addressed in the Plan, including the Local Green Spaces, Views, Green Corridors, a majority of the proposed non-designated heritage assets, and the green space and tree planting opportunities. I also visited a selection of the identified community facilities, the Lines Way, Town End, the identified Town Centre, the development site south of Selby Road, the main industrial estates, and each of the Character Areas.

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”. Existing wording is in “*italics*”. Other modifications, including to the supporting text, are also recommended and these are not in bold. The 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. Some changes will also be needed to the supporting text and documents consequential to the modifications. These should be agreed between Leeds City Council and Garforth Neighbourhood Forum.

18. Producing the Garforth Neighbourhood Plan has clearly involved significant effort over many years led by the Steering Group. The process began in 2013 and is informed by significant community involvement. There is evidence of collaboration with Leeds City Council and continuing this will be important in ensuring implementation of the Plan. The 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 Garforth Neighbourhood Forum and Leeds City 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 – Garforth Neighbourhood Forum – which was designated by Leeds City Council on 11 November 2014. The neighbourhood forum was redesignated on 10 September 2020.

Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which was designated by Leeds City Council on 11 November 2014.

22. The boundary of the neighbourhood area is shown in Map1 and an enlarged version was provided in the submission documents. A detailed map of the boundary is also available online.

Land use issues

23. I am satisfied that the Plan's policies relate to relevant land use planning issues other than in a few cases which are addressed in my consideration of individual policies.

Plan period

24. The period of the neighbourhood plan runs from 2020 to 2033. The period is shown on the Plan cover and is consistent with the Vision.

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 and relevant information provided on the Garforth Neighbourhood Plan website. It provides a clear record of the consultation process that has been undertaken since the prospect of a neighbourhood plan was first raised in 2013. This was guided by a Steering Group from before designation of the neighbourhood area and forum and this was later extended to include a range of sub-groups.

27. The establishment of the forum attracted over 200 members at the initial stage and the preparation of the neighbourhood plan has been open and transparent with good levels of participation. A number of different engagement methods have been used, including a website, public meetings, social media, training days, attendance at Garforth Gala, flyers, banners, drop in sessions, a stall in Main Street and a local supermarket, surveys and online meetings during lockdown. Information has been regularly provided to Forum members and more widely through promotional activity and participation in community events and public spaces. There have been door drops to every household.

28. The consultation included meetings with local stakeholders, developers, landowners and businesses and a number of targeted survey of retailers, estate agents, local businesses and the use of local community facilities. Public meetings have been attended by over 100 people and over 280 responses were received to a key survey. Leeds City Council has been involved from the genesis of the Forum and engaged with the emerging Plan before formal consultation on the draft.

29. The Plan was subject to Regulation 14 consultation between 11 January and 8 March 2021 and this period was extended where necessary due to lockdown restrictions. The strategy underpinning the consultation is provided in the Consultation Statement. It included preparation of a summary, circulation of an information leaflet to every household and the public display of posters as well as promotion online and via social media. There is evidence of the consultation including the required statutory and other consultees. Physical

copies of the Plan were made available. Multiple channels for making comments were provided and there were responses from over 240 people on the policies and more than 730 comments in total on the Plan.

30. A summary of the main issues raised is provided in the Consultation Statement and there is evidence of changes being made to the Plan.

31. 15 separate representations have been made on the submitted Plan, including from residents, landowners and statutory bodies. All the representations have been considered as part of the examination and are addressed as appropriate in this report.

32. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan. The Plan has been subject to appropriate public consultation at different stages in its development. Participation rates have been good and appropriate opportunities to shape the Plan as it has developed have been provided. Local businesses, landowners, other stakeholders and the local planning authority have been engaged through the process.

5. General comments on the Plan's presentation

Vision and Objectives

33. The Plan includes a Vision for Garforth in 2033. This presents a positive ambition and reflects the feedback received through consultation. It is consistent with the objectives and policies in the Plan. The overall approach focuses on retaining the small-town identity of Garforth and ensuring it has protected and accessible countryside while invigorating its town centre and securing thriving commercial and industrial areas and ensuring a diversity of well-built homes with all new development contributing to carbon neutrality ambitions and progress on the health and wellbeing of the community. The Vision is consistent with sustainable development and this is complemented by the Plan's Objectives.

Other issues

34. The Plan is clearly structured and has a consistent format. The Policies are clearly identified by tinted boxes and generally supported by evidence although there are issues which I address in relation to individual policies. The evidence base is brought together in the appendices and available online. It would be preferable if every paragraph was numbered for ease of identification when the Plan is being used to inform planning decisions.

35. The Plan includes a number of maps which relate to specific policies. These are generally adequate although there are instances in relation to individual policies where they do not provide the necessary clarity due to the scale or quality of the base map. In these cases an enlarged version and/or link to one online would be helpful although there are instances where the base map is not adequate. I address this in my assessment of relevant policies. It would be helpful if all maps (including enlargements) had a scale bar.

36. The penultimate paragraph in Section 1.4 incorrectly states that the Appendices come after the Glossary when the Glossary precedes them. A number of Maps are repeated through the Plan and they are not numbered sequentially (e.g. see page 25 and repeat of Map 11 on pages 52 and 65). Some Maps could be more helpfully located near to the policies for which they are most relevant.

37. It is not immediately apparent that the footnote references throughout the Plan are detailed in Appendix 7 and this could helpfully be explained more in Section 1.4. The footnotes should also be reviewed to ensure completeness and consistency – for example Section 3.2.2 is titled “*Town Centre*” in the Plan and “*Town Centre Retail*” in Appendix 7. Appendix 7 is also missing footnote 3 from the fifth paragraph of page 43. Where documents are mentioned in a Plan policy then both references and links should be provided.

38. The Plan’s policies use different conventions for identifying sections. A majority of the plan uses alphabetical list (e.g. a) b) c)) but this is not the case for all policies (e.g. Policies HBE8, HBE11, HBE13). It would aid clarity of the Plan to adopt a consistent approach. The numbering convention is most appropriate where it relates to the identification of locations or assets (e.g. Policy HBE12).

- OM1 – [Address the detailed issues relating to the Plan’s presentation identified in this section]

6. Compliance with the Basic Conditions

National planning policy

39. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions Statement which relates each of the Plan’s policies and objectives to the National Planning Policy Framework (NPPF). It is stated that the assessment relates to the February 2019 version of the NPPF although the 2020 review is referenced and paragraph 3.1 states that the Basic Conditions Statement relates the Plan to the July 2021 version. The NPPF paragraph numbers relate to the latest version and I am satisfied with this approach.

40. The Basic Conditions Statement includes a table that relates each of the Plan’s policies to relevant paragraphs of the NPPF and provides a short commentary. No instances of conflict are identified and the assessment concludes that “*the submission draft Garforth NP [Neighbourhood Plan] has regard to the National Planning Policy Framework (NPPF) (2021)*”.

41. I address some issues with regard to national planning policy in my consideration of individual policies and recommend some modifications. These include areas where the drafting of the Plan’s policies needs to be amended in order to meet the NPPF’s principles regarding the clarity of policies, the need for policies to be positively worded and to serve a clear purpose and the need to avoid duplication. I also 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.

42. Generally, I agree with the Basic Conditions Statement and conclude that the Plan has regard to national planning policy and guidance but there are exceptions as set out in my comments below. These include the need for some policies to be more clearly expressed and/or evidenced, for policies to be positively worded and avoid being overly restrictive, for policies to serve a clear purpose and for duplication with other planning policies or the NPPF to be avoided.

