

Leeds City Council

Decision Statement – Boston Spa Neighbourhood Plan

(The Town & Country planning Act 1990 – Schedule 4B and The Neighbourhood Planning (General) Regulations 2012 – Part 5, regulation 18)

1. Summary

- 1.1 Following an independent examination, Leeds City Council now confirms that it is making modifications to the Boston Spa Neighbourhood Plan as set out in Table 1 below. The Plan will then proceed to a Neighbourhood Planning Referendum.
- 1.2 The Examiner must consider whether the Referendum Area should be extended beyond the Boston Spa Neighbourhood Area. The Examiner considers the Neighbourhood Area to be appropriate and that there is no substantive evidence to demonstrate that this is not the case. The Examiner has recommended that the Neighbourhood Plan should proceed to a Referendum based on the Boston Spa Neighbourhood Area approved by the Council on 15th November 2016.
- 1.3 This Decision Statement, the Examiner’s Report and the Boston Spa Neighbourhood Plan Proposal and supporting documentation are available on the Council’s website: <http://www.leeds.gov.uk/council/Pages/Neighbourhood-planning.aspx>. They are also available on the Boston Spa Parish Council Website: <http://www.bostonspapc.org.uk/Boston-Spa-Parish-Council/Default-4480.aspx>
- 1.4 Hard copies of the Decision Statement are available for inspection at:
 - Leeds City Council, City Development Department, The Leonardo Building, 2 Rossington Street, Leeds, LS2 8HD (Mon, Tues, Thurs, Fri 8.30am –5.00pm, Weds 9.30am – 5.00pm)
 - Wetherby Library, 17 Westgate, Wetherby, LS22 6LL (Mon 10am – 5pm, Tues 9am – 7pm, Weds – Fri 9am – 5pm , Sat 10am – 4pm)
 - Boston Spa Library, High Street, Boston Spa, Leeds, LS23 6BH (Mon, Fri, Sat 9.00 – 12.00, Weds 10.00 – 17.00)

2. Background

- 2.1 Boston Spa Parish Council, as the qualifying body, submitted an application to Leeds City Council for the whole of the Parish of Boston Spa and was subsequently designated as the Boston Neighbourhood Area on 17th September 2012. However, following changes to the Parish boundary in 2015, the Parish Council applied to re-designate the Neighbourhood Area to correlate with the new Parish boundary. Leeds City Council approved the re-designation of Boston Spa as a Neighbourhood Area on 15th November 2016.

- 2.2 The Boston Spa Neighbourhood Plan was publicised by Boston Spa Parish Council for Pre-Submission Consultation (Regulation 14) on 2nd May 2016 and the consultation period ended on 19th June 2016.
- 2.3 Following the submission of the draft Boston Spa Neighbourhood Plan to the Council on 17th January 2017, the Plan was publicised and representations were invited. The publicity period ran for six weeks between 10th April and 22nd May 2017.
- 2.4 The Council, with the agreement of Boston Spa Parish Council, appointed an independent examiner, Mr Nigel McGurk BSc(Hons) MCD MBA MRTPI, to consider whether the Plan meets the 'Basic Conditions' required by legislation and should, therefore, proceed to referendum.
- 2.5 The Examiner's Report was published on the Leeds City Council website on 14th July 2017 and has been made available for public viewing. The Report concludes that, subject to making the modifications recommended by the Examiner, the Boston Spa Neighbourhood Plan meets the Basic Conditions set out in legislation and should proceed to Referendum.
- 2.6 Following receipt of the Examiner's Report, the Council is required to consider each of the modifications recommended with the reasons for them and decide what action to take.

3. Decisions and Reasons

- 3.1 The Examiner has concluded that with the specified modifications, the Boston Spa Neighbourhood Plan meets the Basic Conditions stated and other relevant legal requirements. These modifications are outlined in Table 1 below.
- 3.2 The Council accepts all of the modifications and the reasons put forward by the Examiner for them. The Examiner's reasons and recommended modifications are set out in Table 1, followed by the Council's decisions and reasons.
- 3.3 There are 4 recommendations in the Examiner's report where there is a minor error with referencing to the Neighbourhood Plan text. Each of these instances is highlighted in Table 1 below and footnoted to explain the error and the Council's decision and reasons with regard to each of the recommendations and errors.
- 3.4 The Council is satisfied that subject to those modifications being made to the Plan as set out in Table 1, that the Plan meets the Basic Conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention rights and complies with the provision made by or under 61E(2), 61J and 61L of the said Act.
- 3.5 The Council agrees with the Examiner's recommendation that the Plan should proceed to a Referendum based on the Boston Spa Neighbourhood Area approved by the Council on 15th November 2016.
- 3.6 To meet the requirements of the Localism Act 2011, a referendum which poses the question "Do you want Leeds City Council to use the Neighbourhood Plan for Boston Spa to help it decide planning applications in the Neighbourhood Area?" will be held in the Boston Spa Neighbourhood Area.

