

ADEL NEIGHBOURHOOD PLAN

Report to Leeds City Council of the Independent Examination

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1. Executive Summary

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

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

3. I consider the Plan to be an adequate expression of the community's views and ambitions for Adel. It is based on an effective programme of public consultation which has informed a Vision to 2033 supported by plan objectives. This is to be achieved through a set of 15 objectives and 20 planning policies largely dealing with issues distinct to the locality. The Plan is supported by a Consultation Statement and Basic Conditions Statement and Strategic Environmental Assessment and Habitats Regulations Assessment screening reports. There is supporting evidence provided and evidence of community support and the involvement of the local planning authority.

4. I have considered the seven 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 Adel 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.

2. Introduction

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

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

9. I am independent of both Adel 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 Adel Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- the Strategic Environmental Assessment and Habitats Regulations Assessment screening reports
- the relevant parts of the 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; Saved Policies of the Unitary Development Plan (UDP), 2006 plus relevant adopted Supplementary Planning Documents
- representations made on the submitted neighbourhood plan
- relevant material held on the Adel Neighbourhood Forum and Leeds City Council websites
- National Planning Policy Framework (2021)
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Plan was prepared prior to publication of the revised National Planning Policy Framework (NPPF) in December 2023 and this does not yet apply for the purposes of examining plans (paragraph 230, NPPF December 2023). The Basic Conditions Statement

addresses the version of the NPPF published in July 2021 and this is the version used throughout this Examination, including where paragraph numbers are referenced.

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 proposed Local Green Spaces, shopping parades, Key Views and Areas of Townscape Significance. I also considered the setting of the Conservation Area, the character areas and the aspirations for improved cycling and pedestrian connections.

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*. Modifications are also recommended to some parts of the supporting text. These recommended modifications are numbered from M1 and are necessary for the Plan to meet the Basic Conditions. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets]. These optional modifications are numbered from OM1.

18. Producing the Adel Neighbourhood Plan has clearly involved significant effort over many years led by the Steering Group. The process began in 2012 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 Leeds City Council and Adel Neighbourhood Forum 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 – Adel Neighbourhood Forum. This was designated by Leeds City Council in April 2014 and re-designated in July 2019.

Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which was agreed by Leeds City Council in November 2013, prior to designation of Adel Neighbourhood Forum.

22. The boundary of the neighbourhood area is shown in Figure 1. This includes a key suggesting it is a “*proposed*” boundary and dating it as September 2013. As highlighted in representations from Richard Spencer it uses an out of date base map.

- M1 – Update and amend the map, title and key to Figure 1 to read “Adel Neighbourhood Area”

Land use issues

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

Plan period

24. The period of the neighbourhood plan runs to December 2033 and aligns with the current development plan for Leeds. The period is shown on the cover and referenced on page 7.

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 Adel Neighbourhood Forum website. This provides a clear record of the consultation process since early discussions over a Neighbourhood Design Statement which was produced in 2006. The initial meeting of the neighbourhood forum was in November 2012. The process was guided by a Steering Group which included a mix of residents, landowners, local businesses and ward councillors and recruited through an open process. The governance and public consultation process has been adequately open and transparent.

27. A number of different engagement methods have been used, including display boards, surveys, questionnaires, local articles, public meetings, event stands, door drops and use of the Neighbourhood Forum website. Regular updates on progress with the Plan were provided.

28. Two significant consultations were undertaken early in the process to elicit views on the main issues to be addressed. The Plan was informed by focus group discussions on six key themes. Independent research on the housing market was undertaken.

29. A *"Policy Intentions Document"* was published for consultation in 2015. This was distributed to all households and was a focus of five consultation events. Over 180 questionnaires were returned. The next steps were also informed by the public debate over development proposals for the area and developer responses to the proposals.

30. A draft Plan was prepared and consulted on in 2016. This benefitted from external independent support and a Health Check. It was distributed to all households and three consultation events were organised. There is evidence of strong support for the approach albeit with some objections to any further development in the area. Changes were made to the Plan as a result of this consultation.

31. The Plan was finalised by June 2022 and subject to further formal consultation (Regulation 14) given the period of time that had elapsed. Leaflets were distributed to all households and three consultation events were held, attended by around 100 people. A hard copy of the draft Plan was made available at the local library. There is evidence of the consultation including the required statutory and other consultees and relevant landowners. The Consultation Statement summarises the issues raised and details how they have been responded to. Changes to the Plan were made as a result of public consultation.

32. Seven representations have been made on the submitted Plan including from, statutory bodies, a local organisation and an individual. All the representations have been considered and are addressed as appropriate in this report.

33. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan since 2012. The Plan has been subject to wide public consultation at different stages in its development and particular efforts have been made to continue to invite input over the long period of Plan preparation. Participation rates have generally been adequate. The process has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. Local landowners, development interests, statutory bodies and the local planning authority have been engaged through the process.

5. General comments on the Plan's presentation

Community Vision and Objectives

34. The Plan includes a Vision to be delivered through 15 objectives and 20 planning policies. The Vision is widely drawn and addresses the role of future development defining, protecting and enhancing the area. It is consistent with sustainable development and reflects the feedback received through consultation.