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

Sustainable development

44. The Plan must “*contribute to the achievement of sustainable development*”. This is addressed in the Basic Conditions Statement by an assessment of each Plan policy against the economic, social and environmental dimensions to sustainability. A small number of impacts with “*minor effect*” are identified, such as the economic impact of residential parking policies and provision of additional green space. I am satisfied that the overall contribution of the Plan to sustainable development is positive and that the Plan meets this Basic Condition.

Development plan

45. The Plan must be “*in general conformity with the strategic policies of the development plan*”. The Basic Conditions Statement addresses this by relating each of the Plan’s policies to relevant policies in the Core Strategy and selected other development plan policies and providing a brief commentary.

46. The assessment identifies a number of instances where a Plan policy “*adds Garforth-specific detail*” or “*amplifies*” existing strategic policy. This is a purpose of neighbourhood planning. Leeds City Council has raised no questions about the Plan’s general conformity with the strategic policies of the development plan. I address the relationship in my examination of these individual policies.

47. I am satisfied the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

Strategic Environmental Assessment

48. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. A screening assessment was undertaken by Leeds City Council (October 2022) which concluded *“that an SEA is not required”*. Natural England’s view is that *“there are unlikely to be significant environmental effects”* from the Plan. Historic England *“considers that there is the potential for this plan to have impacts”* but offers no further detail and is content for the local authority to make a determination. Environment Agency has made no response and has expressed no objections to the Plan.

49. I am satisfied by the screening assessment and conclude that the Plan meets this Basic Condition.

Habitats Regulations Assessment

50. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. A screening assessment was undertaken by Leeds City Council (October 2022). No relevant sites lie within 20km of the neighbourhood area. The assessment concludes that the Plan is *“unlikely”* to have significant effects on a European site and it is in general conformity with the Local Plan which has been subject to a Habitats Regulations Assessment. Leeds City Council concludes that *“no ‘appropriate assessment’ or full ‘Habitat Regulations Assessment’ is therefore required”*. Natural England states that *“the plan will not have significant effects on the sensitive sites that Natural England has a statutory duty to protect”*.

51. I am satisfied with the screening assessment and conclude that the Plan meets this Basic Condition.

Other European obligations

52. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement describes the inclusive

ambitions of the Plan and the consultation undertaken during its preparation. It also includes a short assessment of the potential impact of the Plan on persons with protected characteristics and identifies no specific effects.

53. No contrary evidence to the Plan meeting this Basic Condition has been presented and there is evidence of changes being made to the Plan during its preparation. I conclude that 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 manner with changes made to the Plan.

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

7. Detailed comments on the Plan policies

55. 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 make comments on all policies in order to provide clarity on whether each meets the Basic Conditions. Some of the supporting text and headings and supporting Maps and documents will need to be amended to take account of the recommended modifications.

Housing and The Built Environment

Housing needs

56. The policies in this section relating to meeting housing needs are informed by the results of Leeds City Council's 2018 Housing Market Assessment and an analysis of planning applications for new housing development between 1974 and 2020. A Household Survey (2018) and a survey of local estate agents (2017) was also undertaken.

57. **Policy HBE1** – This establishes a preferred mix of two and four bedroom dwellings in meeting housing needs through larger developments in the area based on local evidence.

58. The evidence base provides some support for more smaller and larger dwellings to be provided although the data is of varying quality and consistency.

59. The Policy drafting is positive and supportive. There is a lack of clarity as to what is meant by "*a majority of*" and "*in equal proportion*" which might relate to provision across the Plan period or provision on individual sites. The Policy is intended to relate to dwellings or homes and is not restricted to "*houses*".

60. Policy HBE1 does not meet the Basic Conditions.

- **M1 – Amend Policy HBE1 to:**
 - **Replace "*houses*" with "*dwellings*"**
 - **Replace the second sentence with "The provision of dwellings which meet the need for 2-bedroom and 4-bedroom units will be supported."**

61. **Policy HBE2** - This establishes a preference for bungalows and flats in meeting housing needs through larger developments in the area based on local evidence.

62. The evidence base provides some support for more bungalows and flats to be provided although the data is of varying quality and consistency. The Policy drafting is positive and supportive. The Policy is intended to relate to dwellings or homes and is not restricted to *"houses"*.

63. Policy HBE2 does not meet the Basic Conditions.

- **M2 – Amend Policy HBE2 to replace *"houses"* with *"dwellings"* and *"house"* with *"housing"***

64. **Policy HBE3** – This supports affordable housing provision on site or otherwise within the neighbourhood area with an emphasis on homes for younger and older people.

65. The evidence base provides support for providing more affordable homes and some support for emphasising younger and older people although the data is of varying quality and consistency. The Policy drafting is positive and supportive.

66. Definitions of *"younger"* and *"older"* persons are provided in the Glossary but not in the supporting text. There is a lack of clarity as to what is meant by a *"high proportion"* or *"low proportion"* meaning the Policy does not provide necessary certainty.

67. Policy HBE3 does not meet the Basic Conditions.

- **M3– Amend Policy HBE3 to replace the text after *"Garforth"* in the second sentence with *"and affordable homes which meet the needs of younger and older people will be supported."***

- OM2 – [Provide definitions for of “younger” and “older” persons in the supporting text or by reference to the Glossary]

68. **Policy HBE4** – This supports residential development meeting the needs of older people based on local evidence.

69. The evidence base provides support for meeting the needs of older people although the data is of varying quality and consistency. The Policy drafting is positive and supportive.

70. Policy HBE4 meets the Basic Conditions.

Water and flooding

71. The policies in this section are supported by evidence of significant flooding issues in the neighbourhood area, exacerbated by the presence of underlying clay.

72. **Policy HBE5** – This supports water efficiency measures in new development.

73. The Policy drafting is generally positive and supportive. There is no evidence supporting the use of water butts over other methods for increasing water efficiency and this should otherwise be a matter for the applicant. It would be appropriate to indicate support for particular measures in the supporting text.

74. Policy HBE5 does not meet the Basic Conditions.

- **M4 – Amend Policy HBE5 to delete the second sentence.**

75. **Policy HBE6** – This supports measures which reduce surface run-off rates, including permeable surfaces, sustainable urban drainage systems and attenuation ponds.

76. The Policy drafting is more directional than others in this section, identifying a need to provide measures “*wherever possible*”. The evidence base does not support such a

prescriptive approach in relation to water quality. National planning policy on sustainable drainage systems is to expect them to be provided in relation to major development or where there is evidence of a clear flood risk (NPPF, paragraphs 167 and 169). The Policy also expects provision of particular attenuation measures when developers may prefer alternative ways to reduce surface water run off rates.

77. Policy HBE6 does not meet the Basic Conditions

- **M5 – Amend Policy HBE6 to:**
 - **In the first sentence replace “in order” with “where necessary”**
 - **In the second sentence replace “should” with “that”; the first “and” with “and/or”; and “, wherever possible” with “will be supported”**
 - **Replace the final sentence with “Hard standing areas which are permeable will be supported.”**

78. **Policy HBE7** – This restricts development seeking to discharge surface water into the Lin Dyke catchment.

79. Policy HBE7 is highly restrictive in permitting surface water discharge only where it currently exists and can be managed to greenfield levels. While there is some evidence of flood risk within the Lin Dyke catchment this is insufficient to support such a prescriptive approach. Existing development plan policy already states that *“On sites which have not previously been connected to the drainage infrastructure, or watercourse, surface water run off rates will not exceed the ‘greenfield’ run-off rate”* (Policy Water 7, Natural Resources and Waste Local Plan) and national planning policy is that policies should *“serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area”* (NPPF, paragraph 16f)).