This Statement is dated 22nd August 2017.

TABLE 1 Schedule of Modifications Recommended in the Examiner’s Report

Modification Number	Page/Part of the Plan	Examiner’s recommended changes	Reason	Leeds City Council’s decision and reason
Introduction				
M1	Introduction	Provide the “Boston Spa Neighbourhood Area” (delete “October 2016”) plan, comprising a red line boundary identifying the Neighbourhood Area, within the Neighbourhood Plan itself.	No plan showing the boundary of the Boston Spa Neighbourhood Area is provided within the Neighbourhood Plan itself. The absence of a boundary plan within the Neighbourhood Plan itself runs the unnecessary risk of reducing clarity and detracting from the quality of the document as a whole.	Agree to include a plan showing the boundary of the Boston Spa Neighbourhood Area within the Neighbourhood Plan itself to comply with the Examiner’s recommendations.
M2	Introduction, line 12, para 2, page 3	Change to “... took place <i>which led to...</i> ”	There is a typographical error.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M3	Introduction, para 2, penultimate line, page 3	Penultimate line, change to “... the plan is <i>made</i> and it becomes...”	Neighbourhood Plans are <i>made</i> rather than <i>adopted</i> .	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
Community Actions				
M4	Environment and Energy, CAGS1, CAT1 and CAT2, pages 27 and 28	Replace the three references to “We” with “ <i>The Parish Council</i> ”.	Some of the Community Aspirations are worded as though they comprise land use planning policies, which they do not and/or suggest that the Neighbourhood Plan itself with “ <i>do</i> ” something, when rather, it is the Parish Council that is responsible for the Action proposed. The Neighbourhood Plan, if made, would become a statutory document, rather than undertake a Community Action.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M5	Environment and Energy, , CAE1, page 28	Add “...encouraged <i>by the Parish Council</i> .”	Some of the Community Aspirations are worded as though they comprise land use planning policies, which they do not and/or suggest that the Neighbourhood Plan itself with “ <i>do</i> ” something, when rather, it is the Parish Council that is responsible for the Action proposed. The Neighbourhood Plan, if made, would become a statutory document, rather than undertake a Community Action.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M6	Transport & Getting About, TMA1, page 34	Add “... supported <i>by the Parish Council</i> .”	Some of the Community Aspirations are worded as though they comprise land use planning policies, which they do not and/or suggest that the Neighbourhood Plan itself	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			with “do” something, when rather, it is the Parish Council that is responsible for the Action proposed. The Neighbourhood Plan, if made, would become a statutory document, rather than undertake a Community Action.	
M7	Transport & Getting About, TMA2, page 34	Change to “ <i>The Parish Council will support initiatives which...</i> ”	Some of the Community Aspirations are worded as though they comprise land use planning policies, which they do not and/or suggest that the Neighbourhood Plan itself with “do” something, when rather, it is the Parish Council that is responsible for the Action proposed. The Neighbourhood Plan, if made, would become a statutory document, rather than undertake a Community Action.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M8	Transport & Getting About, CPA1, page 35	Change to “... will be supported <i>by the Parish Council.</i> ”	Some of the Community Aspirations are worded as though they comprise land use planning policies, which they do not and/or suggest that the Neighbourhood Plan itself with “do” something, when rather, it is the Parish Council that is responsible for the Action proposed. The Neighbourhood Plan, if made, would become a statutory document, rather than undertake a Community Action.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M9	Transport & Getting About, PTCA1, page 36	Change to “ <i>The Parish Council, in collaboration with surrounding communities, will pursue actions...</i> ”	Some of the Community Aspirations are worded as though they comprise land use planning policies, which they do not and/or suggest that the Neighbourhood Plan itself with “do” something, when rather, it is the Parish Council that is responsible for the Action proposed. The Neighbourhood Plan, if made, would become a statutory document, rather than undertake a Community Action.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M10	Transport & Getting About, SSCA1, page 37	Change to “... will be sought <i>by the Parish Council (see map) in priority order:...</i> ”	Some of the Community Aspirations are worded as though they comprise land use planning policies, which they do not and/or suggest that the Neighbourhood Plan itself with “do” something, when rather, it is the Parish Council that is responsible for the Action proposed. The Neighbourhood Plan, if made, would become a statutory document, rather than undertake a Community Action.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M11	Creating a People Friendly Village, CAPFVC1, page	Change to “... and doors, <i>the Parish Council will seek to encourage them to provide...</i> ”	Some of the Community Aspirations are worded as though they comprise land use planning policies, which they do not and/or suggest that the Neighbourhood Plan itself with “do” something, when rather, it is the Parish Council	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