Other issues

35. There is a lack of clarity as to what comprises the Plan policies. Each Policy has subheadings that describe its intent, provides a justification and links it to the Plan's objectives. There are two further subheadings – *"Policy"* and *"Detail"*. In some instances the policy wording is included in both subheadings (e.g. Policy NBH2) while in others the *"Detail"* is more of a description or explanation (e.g. Policy NBH5). This is a critical issue. Policies need to be clearly distinguished from the rest of the Plan so there is no ambiguity for either applicants or decision makers. This is usually achieved by presenting them in distinctively coloured boxes. I address this issue in relation to the individual policies as appropriate.

- M2 – Present each Policy in a consistent format that clearly distinguishes it from the rest of the text (such as through use of a tinted box).

36. There are a small number of presentational issues. A variety of photographs are provided throughout the document. Their location is not identified and the majority lack any identifying descriptor. A number of the Plan's Figures contain additional information which is not relevant to their purpose and the source of the information shown is not always clear. Some Figures use an out of date map. Where relevant these issues are addressed in relation to the individual policies. A number of revised maps have been provided and I indicate how these should be used in the final Plan in my examination of individual policies.

37. The Plan includes references to a number of documents which comprise the evidence base. It does not provide details or links to many of these documents and there is

no single source for the Plan's evidence base provided in an Appendix or online beyond the documents submitted with the Plan. I was informed that the long period of preparing the Plan means that some of the documents are not available in a shareable form.

- M3 – Update and amend the Plan's Figures as recommended in this report and provide each Figure with a source
- OM1 – [Provide references for all the evidence base documents used in the Plan in an Appendix along with links where available and consider providing a section of the Neighbourhood Forum's website which brings together as many documents as possible in the Plan's evidence base into a single location]

38. The Plan lacks paragraph numbers which makes navigation and referencing difficult.

- OM2 – [Consider providing paragraph numbers throughout the Plan]

39. The University of Leeds has made representations to reference its role as an operator of sports and community facilities and its role as a partner in implementing the Plan. It is appropriate to reflect these representations in the final Plan if so desired.

6. Compliance with the Basic Conditions

National planning policy

40. 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 to relevant paragraphs in the National Planning Policy Framework (NPPF) (July 2021) and provides a short commentary. No conflicts are identified and it is stated that the Plan “has been prepared in conformity with the policies set out in the NPPF”. While the analysis relates only to the most relevant paragraphs of the NPPF I consider that overall it does serve to demonstrate that appropriate consideration has been given to national planning policy.

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

42. Generally, I conclude that the Plan has regard to national planning policy and guidance but there are exceptions as set out in my comments below. These cover both conflicts with national planning policy and the need for some policies to be more clearly expressed and/or evidenced or for duplication with other planning policies 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 describing the way in which the Vision, Objectives and each of the policies contribute to the economic, social and environmental dimensions of sustainable development. It concludes that *“Overall, it is considered the neighbourhood plan contributes positively, when read as a whole, to the three objectives of sustainability identified in the NPPF.”*

45. I am satisfied by the approach and my own assessment of the Plan is that the overall contribution of the Plan to sustainable development is positive and it meets the Basic Condition.

Development plan

46. The Plan must be *“in general conformity with the strategic policies of the development plan”*. The Basic Conditions Statement addresses this by describing how it relates to the development plan as it was in January 2022. Each Plan policy is considered against relevant development plans policies through a short commentary. In many instances it is asserted that the Plan provides Adel-specific detail. No material conflicts are identified.

47. Leeds City Council has not made any representations on general conformity issues and when a view on the submitted Plan was requested it said *“Leeds City Council does consider that the submitted Plan is in general conformity with the strategic policies of the development plan”*.

48. I am satisfied the Plan meets this Basic Condition subject to my detailed comments and recommended modifications to the Plan policies.

Strategic Environmental Assessment

49. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. Leeds City Council prepared a screening report in 2016 of the pre-submission draft Plan that concluded there are *“no significant negative effects”* from the Plan and so it *“does not require a full SEA to be undertaken”*. Natural England, Environment Agency and Historic England did not disagree with this conclusion.

50. The screening report does not relate to the submitted Plan and I note that the 2019 Health Check advised that *“Brief updates to the Habitats Regulation Assessment (HRA) and Strategic Environmental Assessment (SEA) should be undertaken prior to submission of the Plan to the City Council”*. On request Leeds City Council confirmed that it had considered screening the submitted plan but given the fact that only minor changes had been made to the plan, and that the statutory consultees had seen and had chance to make representations on this plan it was not felt to be necessary. I concur with this approach.

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

Habitats Regulations Assessment

52. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. Leeds City Council prepared a screening report in 2016 of the pre-submission draft Plan that concluded the Plan *“is not likely to cause significant effects on the South Pennine Moors Phase 2 SPA/ SAC or any other European sites alone or in combination with other projects or plans”* and that a full Habitats Regulations Assessment *“is not required”*. The statutory conservation bodies did not disagree with this conclusion. An updated screening report was provided in July 2019 to address the change in the Habitats Regulations made in 2018. This concluded the Plan *“does not give rise to, or include, any mitigation measures”*.