80. I have considered whether Policy HBE7 serves a clear purpose and is positively prepared and conclude that there is value in the Plan amplifying the significance of existing development plan policy in relation to the Lin Dyke catchment given it includes the majority

of the neighbourhood area. My recommended modification makes the Policy less prescriptive.

81. Policy HBE7 does not meet the Basic Conditions.

- **M6 – Amend Policy HBE7 to:**
 - **Replace “will only be permitted if” with “should demonstrate that”**
 - **Replace “if the” with “and”**

Design

82. The policies in this section are supported by a Character Assessment which identifies seven character areas within the built up area of Garforth. It would be helpful if Appendix 4 was retitled Garforth Character Assessment to provide clarity as to the document which should be considered.

- OM3 – [Rename Appendix 4 as “Garforth Character Assessment”]

83. **Policy HBE8** – This introduces a series of healthy planning principles to be considered by major residential development.

84. The Policy is informed by spatial planning principles developed by Public Health England and the drafting is positively worded and supportive. The Policy is intended to relate to dwellings or homes and is not restricted to “houses”.

85. Policy HBE8 does not meet the Basic Conditions.

- **M7– Amend Policy HBE8 to replace “houses” with “dwellings”**

86. **Policy HBE9** – This requires new development to demonstrate how it has had regard to the character areas and selected guiding principles for each of them.

87. The Policy is supported by Map 4 showing the location of the seven character areas. The detailed boundaries cannot be determined from the map provided and should be available.

88. As drafted the Policy would apply to all development, including changes of use and minor development without any impact on local character and to other developments for which a requirement to demonstrate consideration of the character area would be disproportionate. There may also be developments in the neighbourhood area which fall outside any of the character areas.

89. The Policy includes “*guiding principles*” for each character area. These are selectively drawn from the summary of the Character Study provided in Appendix 4 and the rationale for what is included within the Policy and what remains in the Appendix is unclear. This is especially the case with selective references to some but not all of the proposed Local Green Spaces and Non Designated Heritage Assets. The selective inclusion of guiding principles creates ambiguity which can be addressed by simplifying the Policy so development has regard to the full range of issues identified in the Character Study. This will include all the matters currently identified in the Policy

90. Policy HBE9 does not meet the Basic Conditions.

- **M8 – Amend Policy HBE9 to read “Proposals for development within any of Garforth’s character areas (as shown in Map 4) should have regard to the Garforth Character Assessment (Appendix 4).”**

91. **Policy HBE10** – This establishes planning considerations for the development of the site allocated as safeguarded land on Selby Road in the Leeds City Council Site Allocations Plan.

92. Site Allocations Plan Policy HG3 identifies an 18ha site south of Selby Road as having capacity for 500 homes as part of a reserve for development after 2028. Planning consent was granted on appeal for 290 homes.

93. The Site Allocations Plan does not include details of any planning considerations to be addressed by prospective development of this site. This is provided for site allocations and it is an appropriate purpose of neighbourhood planning to provide additional local detail on relevant planning considerations.

94. I visited the site and consider the issues identified in the Policy to be appropriate and reasonable albeit that the site now has an extant planning permission. It is unnecessary for the Policy to reference other development plan policies as all policies must be considered when determining a planning application. Section a) is poorly drafted and it is a planning convention to have regard “to” instead of “for”. The drafting can also make it clearer that all the considerations apply,

95. Policy HBE10 meets the Basic Conditions.

- OM4 – [Amend Policy HBE10 to:
 - In the second line replace “for” with “to”
 - In section a) replace “,” with “means that”
 - At the end of section e) insert “; and”]

Heritage

96. This section of the Plan is informed by an assessment of non-designated heritage assets informed by Historic England’s guidance on *Local Heritage Listing*. This identifies 61 assets within the neighbourhood area. Each entry is supported by a name, location, photograph and details of the asset’s aesthetic, archival or community interest. The extent of the details varies significantly between the assets.

97. The location of each non-designated heritage asset is shown on Map 6 and an expanded version. The latter map lacks a Key and neither map is of a sufficient scale to be able to locate the asset with sufficient accuracy. Map 6 also describes non-designated heritage assets as “non-listed”

98. Four potential non-designated heritage assets have been identified just outside the neighbourhood area. Given they are not within the formal scope of the Plan they are appropriately addressed by a Project to have them recognised by Leeds City Council. They are, however, also identified on Map 6 and the expanded version as relating to Policy HBE13. If a map is needed for these four assets then it should be separate to that supporting the Plan policy.

99. Eight listed heritage assets are also identified although, unusually, one is described as “*not found*” and potentially removed during road widening. It would be helpful to clarify the position with Leeds City Council and Historic England to ensure the Plan contains the most up to date information. To be consistent the assets photographed on page 30 should be described on page 29 as “non-designated heritage assets”.

- M9 – Amend Map 6 to:
 - Be of a scale and clarity that enables the location of each asset to be accurately identified
 - Provide a Key to all maps
 - Replace “*Non-Listed*” with “*Non-designated*” in the Key
 - Remove reference to heritage assets outside the neighbourhood area

100. **Policy HBE11** – This supports development proposals which protect historic interest and character or support conservation-led regeneration.

101. The Policy is positively worded and supportive but serves no clear purpose as it duplicates Leeds Core Strategy Policy P11 and adds no additional local dimension.

102. Policy HBE11 does not meet the Basic Conditions.

- **M10 – Delete Policy HBE11**

103. **Policy HBE12** – This recognises 61 non-designated heritage assets and requires development proposals to take them into account, including support for those with a positive impact.

104. The Policy drafting includes an explanation of the process through which the assets were identified, including the potential for future additions. This is best addressed in the supporting text. It is drafted in the past and not present tense.

105. I visited a majority of the proposed non-designated heritage assets, including all those where the description in Appendix 2 is limited. I am satisfied with the evidence base for a majority but not all of the proposals. A key consideration is that age alone is not sufficient to warrant inclusion without further evidence that the assets retain sufficient historic significance in the present day. Consequently I do not consider there to be sufficient evidence to include the following assets as the only description of their significance relates to their age:

- 6. Dar Villas
- 7. The Beeches
- 8. Garforth House
- 9. Westbourne House
- 18. Hilderthorpe Terrace
- 35. Firthfield

106. I do not consider there to be sufficient evidence of the heritage value of more recent buildings of 33. St Armands Court and 42. Library and One-stop Centre notwithstanding their positive contribution to the townscape.

107. There is also insufficient information on 57. Lines Way, including a lack of detail on the boundaries of this linear asset which passes through a significant part of the neighbourhood area.

108. Policy HBE12 does not meet the Basic Conditions.

- **M11 – Amend Policy HBE12 to**
 - In the first line replace “were” with “are”
 - In the second line insert “:” after “Assets” and delete remaining two lines to “future”
 - Delete assets numbered 6, 7, 8, 9, 18, 33, 35, 42 and 57

Environmental sustainability

109. **Policy HBE13** – This limits support of development proposals to site allocations and infill sites with green field development required to demonstrate special circumstances.

110. The supporting text relates only in general terms to the Policy as it considers a wide range of sustainability issues and the Policy relates only to the location of new housing development. The Policy considers only the “*principle of residential development*” and I do not consider it to serve a clear purpose. The principle of development being focused on site allocations and infill sites and not coming forward on greenfield sites outside the development plan is established both in the Leeds Core Strategy (e.g. Spatial Policy 6) and national planning policy (e.g. Paragraph 120).

111. Policy HBE13 does not meet the Basic Conditions.

- **M12 – Delete Policy HBE13**

112. **Policy HBE14** – This seeks to maximise the energy efficiency of new buildings by supporting a range of measures.