	42		that is responsible for the Action proposed. The Neighbourhood Plan, if made, would become a statutory document, rather than undertake a Community Action.	
M12	Community & Wellbeing, CACW1, page 44	Change to "...active lifestyle and <i>the Parish Council</i> seeks to increase the number and range of opportunities. <i>In particular, the Parish Council will seek to address the matters set out below... The Parish Council will seek to establish a children's play area...</i> "	Some of the Community Aspirations are worded as though they comprise land use planning policies, which they do not and/or suggest that the Neighbourhood Plan itself with "do" something, when rather, it is the Parish Council that is responsible for the Action proposed. The Neighbourhood Plan, if made, would become a statutory document, rather than undertake a Community Action.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
M13	Community & Wellbeing, CACW2, page 45	Change to " <i>The Parish Council</i> will endeavour to undertake all of the following: to establish methods..."	Some of the Community Aspirations are worded as though they comprise land use planning policies, which they do not and/or suggest that the Neighbourhood Plan itself with "do" something, when rather, it is the Parish Council that is responsible for the Action proposed. The Neighbourhood Plan, if made, would become a statutory document, rather than undertake a Community Action.	Agree to modify the text as indicated to comply with the Examiner's recommendations. ¹
M14	Community & Wellbeing, CACW3, page 45	Change to " <i>The Parish Council</i> will <i>make every</i> endeavour to ensure..."	Some of the Community Aspirations are worded as though they comprise land use planning policies, which they do not and/or suggest that the Neighbourhood Plan itself with "do" something, when rather, it is the Parish Council that is responsible for the Action proposed. The Neighbourhood Plan, if made, would become a statutory document, rather than undertake a Community Action.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
M15	Community & Wellbeing, CACW4, page 45	Change to " <i>Where possible, the Parish Council</i> will seek to resist the loss of services and facilities unless:"	Some of the Community Aspirations are worded as though they comprise land use planning policies, which they do not and/or suggest that the Neighbourhood Plan itself with "do" something, when rather, it is the Parish Council that is responsible for the Action proposed. The Neighbourhood Plan, if made, would become a statutory document, rather than undertake a Community Action.	Agree to modify the text as indicated to comply with the Examiner's recommendations.

Housing and Development

¹ The phrase "(insert line break)" has been removed from the recommendation (M13, para 58, page 17 of the Examiner's Report) as this is a formatting error. This alteration to the recommendation does not affect the text content of the Examiner's Report or the Neighbourhood Plan (as modified).