53. The screening report does not relate to the submitted Plan and I note that the 2019 Health Check advised that *“Brief updates to the Habitats Regulation Assessment (HRA) and Strategic Environmental Assessment (SEA) should be undertaken prior to submission of the Plan to the City Council”*. On request Leeds City Council confirmed that it had considered

screening the submitted plan but given the fact that only minor changes had been made to the plan, and that the statutory consultees had seen and had chance to make representations on this plan it was not felt to be necessary. I concur with this approach.

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

Other European obligations

55. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement considers the preparation of the Plan *“to take into account the views of the whole community”*. My assessment is also 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.

56. The Basic Conditions Statement provides an analysis of the potential impact of the Plan on each protected characteristic as identified in the Equality Act 2010 and concludes the Plan *“is likely to either have neutral benefit, or a general positive benefit for all residents of Adel”*.

57. No contrary evidence has been presented and I conclude that the Plan meets this Basic Condition.

7. Detailed comments on the Plan policies

58. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that 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, headings and the Contents will need to be amended to take account of the recommended modifications.

Natural and Built Heritage

59. **Policy NBH1** – This expects development to respect and enhance the landscape character described in the Adel Landscape Character Assessment and provides for further more detailed considerations.

60. The Adel Neighbourhood Landscape Character Assessment was independently prepared in 2017. It identifies 13 landscape types and 21 landscape character areas in the neighbourhood area and these are shown in Figure 6. They do not include the urban area. I am content with the approach taken in the study and have received no representations that it is not sufficiently up to date. The neighbourhood forum has confirmed it has undertaken an assessment of the impact of changes since completion of the Landscape Character Assessment which concludes it *“does not believe that any of these changes have a material impact on the relevance of the Local Character Assessment which remains a valid document supporting the Plan”*. I am content with this general conclusion.

61. University of Leeds has made representations identifying an area of land included in LCA 9A Recreational Landscape: Bedquills Playing Fields despite it being considered to be of a different character to the rest of the character area. I visited this location and understand the case being made by University of Leeds. I disagree with its view that this area comprises *“non-descript scrubland”* and note that the description of LCA9A addresses both its role in providing both playing pitches and green space. The presence of *“a low lying area of wet meadow to the north western corner”* is explicitly recognised. University of Leeds states that *“the area does not demonstrate any of the key characteristics”* of this character area

yet one of the key characteristics is of a *“wet meadow area during high rain”*. I conclude that the Landscape Character Assessment is sufficiently robust in this area.

62. As drafted the Policy is not *“unambiguous”* as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the *“Detail”* is intended to be part of Policy NBH1. Much of this extended text is too prescriptive and not *“prepared positively”* (Paragraph 16, NPPF) in stating when development *“will not be supported”, “will be resisted”* or *“will only be supported”*.

63. Having considered the Neighbourhood Forum’s response to my request for clarity on the scope of the Plan’s policies I consider the most effective way for Policy NBH1 to meet the Basic Conditions is by expecting development to have regard to the Landscape Character Assessment. The remaining text presented as *“Detail”* should be presented as being in support of and not part of the Policy. It should be drafted with positive intent.

64. Figure 5 is not necessary for Policy NBH1 but it should remove all extraneous information and show only the details provided in the Key.

65. Policy NBH1 does not meet the Basic Conditions.

- **M4 – Amend Policy NBH1 to replace *“as described within the Adel Landscape Character Assessment (2017) – see Appendix 3.”* with *“and have regard to the Adel Neighbourhood Landscape Character Assessment (2017).”***
- M5 – Amend the supporting text on pages 29 and 30 by:
 - p29, paragraph 2 - delete second sentence beginning *“Development which”*
 - p29, paragraph 3 – replace final sentence with *“Development should respect the defining qualities and composition of such views across Adel’s landscape”*
 - p29, paragraph 5 – replace *“will only be supported where it can be demonstrated”* with *“should demonstrate”*
 - p30, paragraph 2 – replace final sentence with *“Development should respect buffer zones and sustain wider green infrastructure links (see Figure 7)”*

- OM3 – [Rename “*Adel Landscape Character Assessment*” as “Adel Neighbourhood Landscape Character Assessment” throughout the Plan]
- OM4 – [Amend Figure 5 to remove extraneous information and show only the “Major Development Sites”]

66. **Policy NBH2** – This supports development which retains, cares for and expands tree, hedgerow and woodland cover.

67. There is evidence of strong support for the policy approach in the results of public consultation. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy NBH2. Some of this extended text is too prescriptive and not “*prepared positively*” (Paragraph 16, NPPF) in stating when development “*will not be supported*”.

68. The Policy title does not relate well to the content of the Policy which goes well beyond trees and extension of tree cover. The source of Figure 8 is not provided and it shows much more than the location of trees. It is titled as showing “*Mature planting*” but it is not clear what constitutes mature planting on the map.

69. Policy NBH2 does not meet the Basic Conditions.

- **M6 – Retitle Policy NBH2 at “Trees, hedgerows and woodlands” and clarify the Policy relates only to paragraph 1 on page 35**
- M7 – In page 35, paragraph 2 replace “*which will result in*” with “should avoid” ; replace “*affect*” with “affecting”; and delete “*will not be supported*”
- M8 – Provide a source for Figure 8 and amend it to show the location of trees and woodland significant to the neighbourhood area

70. **Policy NBH3** – This addresses the conservation and improvement of biodiversity within the neighbourhood area.

71. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy NBH3. The third paragraph of this extended text duplicates existing development plan policy (Policy G8).

72. The policy is supported by Figure 9 showing areas of recognised nature conservation value. The Key includes two tinted areas while the map shows four different tints. The source of the information shown is not provided.

73. The Policy is also supported by Figure 10. This is titled as showing areas of deciduous woodland but also shows lowland meadow and pasture and ancient replanted woodland. The source of the information shown is not provided.

74. The supporting text references “*recognised areas of biodiversity value*” being shown in Figure 10 although this is titled as only showing deciduous woodland and Figure 9 is not referenced. Figure 8 is also referenced although the information relevant to biodiversity duplicates the information in Figure 9 and most of the planting shown is of significance to local character rather than biodiversity.

75. Policy NBH3 does not meet the Basic Conditions.

- **M9 – Combine the “*Policy*” and “*Detail*” into a single Policy and:**
 - **Delete “*Aspects of*”**
 - **Delete the third paragraph of “*Detail*” which begins “*Development proposed*”**
- M10 - Remove information not shown in the Key from Figure 9
- M11 - Retitle Figure 10 to reflect the range of habitats shown or remove all but deciduous woodland from the map and Key

- M12 - Amend the supporting text to reference areas of nature conservation value in the neighbourhood area include those shown in Figures 9 and 10 and delete references to Figure 8

76. **Policy NBH4** – This identifies nine Areas of Townscape Significance which are to be respected by development.

77. The Policy is supported by Figure 11. This shows the location of nine Areas of Townscape Significance. It also shows other extraneous information which should be removed. The scale is such that the detailed boundaries cannot be clearly seen. On request I was provided with a larger scale map showing clearer boundaries and this should replace Figure 11 in the submitted Plan.

78. There is limited evidence supporting the Areas to be designated although relevant criteria for inclusion are identified and the Design Statement and Conservation Area Appraisal and Management Plan provide supporting information. The “*character and qualities*” to be respected are not defined.

79. I considered the merits and the boundaries of each of the proposed Areas during my visit. I concur with the view that each has a distinct character and qualities which it is appropriate to recognise in the Plan. I considered whether some of the Areas might be more appropriately addressed as non-designated heritage assets (e.g. Friends Meeting House, The Willows, Manor House) but for the purposes of meeting the Basic Conditions I am content with the approach. This option might be considered as part of a future review of the Plan. The updated Figure 11 addresses a number of issues regarding the precise boundaries. The boundary of Area 4 (Friends Meeting House) should be the north west edge of New Adel Lane and no part of the road or the area south east of the road should be included. The boundary of Area 6 should be extended along the length of Park View accessible by vehicles as an alternative to View 6 in Policy CD2.

80. It is unclear whether the Policy also includes the section titled “*Detail*”. The Policy drafting lacks clarity in key areas. It references the importance of individual buildings when the areas are identified for their townscape significance. The final paragraph of “*Detail*” is repetitive and negatively worded in stating what “*will not be supported*”. Some of the Policy

drafting is descriptive, such as the fact that areas have been identified by members of the neighbourhood forum, which is superfluous to the needs of planning policy. The overall approach lacks clarity.

81. Policy NBH4 does not meet the Basic Conditions.

- **M13 – Replace the “Policy” and “Detail” with:**

“The following are identified as Areas of Townscape Significance (Figure 11) because of their contribution to the character and historic interest of the neighbourhood area:

- **Cookridge Gardens Estate**
- **The Willows**
- **Adel Lane / St Helen’s Lane;**
- **Friends Meeting House, New Adel Lane**
- **Southern part Long Causeway / Smithy Mills Lane**
- **Church Lane**
- **Otley Road**
- **Spring Hill**
- **Manor House and surrounds**

Development proposals having a significant impact on Areas of Townscape Significance should respect and respond positively to their character and qualities.”

- M14 – Update Figure 11 with a larger scale map and clearer boundaries, including revised boundaries for Areas 4 and 6 as recommended

82. **Policy NBH5** – This identifies an area of land to be protected for its contribution to the setting of Adel church and an access route to Golden Acre Park.

83. The importance of protecting the setting of Adel Church has been a key feature in public consultation on the Plan. It has also been recognised by Historic England and was a significant consideration in relation to recent housing development in the area. The

significance of some of the land to the character and setting of Adel Church was evident on my visit.

84. The Policy lacks evidence for the chosen boundary. On request I was provided with no further evidence beyond it being the boundary of an *“extended conservation area we would aspire to pursue in the future”*.

85. The purpose of the Policy also lacks clarity. It is both to *“prevent further harm to.....the setting of Adel Church”* and to *“incorporate additional Conservation Assets”*. I was also informed that it contributed to ambitions for pedestrian access to Golden Acre Park along a historic route. It is acknowledged that some of the land identified for these other purposes *“does not itself contribute to protection of the Church environs”*. The area to be protected is shown in Figure 12 but its title does not reference the purpose of protecting Adel Church. The Policy also references protecting features *“within”* the Conservation Area although it does not overlap with the Conservation Area.

86. I acknowledge the importance of some of the land identified for protecting the setting of Adel Church. Nevertheless, there is a lack of evidence supporting the boundary and the presentation and purpose of the Policy lacks clarity. The Policy is also highly restrictive in stating that the fields *“should not be developed further”*. This places an even greater onus on providing proportionate supporting evidence.