113. The Policy is drafted to require development proposals to “*maximise*” energy efficiency. Energy efficiency requirements are a matter for Building Regulations and it is only appropriate for planning policies to support higher levels of energy efficiency.

114. It is unclear how provision of water butts contributes to energy efficiency and subsection l) is addressed by the final paragraph.

115. Policy HBE14 does not meet the Basic Conditions.

- **M13 – Amend Policy HBE14 to:**
 - Replace “*maximise*” with “improve
 - Delete subsections k) and l)

116. **Policy HBE15** – This requires cycle storage in line with guidance provided by Leeds City Council.

117. The Policy references a Leeds City Council document without providing details and it is unnecessary to duplicate existing planning requirements as specified in an adopted Supplementary Planning Document. The drafting is unduly assertive in stating what “*must*” be provided.

118. Policy HBE15 does not meet the Basic Conditions.

- **M14 – Amend Policy HBE15 to:**
 - Replace “*must*” with “*should*”
 - Delete from the second instance of “*development*” to end

119. **Policy HBE16** – This seeks to reduce the impact of residential parking through design

120. The drafting is unduly assertive in stating how development “*must*” be designed.

121. Policy HBE16 does not meet the Basic Conditions.

- **M15 – Amend Policy HBE16 to replace “*must*” with “*should*”**

Business, Employment and Town Centre

Business and Employment

122. **Policy BETC1** – This seeks to protect four identified employment sites from changes of use away from employment use.

123. The Policy refers to four employment sites. It incorrectly references these as being shown on Map 11 instead of Map 7. Map 7 shows only two sites – Lotherton and Newhold Industrial Estates. Three of the four sites are on the Newhold Industrial Estate (incorrectly identified as “*Newhold Estate*”) and these are merged into one area in Map 7. The single area shown in Map 7 is not the same as the site allocation on the Leeds Policies Map. My recommended modification seeks to remove ambiguity from the way the locations of the allocated sites in Newhold Industrial Estate are identified.

124. Leeds City Council has confirmed that Lotherton Industrial Estate is not allocated in the Site Allocations Plan as it is in a range of existing employment uses.

125. The supporting text identifies Policy BETC1 as adopting a more restrictive approach than Leeds Core Strategy Policy EC3. The neighbourhood area is not in an “*area of shortfall*” for the purposes of the Leeds Core Strategy and so the test for Newhold Industrial Estate as an allocated site is whether “*The proposal would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan period*”. Policy BETC1 will also require proposals involving a change of use away from employment to demonstrate a lack of viability in employment use through a minimum six month marketing period. I note that Leeds City Council requires a 12 month period to demonstrate non-viability in relation to unallocated employment sites in employment use and so do not consider Policy BETC1’s 6 month test on an allocated site to be unduly restrictive. The Policy is negatively worded in stating what “*will not be supported*”.

126. The effect of Policy BETC1 on Lotherton Industrial Estate will be to reduce the ability to control changes of use away from employment uses by comparison to existing Local Plan policy by introducing a six instead of a 12 month marketing period in order to demonstrate a lack of viability. This is contrary to the intention of the Policy and I recommend reference to the Lotherton Industrial Estate is deleted.

127. Policy BETC1 does not meet the Basic Conditions.

- **M16 – Amend Policy BETC1 by:**
 - Replacing the first sentence with “The employment sites on the Newhold Industrial Estate (Map 7) allocated in the Site Allocations Plan (2019) will be safeguarded in their existing uses.”
 - In the second sentence replace “*will not be supported unless it is demonstrated*” with “*should demonstrate*”
 - Delete the numbered parts of the Policy identifying four locations

- M17 – Amend Map 7 to
 - Retitle it as “Policy BETC1 – Newhold Industrial Estate
 - Delete Lotherton Industrial Estate
 - Amend the boundary of Newhold Industrial Estate to align with the Leeds Policies Map and the site allocations EG1-40, EG1-41 and EG1-42
 - Replace “*Employment Sites*” with “Newhold Industrial Estate” in the Key

128. **Policy BETC2** – This supports employment development on brownfield sites subject to a range of relevant considerations.

129. The Policy is enabling and positively worded. In three instances it would not support development with only minor adverse impacts and this is disproportionate. There is a lack of clarity as to the “*LCC standards*” referenced in the policy and duplication with existing planning policies should be avoided, including in relation to saved policies in the Unitary Development Plan. The Policy should be clear in identifying the specific infrastructure issues that need to be addressed or how pollution should be avoided or otherwise provide examples in the supporting text. It is unclear whether all the considerations should be addressed.

130. Policy BETC2 does not meet the Basic Conditions.

- **M18 – Amend Policy BETC2 to**
 - Insert “*significant*” before “*adverse*” in sections a), g) and h)
 - Delete “*and in line with LCC standards*” in section e)

- Delete “, such as drainage, highways” in section f)
- Insert “; and” at end of section g)
- Delete “e.g. screening by tree/hedge planting” in section h)

131. **Policy BETC3** – This requires major employment development to evidence how it promotes sustainable travel options.

132. The Policy is supported by evidence of the need and opportunity for improving sustainable transport and is consistent with national planning policy and the existing development plan. There is an opportunity to improve its clarity of drafting.

133. Policy BETC3 meets the Basic Conditions.

- OM5 – [Insert “from” before “*within Garforth*”]

Town Centre

134. The policies in this section relate to an area depicted in Map 8 which shows both the Town Centre and Town End. No evidence is provided for the boundary identified and I was informed that the Town Centre boundary was intended to align with that already agreed in Leeds Site Allocations Plan. The scale and quality of Map 8 does not clearly show the boundary of the Town Centre and it should be depicted at a scale at least as clear as that used in the Site Allocations Plan. The Town Centre boundary in the Plan is also larger than than in the Site Allocations Plan with the inclusion of Town End and this is shown in more detail in Map 9. I was informed that this area is considered to be part of the Town Centre and, having visited the area, I am content with the approach. The area should include that proposed for a car park in Policy BETC9 given the functional and visual relationship.

- M19 – Amend Map 8 to:
 - Show the Town Centre Boundary as provided in the Site Allocations Plan
 - Show the Town End boundary as shown in the amended Map 9
 - Remove Policy BETC9 from the title
 - Be of a scale and quality that is equivalent to the Site Allocations Plan

- M20 – Identify the boundary for the Town Centre as being defined in Leeds Site Allocations Plan in the supporting text

- M21 – Amend Map 9 to
 - Show Town End as a single area including the proposed car park
 - Show the proposed car park as an area within Town End
 - Additionally reference Policy BETC 9 in the title
 - Be of a scale and quality that is equivalent to the Site Allocations Plan

135. **Policy BETC4** – This supports commercial and retail development in the Town Centre subject to relevant considerations and does not support proposals for hot food takeaways without evidence of having no adverse impact.

136. The Policy is intended to apply to Town End as well as the Town Centre as depicted in the Site Allocations Plan.

137. The Policy drafting is enabling and positively worded except in relation to hot food takeaways. No evidence is provided for a restrictive approach beyond a single reference to public concern about “*Too many takeaways*” at a 2015 workshop. On request I was informed of the Leeds Observatory health profile for the ward confirms that the incidence of obesity is one of the highest within the city although no reference for this work was given to me. I was also informed the policy follows that of Leeds City Council’s 2019 Supplementary Planning Document *Hot Food Takeaways “the guidelines in which have been followed”*. Given the limited evidence and that the approach follows that in an existing Supplementary Planning Document I do not consider that this part of the Policy serves a clear purpose.