87. Consequently I do not consider Policy NBH5 meets the Basic Conditions. In arriving at this conclusion I am very conscious that the neighbourhood forum has informed me that *“this is the issue about which the community has expressed by far the most concern throughout plan preparation”*. The most significant part of the area proposed is also proposed in Policy CFGS4 to be designated Local Green Space. This affords it very strong protection because of its *“particular local significance”* and this provides significant additional protection to the setting of Adel Church as a result of the neighbourhood plan. Policy HT3 also recognises the importance of improved access along the desired route to Golden Acre Park.

- **M15 – Delete Policy NBH5**

Character and Design

88. **Policy CD1** – This supports development which addresses the distinct character of the neighbourhood as detailed in the Adel Neighbourhood Design Statement.

89. The Policy is supported by the Adel Neighbourhood Design Statement, prepared in 2006 and updated in 2014. The Design Statement has been subject to consultation. The neighbourhood forum submitted the 2006 document with the Plan and subsequently provided me with the 2014 version. The Design Statement is for a slightly different area and the 2014 updates are minor. It includes 13 Character Areas which are shown on Figure 13 and these are described in general terms. More detail is provided for some residential areas in terms of the materiality, heights, gardens and contributors to local character. There is some crossover with Policy NBH4 although the areas defined are different. The considerations addressed by the Design Statement remain relevant despite its age.

90. The Policy drafting is unduly negative in seeking to “*preserve*” rather than “*protect*” neighbourhood character. More clarity is needed that the detailed considerations will apply only to relevant planning applications.

91. Additionally the Policy supports development of high environmental standards. While important these considerations are addressed in only general terms and as an adjunct to the main focus on local character. The approach duplicates national planning policy and reduces the clarity of approach.

92. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy CD1.

93. Policy CD1 does not meet the Basic Conditions.

- **M16 - Combine the “*Policy*” and “*Detail*” into a single Policy and:**
 - **Replace the first paragraph and beginning of the second paragraph with “Development proposals should protect or enhance the distinct character of the Adel Neighbourhood Area, including by having regard to the Adel Neighbourhood Design Statement and:”**

- **Insert “where necessary” at the beginning of criterion 4**
 - **Replace “*statement that supports a planning application*” with “and access statement where provided” in the last paragraph**
- OM5 – [Delete the paragraph beginning “*Good design*” on page 53]

94. **Policy CD2** – This seeks to protect ten identified views.

95. The Policy is supported by a series of views in Figures 14 and 15 which address views into and out of the Conservation Area and longer views to the east. I was informed that the identification of the views draws on the Conservation Area Appraisal and Management Plan and the Landscape Character Assessment. The views are only described and not shown on any of the Figures in the latter document.

96. I visited each of the proposed views and am content with the approach except as follows:

- View 6 – This is of a different character to the other selected views and its merits relate more to the townscape character. I have recommended an alteration to an Area of Townscape Significance addressed in Policy NBH4 to address this
- View 8 – The view is wrongly located and should be moved approximately 20m west to avoid being restricted by the Richmond Oval. The field of view is much more limited than shown and should not go south of the Ring Road
- View 9 – The view is wrongly located where there is no public access. It should be moved to the corner of the public footpath south east of Adel Primary School

97. The three views in Figure 15 are depicted differently to those in Figure 14 with a broad field of view. This is appropriate given their long range nature but the angle shown is indicative and this should be reflected in the Key.

98. The Policy is negatively drafted in identifying what “*will not be supported*”. It lacks clarity by also referencing “*vistas*” although no explanation of the difference with “*views*” is provided. A requirement for all development proposals to demonstrate consideration of impact on the views and mitigation regardless of their scale or impact is unduly burdensome.

99. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy CD2.

100. Policy CD2 does not meet the Basic Conditions.

- **M17 - Combine the “*Policy*” and “*Detail*” into a single Policy and:**
 - **Delete “*and vistas*” in the first paragraph**
 - **Insert “(Figures 14 and 15)” after “*area*” in the first paragraph**
 - **Delete the second sentence of the first paragraph**
 - **Replace “*would*” with “*could significantly*” in the second paragraph**
 - **Delete “*shown in Figures 14 and 15*” in the second paragraph**

- **M18 – Delete View 6 and amend the depiction of Views 8 and 9 in Figures 14 and 15**

Housing

101. **Policy H1** – This supports development on allocated sites and infill sites within the urban area.

102. Policy H1 serves no clear purpose as it repeats existing development plan policy in the Site Allocation Plan and Local Plan Spatial Policy 1 (which defines the Main Urban Area of Leeds (including Adel) and addresses the role of infill sites).

103. The supporting text provided in the “*Detail*” lacks clarity. It is a mix of explanation and generic policy intent and is not “*clearly written and unambiguous*” (paragraph 16, NPPF). It also duplicates existing development plan policy and national planning policy (Section 11, NPPF).

104. The Policy is supported by Figure 16 which shows the boundary of the Main Urban Area updated to address recent housing development. On request I was provided with a clearer map of the updated boundary which also excludes the additional superfluous tints in Figure 16. I recommend recasting the Policy to show this updated boundary provided by Leeds City Council except that the boundary should run along the edge of the new

development in allocation HG2-18 and not include the open land between the beck and Church Lane. In this way Policy H1 provides an up to date and more local definition of the urban area which would be read in conjunction with other development plan policies, including Local Plan Spatial Policy 1.

105. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy H1.

106. Policy H1 does not meet the Basic Conditions.

- **M19 – Combine the “Policy” and “Detail” into a single renamed Policy: “Urban boundary**

The boundary of the Major Urban Area in Adel neighbourhood area is shown in Figure 16.”

- M20 – Replace Figure 16 as recommended
- M21 – Make consequential changes to the supporting text, including to the title of this section which now relates to the location of the urban boundary following recent developments and not to housing

107. **Policy H2** – This supports residential development providing for a mix of dwelling types and sizes, including addressing a need for smaller (2 or 3 bedroom) open market homes and bungalows.

108. The Policy is supported by an independently prepared Housing Market Assessment prepared in 2014. I was informed no more recent Housing Market Assessment was available and note Leeds City Council’s Strategic Housing Market Assessment is only a little more recent (2017) and does not include information at the level of the neighbourhood area.

109. As well as being more than ten years old the Housing Market Assessment does not provide a strong evidence base for the approach in Policy H2 to favour 2 or 3 bedroom houses and bungalows. Bungalows are not referenced at all and the overall conclusion is to support half of new homes being 2 bedroom and half to be 3 or 4 bedroom.

110. Policy H2's intentions to seek new homes that respond to local needs is sound but it is not supported by an effective or up to date evidence base. The general need to relate new homes to local need is addressed in Local Plan Policy H4. Adel Neighbourhood Forum drew my attention to a 2019 report by Leeds City Council recognising the need to clarify Local Plan Policy H4 given only slight improvements in the mix. It would be appropriate for this to be undertaken through the neighbourhood plan but this would require a robust evidence base. This is not available.

111. Policy H2 does not meet the Basic Conditions.

- **M22 – Delete Policy H2**

Community Facilities and Green Space

112. **Policy CFGS1** – This identifies six important local community facilities for protection or re-provision and a range of community activities which would be supported given local shortage.

113. The Policy is consistent with Local Plan Policy P9. I visited each of the facilities identified and am satisfied that they make an important contribution. It would be helpful to include a Figure locating each of the identified facilities and on request a suitably presented Figure was provided by the neighbourhood forum. This shows five rather than six important community facilities because Adel Methodist Church and Adel Methodist Church Hall are located adjacent to one another. The numbering in the Figure and the Policy should be consistent.

114. The Policy duplicates its own approach to addressing development that would result in harm or loss of a community facility in its first and last paragraph and I recommend an approach consistent with that in Local Plan Policy P9.

115. Additionally, the Policy identifies five categories of community activity for which there is an “*identified shortage*” and where development providing them will be welcomed. On request I was informed the “*identified shortage*” comprised feedback during public consultation over the Plan. This lacks the robustness needed to provide suitable evidence for the Policy.

116. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy CFGS1.

117. Policy CFGS1 does not meet the Basic Conditions.

- **M23 - Combine the “*Policy*” and “*Detail*” into a renamed single Policy:**

“Protecting important community facilities

The following community facilities (Figure ?) are identified as particularly important to Adel:

- 1. The Old Stables, Back Church Lane;**
- 2. Adel War Memorial Association (incorporating Adel Sports and Social Club), Church Lane;**
- 3A. Adel Methodist Church, Holt Lane;**
- 3B. Adel Methodist Church Hall, Gainsborough Avenue;**
- 4. Adel and Ireland Wood Community Centre, New Adel Lane; and**
- 5. Friends Meeting House, New Adel Lane.**

Where proposals for development would result in the loss of or significant harm to an important community facility, satisfactory alternative provision should be made elsewhere within the community if a sufficient level of need is identified.”

118. **Policy CFGS2** – This supports development which increases primary school capacity and health service provision.

119. The overall provision of health and education facilities is a strategic matter (paragraph 20, NPPF) beyond the scope of neighbourhood planning. Nevertheless, Policy CFGS2 takes an enabling and supportive approach subject to relevant considerations of local impact.

120. The Policy drafting lacks clarity and as drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy CFGS2.

121. Policy CFGS2 does not meet the Basic Conditions.

- **M24 – Combine the “*Policy*” and “*Detail*” into a single Policy:**

“Development proposals which increase primary school capacity and/or health provision in the neighbourhood area will be supported subject to consideration of their impact on highway capacity and local amenity.”

122. **Policy CFGS3** – This supports provision of a new play area for younger children subject to considering the impact on neighbours.

123. Policy CFGS3 is positive and enabling. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy CFGS3. On request I was informed that “*younger children*” is defined as pre-school age or very early school years (Key Stage 1) aged children and suggest this is referenced in the supporting text.

124. Policy CFGS3 does not meet the Basic Conditions.

- **M25 – Combine the “*Policy*” and “*Detail*” into a single Policy:**

“A development proposal providing for a new gated play area for younger children will be supported in a suitable location that can be easily and safely accessed by the community and subject to consideration of the impact on immediate neighbours.”

125. **Policy CFGS4** – This designates seven areas of Local Green Space.