138. Policy BETC4 does not meet the Basic Conditions.

- **M22 – Amend Policy BETC4 to:**
 - **Insert “and Town End” after “Town Centre” in two instances**
 - **Delete the last paragraph**

139. **Policy BETC5** – This supports the conversion of retail units to residential above the ground floor in the Town Centre.

140. The Policy has largely been overtaken by the introduction of permitted development rights in 2021 for such changes in use and I have therefore considered whether the Policy services a clear purpose. The permitted development rights are subject to a number of requirements, including being in a retail use for two years and the building being vacant. There may be situations where this does not apply and a full planning application is required and in these cases the Policy would serve a purpose. The Policy should relate also to Town End.

141. Policy BETC5 does not meet the Basic Conditions.

- **M23 - Amend Policy BETC5 to insert “and Town End” after “Centre”**

142. **Policy BETC6** – This supports pedestrian and cycle accessibility in the Town Centre.

143. The Policy is enabling and positively worded. For clarity it needs to recognise its application to Town End.

144. Policy BETC6 does not meet the Basic Conditions.

- **M24 – Amend Policy BETC6 to insert “and Town End” after “Centre”**

145. **Policy BETC7** – This seeks and supports positive improvements to the public realm in the Town Centre.

146. The Policy is enabling and positively worded. For clarity it needs to specify its application to the Town Centre, including Town End.

147. The reference to other policies in the Plan does not serve a clear purpose as all policies must be considered when determining a planning application. I propose modifications to the way the Policy addresses the character area assessment to be consistent with the approach to character areas in Policy HBE9. I note that character area 7 does not include the full area of Town End, including the proposed car park. It is unclear whether all the considerations should be addressed.

148. Policy BETC7 does not meet the Basic Conditions.

- **M25 – Amend Policy BETC7 to:**
 - **In the first line insert “in the Town Centre and Town End (as shown on Map 8” after “frontages”**
 - **Replace section a) with “the Garforth Character Assessment (Appendix 4), including Character Area 7 (as shown in Map 4)”**
 - **In section b) replace “town centre” with “Town Centre and Town End”**
 - **Insert “and Town End” after “Town Centre” in three instances**
 - **Insert “; and” at end of section e)**

149. **Policy BETC8** – This supports proposals which give more coherence to the relationship between Town End and the Town Centre.

150. The Policy is enabling and positively worded. There is no supporting text justifying the approach to Town End. It is unnecessary and serves no clear purpose to reference other Plan policies although the general nature of the Policy does not make this a matter for the Basic Conditions. It is unclear whether all the considerations should be addressed.

- **OM6** – [Provide supporting text which identifies and justifies the approach to Town End in Policy BETC8]

- OM7 – [Replace “*reflect the Neighbourhood Plan town centre policies of*” with “contribute to” and insert “; and” at end of section b)]

Town Centre parking

151. **Policy BETC9** – This supports provision of new public parking on an identified site in Town End subject to relevant considerations.

152. The evidence supporting a new car park is relatively limited. The Plan asserts periods of “*gridlock*” and provides some evidence of parking spaces being used all day thereby restricting access for short term users of Main Street. One representation raises issues relating to traffic and parking. A 2012 study by Leeds City Council included recommendations for a relatively modest increase in the area of car parking and focused more on the management of existing parking spaces. The Policy must also be considered alongside other policies in the Plan supporting alternatives to car use (e.g. Policy BETC 6, Policy T1). Given this context my recommended modification requires further evidence of the need for additional public car parking space before the Plan can support the proposal. The supporting text should also explain the rationale for locating new provision on the site identified in Map 9 and the current use and ownership of the site.

153. There is no clear purpose in duplicating requirements in Leeds Core Strategy or Supplementary Planning Documents. I note that Core Strategy Policy EN8 does not directly address electric vehicle charging infrastructure in relation to new public car parks but consider it reasonable to apply the same standards as for “*Office/Retail/Industrial/Education*”. Policy EN8 and the full details of “*Leeds Transport SPD*” should be referenced in the supporting text.

154. The fact of anticipated changes in future demand for parking is not a matter of planning policy and should be addressed as justification for the Policy drafting in the supporting text. It is unclear whether all the considerations should be addressed.

155. Policy BETC9 does not meet the Basic Conditions.

- **M26 - Amend Policy BETC9 to:**
 - Insert “where it can demonstrate the need for additional parking provision and is” after “supported”
 - In section b) delete from “at a rate” to end and insert “for 10% of parking spaces ensuring that electricity infrastructure is sufficient to enable further points to be added at a later stage.”
 - In section c) delete “in accordance with Leeds Transport SPD”
 - Insert “; and” at end of section c)
 - Begin section d) at “Future adaptability”

Transport

156. **Policy T1** – This supports active travel measures in major development subject to relevant considerations.

157. The Policy is positive and enabling. It addresses only major development and requires measures proportionate to the scale of the proposals. The drafting is overly prescriptive in stating what “must” be demonstrated and lacks clarity in relation to the provision of new infrastructure. With a small addition the Policy also addresses all the matters included in Policy T2.

158. Policy T1 does not meet the Basic Conditions.

- **M27 – Amend Policy T1 to:**
 - In the third line replace “must” with “should”
 - In the fifth line replace “or to providing” with “or make provision for new walking and cycling infrastructure”
 - In the sixth line insert “the existing Public Rights of Way Network,” before “public”

159. **Policy T2** – This requires evidence of active travel links to key locations for all housing and employment development.

160. Policy T2 is already addressed by the final sentence of Policy T1 in respect of major development. It is disproportionate to require all housing and employment development to demonstrate how active travel measures have been provided and so it is appropriate for this to be focused on major development. I recommend a small modification to Policy T1 so it also addresses the existing Public Rights of Way Network.

161. Policy T2 does not meet the Basic Conditions.

- **M28 - Delete Policy T2**

Green Space and The Rural Environment

162. The policies in this section of the Plan are supported by general evidence as to the importance of access to high quality green spaces and of wide public support for the measures proposed.

Green Space

163. Policies GSRE1 to GSRE4 address a large number of locations throughout the neighbourhood area. Many of these also use the identification number in the Leeds Site Allocations Plan. There is some inconsistency in the naming of the same site in different policies (e.g. G1232 is Goosefields in Policy GSRE1, Goosefield Westbourne Avenue in Policy GSRE3 and both Goosefields and Long Meadows/Shaw Close in Policy GSRE4) and some errors in the use of identification numbers (e.g. Green Lane cricket club is G1228 in Policy GSRE1 and G1128 in Policy GSRE4). Some different variations in naming are also used in Appendix 9.

- M29 – Use consistent naming and numbering for Local Green Spaces throughout the Plan and its appendices

164. **Policy GSRE1** – This designates 42 Local Green Spaces, including 23 designated in Leeds Site Allocations Plan.

165. The Policy is supported by Map 13 showing 23 green spaces designated in the Site Allocations Plan. The supporting text incorrectly states there are 24 such allocations on pages 57 and 60. Map 16 (with an expanded version that lacks a Key) shows the location of all the proposed Local Green Spaces. The quality and scale of the maps is too poor to enable the detailed boundaries to be located and the boundaries between adjacent areas are not shown with the result that they merge into each other. Detailed boundaries can be found in a combination of the Site Allocations Plan and Appendix 9 (for the newly designated locations). Map 13 also includes Green Space outside the neighbourhood area and some locations not included in the 42 sites to be designated.

166. One site designated in the Site Allocations Plan was not taken forward at the request of the landowner and another was considered not to be at risk of development. The location of some of the numbers on Map 16 obscures the location of the proposed Local Green Spaces (e.g. 3, 4, 6, 9, 11, 12, 15, 16, 17, 18). Site 34 is incorrectly identified as Kennett Lane Meadows instead of Long Meadows.