126. The ability of a neighbourhood plan to designate areas of Local Green Space is an important one. The Policy is supported by an assessment of how each of the proposed Local Green Spaces performs against the criteria in paragraph 102 of national planning policy and the boundaries are shown in Figure 17.

127. The information provided is the bare minimum necessary and Figure 17 is at a scale that makes it difficult to determine the precise boundaries for each Local Green Space. There are mismatches in the naming of the Local Green Spaces and eight Local Green Spaces are shown in Figure 17 and justified in the supporting text but only seven are included in Policy CFGS4 and the Annex. I consider Site 8 – Adel Community Garden – meets the criteria for designation.

128. I visited each of the proposed Local Green Spaces and generally concur with the justification provided and the proposed boundary subject to the following

- Site 3 – the area between Lawnswood Arms car park and Otley Road serves the same function as the area proposed to the north
- Site 4 – this is located at Derwent Drive and Sir George Martin Drive not “*Adel Green*”

129. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy CFGS4. Much of this text is descriptive and inappropriate for inclusion in a planning policy.

130. Although not directly relevant to Policy CFGS4 it is supported by Figure 19 showing the location of the Green Belt within the neighbourhood area. University of Leeds has made representations querying the accuracy of the Green Belt area shown.

131. Policy CFGS4 does not meet the Basic Conditions.

- **M26 – Combine the “Policy” and “Detail” into a single Policy:**

“The following areas are designated as Local Green Space:

-“

[List eight areas and use consistent names throughout the Policy, Justification, Figure 17 and Annex]

- M27 – Provide a Figure(s) at a scale allowing the detailed boundaries of each Local Green Space to be determined with Site 3 extended as recommended
- M28 – Provide Figure 19 showing the area of Green Belt as designated in the development plan
- OM6 – [Provide a definition of “*younger children*” as pre-school age or very early school years (Key Stage 1) aged children in the supporting text]

132. **Policy CFGS5** – This supports improved cycle links, better lit pedestrian and cycle routes and improvements to Green Infrastructure.

133. The purpose of Policy CFGS5 is unclear as it combines different intentions relating to active travel and green infrastructure. The active travel issues are best addressed in Policy HT3 and I recommend repurposing Policy CFGS5 as a means to strengthen the Local Green Infrastructure Network with some minor redrafting to improve clarity. Figure 20 should be deleted and key elements incorporated in a revised Figure 23. The supporting text should be updated to reflect the green infrastructure role of the revised Policy.

134. The Policy defines the Local Green Infrastructure Network in terms of the green space shown in Figures 17 and 18. This omits important areas shown in Figures 8, 9 and 10 and those parts of the Leeds Habitats Network located in the neighbourhood area. Each of these should be referenced in the Policy if it is not possible to create a new Figure which combines them to show the Local Green Infrastructure Network in a single location.

135. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy CFGS5.

136. Policy CFGS5 does not meet the Basic Conditions.

- **M29– Combine the “*Policy*” and “*Detail*” into a single Policy and:**
 - **Delete paragraphs 1 and 2**
 - **Replace “*Figures 17 and 18*” with “*Figures 8, 9, 10, 17 and 18 and including the Leeds Habitat Network*” [or insert a single Figure which shows this information in a single location]**
 - **Insert “*where appropriate*” at the end of the second bullet**
 - **Delete “*in the Neighbourhood Plan Area*” in the third bullet**
 - **Delete “*and*” in the fourth bullet**
 - **Delete the fifth bullet**

- M30 - Delete Figure 20

Retail and Business

137. **Policy RB1** – This identifies shopping parades where distinct policy criteria should be met by development proposals.

138. The Policy is supported by Figure 21 showing four distinct “*Shopping Parade Areas*”. Figure 21 shows extraneous information which should be removed and lacks a Key in the format of the Plan’s other Figures. I visited each of the areas shown and recommend modifications to two of them:

- Otlely Road/The Crescent – 427-433 Otlely Road should be included and the road area of The Crescent excluded (creating two distinct parades)
- Between Farrar Lane and Holt Lane – exclude the residential access and dwelling at 499 Otlely Road between the petrol station and 495 Otlely Road and the minor rear access roads within the retail parade

139. I was provided with an updated and improved Figure but this is not entirely accurate – for example, Lawnswood Arms includes the whole area between Otley Road and Gainsborough Avenue. It also includes a new area near Woodlands Grove. This would need to have been included in the submitted Plan to be considered.

140. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy RB1. Some supporting text in the “*Detail*” is descriptive and inappropriate for planning policy. I recommend minor improvements to the drafting to improve its clarity.

141. Policy RB1 does not meet the Basic Conditions.

- **M31 – Combine the “*Policy*” and “*Detail*” into a single Policy and:**
 - **Replace the first paragraph with “Development proposals which protect or enhance the range of local shops, services and facilities and/or which strengthen the vitality and viability of Adel’s shopping parades (Figure 21) will be supported.”**
 - **Delete the second paragraph**
 - **Replace “*individual proposals will not generate*” with “avoid” in the first bullet**
 - **Insert “provide satisfactory” at the beginning of the second bullet; delete “*can be satisfactorily provided*” and add “significantly” after “*without*”**
 - **Delete “*proposals should*” in the third bullet**
 - **Replace “*would generally also*” with “will” in the fourth paragraph**

- **M32 – Update Figure 21 as recommended**

142. **Policy RB2** – This does not support proposals for additional hot food takeaways.