167. There is evidence of wide public support for the proposals. Site notices were placed at each of the 19 new locations during public consultation on the Plan. The Community Project on page 64 incorrectly references up to 20 additional Local Green Spaces.

168. The 23 sites designated in the Leeds Site Allocation Plan are recognised in Policy G6. While this is not equivalent to Green Belt policy as for a Local Green Space the process for identifying the locations in the Site Allocations Plan through the Unitary Development Plan or the Leeds Open Space Sport and Recreation Assessment (2011) is equivalent to the requirements of national planning policy for identifying Local Green Spaces (paragraph 102, NPPF). Leeds City Council has indicated it is content with this approach.

169. The results of the assessment of the 19 additional sites identified through the neighbourhood planning process are provided in Appendix 9. This includes some but not all of the considerations in national planning policy and includes an additional consideration relating to green infrastructure. I am satisfied with the broad approach although it offers a minimum of the evidence required.

170. I visited each of the 19 additional sites during my visit and broadly agree with the assessment. In some locations there have been changes since the assessment was completed – e.g. Site 1 has no football posts and has had some tree planting.

171. I recommend a small amendment to the boundary of Site 16 to exclude both the building and the small area of road to the front.

172. To be afforded a level of protection consistent with them being Green Belt, Local Green Spaces need only be designated by the Plan. This follows a Court of Appeal case relating to a Local Green Space policy in a neighbourhood plan (Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council, [2020] EWCA Civ 1259) which means it is inappropriate without clear justification to include any wording that sets out how development proposals should be managed.

173. The sites identified in the Policy are Local Green Spaces as a result of the neighbourhood plan and not “LCC” Local Green Spaces. It is more appropriate for the description of how the sites designated which are also in the Leeds Site Allocation Plan are identified as part of the supporting text.

174. Policy GSRE1 does not meet the Basic Conditions.

- **M30 – Amend Policy GSRE1 to replace the first paragraph with “The following sites as shown in Map 16 are designated as Local Green Spaces:”**

- M31 – Amend the supporting text and Maps to:
 - Amend the boundary of Site 16 to exclude both the building and the small area of road to the front
 - Correctly identify the number of sites designated in the Site Allocations Plan
 - Explain the use of identification numbers consistent with those used by the Site Allocations Plan

- Provide direct links to maps of a quality and scale that enables the boundary of each Local Green Space to be identified
- Exclude locations designated in the Site Allocations Plan that lie outside the neighbourhood area

175. **Policy GSRE2** – This supports the need for development proposals generating a requirement for additional green space to do so in a manner consistent with a prioritised list of the requirements set out in the Core Strategy and supports commuted sum payments only where on-site provision is not practical.

176. The Policy supports Core Strategy policies G3 (setting the standard for space provision) and G4 (setting expectation for new space provision). Given the evidence of deficiencies in the area it is appropriate for the Policy to prioritise on-site provision which is also the starting point for Core Strategy Policy G4 which supports off-site provision only where on-site provision is *“unachievable or inappropriate”*.

177. The priority for providing different types of open space is supported by evidence in Appendix 3

178. Policy GSRE2 meets the Basic Conditions.

179. **Policy GSRE3** – This supports new children’s play facilities and identifies four potential locations.

180. The Policy is positively worded and enabling. It is supported by evidence of a deficiency in children’s play areas and the sites identified are logically related to existing residential areas.

181. The proposed locations are shown on Map 15. This does not number the proposals and so there is a lack of clarity as to the location of the sites included in the Policy. The scale and clarity of the map is also poor.

182. Policy GSRE3 meets the Basic Conditions.

- M32 – Number the locations of each of the four proposed children’s play areas in Policy GSRE3 on Map 15

183. **Policy GSRE4** – This supports improvements to 19 green space sites identified in the Site Allocations Plan and falling below standard.

184. The Policy is supported by an analysis in the Green Space Background Paper prepared for the Site Allocations Plan by Leeds City Council. This reviews each of the Green Spaces designated in the Plan against quality measures and those included in Policy GSRE4 do not meet the required standard.

185. The drafting of the Policy includes the rationale which is better provided in the supporting text to improve the clarity of the Plan.

186. Policy GSRE4 does not meet the Basic Conditions.

- **M33 – Amend Policy GSRE4 to replace the first four lines with “Proposals to improve the following sites to the overall quality standard in Core Strategy Policy G3 will be supported:”**

Green Infrastructure

187. **Policy GSRE5** – This supports development that enhances the function of identified Green Corridors.

188. The Policy is supported by two maps. Map 11 shows the Public Rights of Way Network and Map 17 shows Green Corridors. The purpose of Map 11 is unclear as there is no necessary relationship between Green Corridors and rights of way. Map 17 is also based on the Rights of Way Network and no other evidence is provided to support the location of the Green Corridors beyond a statement that they *“have been identified by local knowledge”*. When evidence was requested I was informed that *“the location of the green*

corridors was based on the LCC PROW map of the area (map 11). This map was amended to remove the hard surfaced footpaths situated within the housing estates. It also includes a possible extension to the Lines Way based on the original track of the railway line". The Glossary defines Green Corridors as Wildlife Corridors - "areas of habitat connecting wildlife populations". This is a narrow definition of the role of Green Corridors as described on page 64 and no evidence has been provided of the wildlife interest of the locations identified. I conclude that it is not appropriate to identify the rights of way in Map 17 as Green Corridors. It is also unclear that the Lines Way extension is intended to be treated as a Green Corridor.

189. My visit confirmed that trees and hedgerows are a feature of the Public Rights of Way Networks and my proposed modification addresses this.

190. Policy GSRE5 does not meet the Basic Conditions.

- **M34 – Replace Policy GSRE5 with:
“Policy GSRE5 – Public Rights of Way Networks – trees and hedgerows
Where appropriate development proposals should retain trees and hedgerows
along the Public Rights of Way Network (as shown in Map 11) and additional tree
and hedgerow planting in these locations will be supported.”**

191. **Policy GSRE6** – This encourages development which provides links to identified green infrastructure opportunity corridors, including where supported in the Garforth Character Assessment.

192. The Policy is supported by Map 16. This shows a wealth of other environmental information in addition to the identified green infrastructure opportunities and it is unclear how this information relates to the Policy. No evidence is provided for the locations identified as green infrastructure opportunities beyond reference to "a mapping exercise which has identified existing green spaces, green corridors and other parts of the green infrastructure network identifying opportunities to link them together". There are no details

of this mapping exercise and none were provided when further evidence was requested. It was also acknowledged that there is no identified “*Green Infrastructure Network*”.

193. The benefits of improved linkages between different areas of green space and habitat are well understood but there needs to be a clear evidence base to support identifying specific locations. There could be multiple other ways in which linkages could be made to those shown in Map 18. Map 18 additionally shows the Green Corridors which also lack an evidence base.

194. My recommended modification addresses the opportunities for making links between existing green spaces and habitats without specifying the locations.

195. Policy GSRE6 does not meet the Basic Conditions.

- **M35 – Replace Policy GSRE6 with “Development proposals should have regard to the opportunities to improve links between the green infrastructure shown in Map 18 including those identified in the Garforth Character Assessment.”**
- M36 – Rename Map 18 as “Green Infrastructure” and delete the “*Green Infrastructure Opportunities*” and “*Green Corridors*”

196. The issues addressed through Policies GSRE5 and GSRE6 are also addressed in other Plan policies, including Policies GSRE10 and GSRE13.

197. **Policy GSRE7** – This supports improvements to the Public Rights of Way Network and the need for it to be respected by new development.