143. The Policy is based on a justification that there has been a “*disproportionate increase*” in the number of hot food takeaways which is harming the vitality and viability of the parades, undermining character and failing to support policies to tackle obesity. There

is evidence of local support for a restrictive approach in the outcomes of an Open Day in 2013 and work on the Neighbourhood Design Statement in 2014.

144. On requesting further evidence to support the Policy I was informed it is *“is based on the expressed wish of residents to maintain a range of shops in the area so that they can ‘Shop Local’. Many feel that any further increase in takeaways would be disproportionate given the relatively small scale of shopping parades available in Adel”*. These are understandable concerns but the Policy is highly restrictive and has neither a robust nor up to date evidence base. It is not appropriate to introduce such a restrictive approach on the basis of such limited and dated evidence.

145. Policy RB2 does not meet the Basic Conditions.

- **M33 – Delete Policy RB2**

146. **Policy RB3** – This supports proposals for a new local business centre subject to relevant policy considerations.

147. Policy RB3 is positive and enabling. As drafted the Policy is not *“unambiguous”* as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the *“Detail”* is intended to be part of Policy RB3.

148. The examples of appropriate services should be provided in the supporting text. It is unnecessary to reference a requirement for proposals to meet other policy requirements as all development plan policies apply to any planning application. The Policy is unduly directional in stating what *“must”* be provided.

149. Policy RB3 does not meet the Basic Conditions.

- **M34 – Combine the *“Policy”* and *“Detail”* into a single Policy and:**
 - **Delete the bracketed text and from *“providing”* to the end of the first paragraph**
 - **Replace *“would”* with *“will”* before *“be supported”* in the first paragraph**
 - **Replace *“must”* with *“should”* in the second paragraph**

Highways and Traffic

150. This section of the Plan addresses active travel as well as highways and traffic issues.

- OM7 – [Rename section to reflect its content – e.g. Traffic and Movement]

151. **Policy HT1** – This encourages public transport and active travel alternatives to reduce congestion.

152. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy HT1. Much of the supporting text in the “*detail*” is descriptive and not appropriate for inclusion in planning policy.

153. The intended Policy is an aspirational statement and does not serve a useful purpose. The matters raised are either addressed in existing development plan policy (e.g. Local Plan Policy T2) or are non-planning considerations. It would be appropriate for the neighbourhood plan to address specific issues relating to “*rat runs*” or other pinch points where congestion is an issue but this would require a robust evidence base identifying these locations. This is not available.

154. Policy HT1 does not meet the Basic Conditions.

- **M35 – Delete Policy HT1**

155. **Policy HT2** – This seeks to prevent the loss of off street parking serving the identified shopping parades.

156. The Policy is supported by Figure 22 although this is virtually identical to Figure 21 and does not show the location of the parking for the shopping parades as intended. The Policy is negatively worded in stating what “*will not be supported*”. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy HT2.

157. Policy HT2 does not meet the Basic Conditions.

- **M36 – Combine the “*Policy*” and “*Detail*” into a single Policy and:**

- Replace the first paragraph with “Development proposals which would result in the loss of existing off street parking provision servicing the Adel Shopping Parades (Figure 22) should make provision for replacement or additional parking provision in a suitable nearby alternative location.”
- In the second paragraph:
 - Insert “or additional” after “*provision of*”
 - Replace “*greater level of*” with “significant increase in”
- M37 – Replace Figure 22 with a map showing the areas of parking serving the shopping parades

158. **Policy HT3** – This seeks improvements to the cycling and pedestrian infrastructure.

159. The Policy is supported by Figure 23 showing a number of desired improvements to cycling connections, although the Figure is not directly referenced in the Policy and contains much extraneous information. I recommend that the aspirations in Figure 20 for pedestrian routes are combined with Figure 23 into a single Figure which supports Policy HT3. The revised Figure should clearly distinguish between existing routes and aspirational ones and whether the existing or aspirational use is on foot, bike or horse or a combination of these. It should address inconsistencies in the routes shown differently in Figures 20 and 23. On request Leeds City Council has provided a copy of the Definitive Map for the neighbourhood area which provides a base. This also addresses representations from Leeds Local Access Forum. The neighbourhood forum has confirmed the future intentions are aspirational routes and there is no additional evidence supporting them.

160. As drafted the Policy is not “*unambiguous*” as required by national planning policy (Paragraph 16, NPPF) because it is unclear whether the text provided in the “*Detail*” is intended to be part of Policy HT3.

161. Policy HT3 does not meet the Basic Conditions.

- **M38 – Combine the “*Policy*” and “*Detail*” into a single Policy and:**
 - Delete the sentence beginning “*Cycling and pedestrian infrastructure*”

- Insert “(including the aspirational proposals in Figure 23)” at the end of the first bullet

- M39 - Amend Figure 23 to include existing cycling, bridleway and pedestrian routes and aspirations and retitle it as “Existing and aspirational improvements to cycle, pedestrian and bridleway connections”

8. Recommendation and Referendum Area

162. I am satisfied the Adel 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.