198. The Policy is supported by Map 11 showing different elements of the Public Rights of Way Network. The scale and quality of the Map is too poor to enable the location of the network to be accurately identified.

199. The drafting is overly restrictive in stating what “*must*” happen and uses the acronym “*PROW*”. The Policy supports new routes being provided by development which link to the “*Green Infrastructure Network*”. No details are provided on the location of this Network and I was informed the Green Infrastructure Network is “*not actually identified in the Plan*”.

200. Policy GSRE7 does not meet the Basic Conditions.

- **M37 – Amend Policy GSRE7 to:**
 - In the third line replace “*must*” with **should**
 - Replace “*PROW*” with “**Public Rights of Way**” in the title and three other instances
 - Delete “*and Green Infrastructure Network*”

201. **Policy GSRE8** – This addresses the impact of development on the Lines Way and supports improved connectivity to the Local Green Space at Green Lane Cricket Club.

202. From my visit it is clear that as a former railway line the Lines Way makes a distinct contribution to connectivity in the neighbourhood area. The existing route is not shown in Map 17 other than as one of many Green Corridors. The relationship between the Lines Way extension in Map 17 and the support for improved connectivity to the Lines Way from Green Lane Cricket Club also lacks clarity. The Policy is unduly restrictive in stating development “*must preserve*” connectivity. I note representations from Chris Hardy that security considerations should rule out an extension of the Lines Way. I am satisfied, however, that this issue can be addressed during consideration of a relevant planning application.

203. Policy GSRE8 does not meet the Basic Conditions.

- **M38 – Amend Policy GSRE8 to:**
 - Replace “*must preserve*” with “**should protect**”

- **Replace the last sentence with “Improved connectivity between the existing Lines Way and the Local Green Space at Green Lane Cricket Club via the Lines Way Extension shown in Map 17 will be supported.”**
- M39 – Amend and retitle Map 17 to delete the “*Green Corridors*” and show both the existing Lines Way and the “*Proposed Lines Way Extension*”

Rural and Natural Environment

204. **Policy GSRE9** – This addresses the impact of development taking place on the edge of the built up area on the surrounding rural environment.

205. The Policy addresses relevant considerations and seeks improved environmental outcomes. It is unclear whether all the considerations should be addressed.

206. Policy GSRE9 meets the Basic Conditions.

- OM8 – [Insert “;and/or” at end of section c)]

207. **Policy GSRE10** – This supports development proposals that address impacts on the Leeds Habitat Network and supports those seeking accreditation under the Building with Nature Framework.

208. The Policy is supported by information on the Leeds Habitat Network shown in Map 22 although no reference is provided. It also relates to the Priority Habitat shown on Map 26 and Map 22 though not identified in the title of Map 22 and not mentioned in the Policy.

209. There is unnecessary overlap between the first and second paragraphs in supporting development which fills in gaps or extends the existing network. The Policy is unduly restrictive in stating what “*must*” be demonstrated. It is unclear whether all the considerations should be addressed.

210. Policy GSRE10 does not meet the Basic Conditions.

- **M40 - Amend Policy GSRE10 to:**
 - Insert “**Priority Habitat and**” before all instances of “**Leeds Habitat Network**”
 - In the second line delete “**and include measures that would fill in gaps or further extend the Leeds Habitat Network**”
 - Replace “**must**” with “**should**”
 - Insert “**; and**” at end of section b)

- M41 - In the title of Map 22 replace “*Biodiversity*” with “Priority Habitat” and provide a reference to the Leeds Habitat Network (and link) in the supporting text

211. **Policy GSRE11** – This addresses the impact of development on Grade 2 and 3a agricultural land.

212. The best and most versatile agricultural land is a strategic resource and planning policies for the protection of agricultural land are a strategic matter addressed in national planning policy and the Local Plan (e.g. saved UDP Policy N35). Policy GSRE11 recognises the strategic nature of this land resource and applies the same approach as Natural England would in its consideration of development proposals. There is no local evidence or insight in the application of the Policy and so I conclude that it serves no clear purpose and addresses a strategic matter.

213. Policy GSRE11 does not meet the Basic Conditions.

- **M42 – Delete Policy GSRE11**

214. **Policy GSRE12** – This addresses the opportunities for including features that support wildlife in new development.

215. The first paragraph is an explanation of current and potential future planning requirements and does not constitute a planning policy. The second, unnecessarily

bulleted, paragraph should be drafted as a freestanding policy and it is unnecessary to specify the need for agreement with the local planning authority as this is a consequence of any development management decision.

216. Policy GSRE12 does not meet the Basic Conditions.

- **M43 – Replace Policy GSRE12 with “Development proposals which include features that support wildlife, including swift bricks, bat boxes and wildlife corridors that improve connectivity, will be supported.”**

217. **Policy GSRE13** – This addresses the landscape impact of new development and makes specific reference to identified views and features, opportunities to restore features and circumstances where removal of existing trees and hedgerows will be supported.

218. The Policy is supported by Map 21 summarising key elements of landscape character, including key views, individual trees and hedgerows. Map 21 is incorrectly referenced as Map 18 on page 74.

219. The first part of the Policy serves no clear purpose where it duplicates strategic Policy P12 in the Leeds Core Strategy and Policy LAND2 in the Natural Resources and Waste Local Plan.

220. Section a) is negatively drafted and partly overlaps with existing planning policy.

221. Section b) seeks to protect 31 key views identified in Map 21. The quality and scale of this Map means it is difficult precisely to locate each view. The views are classified into Very Long, Long and Medium views in Appendix 6 which includes a photograph for each view and a very brief descriptive notation. There is very little evidence supporting either the identification of the views or describing what is significant about them. On requesting further information I was told *“the selection of these sites was taken by the Steering group and reflects the views expressed by Garforth residents throughout the public consultations”*.

222. The number and extent of the key views means that they will be relevant to development proposals across the neighbourhood area and the Policy approach – “*must not significantly alter or harm*” – is potentially restrictive. There is an added ambiguity as to what elements of each view should not be significantly altered or harmed. I conclude that while it is appropriate to retain the key views in the Plan the policy approach should not be so restrictive in light of the limited evidence on which the views are based.

223. Section d) relates to specific landscape features shown on Map 21. The Policy references “*Trees edging Garforth Cliff*” but these are not shown on Map 21. I was informed that this could be corrected.

224. Policy GSRE13 does not meet the Basic Conditions.

- **M44 – Amend Policy GSRE13 to:**
 - In the first sentence delete from “*characteristics*” to end and replace with “**character of Garforth**”
 - In section a)
 - replace “*will only be supported*” with “**should demonstrate**”
 - in i. delete “*It can be demonstrated*” and insert “**reasonable**” before “*alternative*”
 - in ii. delete from “*consistent*” to end
 - in iii. delete from “*Garforth*” to the end and replace with “**the neighbourhood area**”
 - in iv. replace “*the LCC Land*” with “**Local Plan**”
 - in section b) replace “*must not significantly alter or harm*” with “**should have regard to**”
- M45 – Amend Map 21 to show the trees edging Garforth Cliff

225. **Policy GSRE14** – This supports tree and hedge planting opportunities in seven Local Green Spaces and Main Street and requires development involving tree loss to replace trees in accordance with existing Local Plan policy.

226. The planting of trees and hedges does not require planning consent and the Policy needs to relate to development which is relevant to the identified planting opportunities. No rationale for the sites identified in the Policy is provided and the Leeds Landscape Assessment does not address the urban area of Garforth. On request I was informed that these are “*the largest green space sites left within Garforth*”. While this is not true of Main Street and size is not necessarily the best guide for the location of new planting this is a positively worded enabling Policy and I am content with the approach. It is consistent with Local Plan policies LAND 2 and G2. The name used for each of the locations should be consistent with that used in Policy GSRE1.

227. There are differences between the sites shown in Map 25 and those listed in Policy GSRE14. The boundary of LGS22 Glebelands is different to that in Map 16 (and includes some of LGS21) and LGS42 East Garforth Field is not shown on Map 25. The area south east of Garforth station shown on Map 25 is intended to be LGS3 but shown in a different location.

228. The second part of the Policy serves no clear purpose as it duplicates Policy LAND2 in the Natural Resources and Waste Local Plan and could have a contradictory impact if the Local Plan was to be reviewed to increase the requirement.

229. Policy GSRE14 does not meet the Basic Conditions.

- **M46 – Replace the first three lines of Policy GSRE14 with:
“Development proposals which help realise opportunities for new hedgerows and small-scale woodland planting in line with the Leeds Landscape Assessment in the following locations, as shown on Map 25, will be supported:”**
- M47 – Amend Map 25 to make the boundaries consistent with those used to support Policy GSRE1 and use consistent names for the same sites where referenced in different policies

Community and Leisure

230. **Policy CL1** – This safeguards 45 identified community and leisure facilities subject to relevant considerations.

231 The Policy is supported by Map 27 (and an enlarged version without a Key) identifying the location of 45 community facilities and two additional locations outside the neighbourhood area. For consistency with the title of Policy CL1 the Map should identify “community and leisure” facilities. The Plan’s policies cannot address issues outside the neighbourhood area. There is a community ambition to have one location outside the neighbourhood areas designated as an Asset of Community Value and this can be identified in a separate Map which is not used to support a Plan policy.

232. The facilities have been identified in two surveys undertaken in 2017 and 2022 and included in the evidence base. I visited a selection of the facilities and am satisfied with the approach.

233. The drafting of the Policy is negatively worded in stating what “*will not be supported*” and unduly restrictive in stating what “*must*” be demonstrated.

234. The approach develops that provided by Core Strategy Policy P9 in terms of the location of facilities and the considerations when development proposals would result in their loss. The purpose of the requirement for a marketing campaign in order to demonstrate a lack of viability needs to be clarified.

235. Policy CL1 does not meet the Basic Conditions.

- **M48 – Amend Policy CL1 to:**
 - **Delete “*will not be supported*” to end of sentence and replace with “should make provision for alternative equivalent facilities in Garforth or demonstrate that there is an insufficient level of need.”**
 - **In the second sentence replace “*and are*” with “*which shows they are*”**
 - **In line four replace “*must*” with “*should*”**

- M49 – Amend Map 27 to
 - Insert “and leisure” after “community” in the Title and Key
 - Delete locations outside the neighbourhood area

236. **Policy CL2** – This supports improvements to existing facilities subject to relevant planning considerations.

237. The Policy applies to all facilities and not just those identified in Policy CL1 and for clarity it should reference both community and leisure facilities as indicated by the title of the section of the Plan within which it falls. It is unclear whether all the considerations should be addressed.

238. Section c) addresses “*areas of identified parking stress, see Map 10 and Car Parking Summary*”. Map 10 does not identify areas of parking stress and shows the existing and desired future parking locations. The evidence base for the Plan does not include a “*Car Parking Summary*”. The *Car Park Review* (also named as *2017 Survey of Main Street Car parks*) does not identify areas of parking stress and records use of selected car parks. Section d) lacks clarity in what is meant by “*enhanced environmental performance*” and addresses matters controlled through Building Regulations and so outside the scope of planning policy.

239. Policy CL2 does not meet the Basic Conditions.

- **M50 – Amend Policy CL2 to**
 - **Insert “Community and Leisure” before “facilities” in the title and first line**
 - **End section c) at “amenity”**
 - **Delete section d)**
 - **Insert “; and” at end of penultimate section**

240. **Policy CL3** – This supports development of new community facilities subject to relevant considerations.

241. On request I was informed it is intended to apply to both community and leisure facilities as indicated by the title of the section of the Plan within which it falls.

242. Section b) needs modification in the same way as section c) of Policy CL2 in respect of its reference to unidentified areas of parking stress.

243. The “need” for development is not solely to be determined through local community collaboration. The provision of “flexible space” will not be relevant to all facilities. It is unclear whether all the considerations should be addressed.

244. Policy CL3 does not meet the Basic Conditions.

- **M51 – Amend Policy CL3 to:**
 - **Insert “and Leisure” before “facilities” in the title and first line**
 - **End section b) at “amenity”**
 - **In section c) insert “an” before “identified” and delete “in collaboration with the local community”**
 - **Insert “; and” at end of section d)**
 - **In section e) add “where appropriate” at end**

Education and Health

245. Planning to meet future educational and healthcare needs is a matter of strategic policy which is not addressed by the Plan. The context for the policies in this section is recognition of the potential need for expanded provision as well as the need to protect existing facilities.

246. **Policy EH1** – This supports the expansion of existing schools subject to relevant planning considerations.

247. The Policy is supported by Map 28 which identifies the location of six existing schools in the area. The drafting is enabling and supportive. The relevant planning considerations

relate to the impact on existing activities rather than “*pupils or staff*” and adverse impacts need to be significant to be material. It is unclear whether all the considerations should be addressed.

248. Policy EH1 does not meet the Basic Conditions.

- **M52 – Amend Policy EH1 to:**
 - Replace “*pupils or staff and their abilities*” with “**the ability**”
 - Insert “**significant**” before “*adverse*” in two instances
 - Insert “**; and**” at end of section b)

249. **Policy EH2** – This supports the development of new schools subject to relevant planning considerations and the need for an integrated planning approach to future growth.

250. The Policy is positively drafted and enabling. It is unclear whether all the considerations should be addressed. The second part which defines the process for considering how best to plan for new schools in relation to new strategic housing allocations is not directly a matter for planning policy. It is an aspiration which can be addressed in the supporting text and through a community action/project.

251. Policy EH2 does not meet the Basic Conditions.

- **M53 – Amend Policy EH2 to delete the final two sentences and insert “; and” at end of section f)**

252. **Policy EH3** – This supports additional pre-school activities subject to relevant planning considerations.

253. The Policy is positively drafted and enabling. It is unclear whether all the considerations should be addressed.

254. Policy EH3 meets the Basic Conditions.

- OM9 – [Insert “; and” at end of section f)]

255. **Policy EH4** – This safeguards community healthcare provision or similar uses in three identified locations subject to a 12 month marketing requirement.

256. The Policy is supported by Map 29 showing the location of three healthcare facilities.

257. The clarity of the Policy will be improved by identifying the three locations near the beginning. The process for considering alternative uses is not of itself a matter for planning policy although it would be appropriate to be addressed in the supporting text.

258. Policy EH4 does not meet the Basic Conditions.

- **M54 – Amend Policy EH4 to**
 - **Insert the three named locations after “use” in the second line.**
 - **Delete “, with proposals prepared in collaboration with the local community via the Neighbourhood Forum or equivalent organisation”**

259. **Policy EH5** – This supports new healthcare facilities, including a GP surgery subject to relevant planning considerations.

260. The Policy is positive and enabling. The second part which defines the process for considering how best to plan for new healthcare in relation to new strategic housing allocations is not directly a matter for planning policy. It is an aspiration which can be addressed in the supporting text and through a community action/project. It is unclear whether all the considerations should be addressed.

261. Policy EH5 does not meet the Basic Conditions.

- **M55 – Amend Policy EH5 to delete the final two sentences and insert “; and” at end of section d)**

8. Recommendation and Referendum Area

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