M16	Housing and Development, page 8	Delete the final three paragraphs of the first column of text on page 8 (“New housing... Implement Plan.”)	<p>Part of the introductory text to the Housing and Development section of the Neighbourhood Plan is worded as though it comprises a Policy, which is not the case. The first Paragraph on page 8 places requirements on development outside the Neighbourhood Area. Supporting text is not the same as a Policy and the Neighbourhood Plan cannot control development outside the Neighbourhood Area.</p> <p>The introductory text, on page 8, includes a confusing reference to “<i>these two sites</i>” and refers to there being “<i>infill sites</i>” on “Plan 1D”. Plan 1D does not identify “<i>infill sites</i>.” The final paragraph of introductory text reads as a Policy requirement, which it is not.</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
Policy Dev 1: Type and tenure of new housing				
M17	Policy Dev 1, page 8	Change to “ <i>The provision of one and two bedroomed new homes that meet the needs of young people and the over-55s will be supported.</i> ”	<p>The supporting text to Policy Dev 1 identifies a need to provide housing for younger people, as well as for the ageing population of Boston Spa. To achieve this, it sets out a requirement for “<i>two-bed accommodation</i>” for young people; and “<i>one-and-two bed accommodation</i>” for the elderly wishing to downsize.</p> <p>However, Policy Dev 1 requires that 65% of all new housing should comprise one to three bedroom dwellings. This could support the provision of 65% of all dwellings as three bedroom houses and the remainder as larger properties. As such, it would fail to achieve the stated need.</p> <p>Further to the above, but inextricably linked with it, there is an absence of robust evidence to justify the expressed figure of 65%, which could break down in any number of ways (1% one bedroom or 65% one bedroom, etc.).</p> <p>Policy Dev1 is imprecise. In this regard, Planning Practice Guidance states that:</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			<p><i>“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.”</i></p> <p>As set out, Policy Dev 1 does not meet the basic conditions.</p> <p>However, in the interest of delivering a wide choice of quality homes, Paragraph 50 of the National Planning Policy Framework (the Framework) supports planning:</p> <p><i>“... for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community...”</i>.</p> <p>The overall aims of Policy Dev 1, as expressed in the supporting text, seek to provide for this.</p>	
Policy Dev 2: Location of new housing				
M18	Policy Dev 2, page 9	Change Policy Dev 2 to <i>“New development in Boston Spa’s village envelope that respects local character will be supported.”</i>	Policy Dev 2 seeks to prevent any new development taking place outside the village envelope, unless exceptional circumstances apply. No robust justification for such a radical departure from national and local strategic policy is provided. Rather, the supporting text simply refers to <i>“existing constraints.”</i> No evidence is set out to demonstrate that existing constraints prevent all forms of development other than in exceptional circumstances. Given this and without substantive evidence to the contrary, Policy Dev 2 could prevent sustainable development from coming forward. Policy Dev 2 is not in general conformity with the Leeds Core Strategy and fails	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			to have regard to national policy.	
M19	Policy Dev 2, page 9	Delete the second, third, fourth and fifth Paras in the first column of supporting text on page 9.	All of these read as Policy text, but do not comprise a Policy in the Neighbourhood Plan. It is also not the role of the Neighbourhood Plan to undertake Green Belt review.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
Design Considerations				
M20	Design Considerations, page 9, second column, para 2	Delete "... In the light of the ..." to the end of the fifth Para "... of the Conservation Area."	This supporting text of the Neighbourhood Plan reads as though it comprises a Policy, which it does not.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
M21	Design considerations, page 9, para 6	Change to "...in particular, <i>provide relevant background information to the Neighbourhood Plan's development Policies</i> (See Appendix 8)."	The remaining Paragraphs of supporting text on page 9 are largely worded as a Policy rather than text to support the subsequent Policies in the Neighbourhood Plan. The Boston Spa Character Assessment provides important guidance, but does not form part of the Neighbourhood Plan's Policies.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
Policy Des 1: Design Strategy				
M22	Policy Des 1, page 10	Delete first sentence "Design of... developments."	It is not clear why the Policy distinguishes between housing and " <i>other development</i> " as it goes on to apply to all development.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
M23	Policy Des 1 c., page 10	Change to " <i>Where existing boundary treatments make a positive contribution to local character, new development should ensure that new boundary treatments provide an appropriate match, with particular respect to the materials used.</i> "	It is not clear how the final criteria of Policy Des 1 would work in practice. No evidence is provided to demonstrate that it will be appropriate in all circumstances for new boundary treatments to match any existing boundary treatments. Policy Des 1 c. does not provide for flexibility and in the absence of evidence to the contrary, could therefore result in a requirement to match inappropriate boundary treatments.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
Policy Des 2: Design of new housing in the Conservation Area				
M24	Policy Des 2, page 10	Change first sentence to " <i>Design in the Conservation Area</i> "	Whilst it is the general intent of Policy Des 2 to conserve heritage assets, the detail within the Policy fails to have regard to the requirements of national policy in respect of heritage assets.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
M25	Policy Des 2a. and Policy Des 2b., page 10	Delete Des 2a. and Des 2b.	National policy provides for harm arising from a development proposal to be considered against benefits, whereas the second criterion of Policy Des 2 ignores this essential aspect of providing for sustainable development.	Agree to modify the text as indicated to comply with the Examiner's recommendations.

			<p>Policy Des 2 b. does not have regard to national policy.</p> <p>Prior to this, the first criterion of the Policy simply comprises a statement regarding a preference. No indication is provided of what might happen if the materials referred to were not proposed or were not even relevant to the development proposal. This part of the Policy does not provide a decision maker with a clear indication of how to react to a development proposal, failing to have regard to Paragraph 154 of the Framework.</p>	
M26	Policy Des 2c., page 10	Change to “ <i>New development within the Conservation...</i> ”	<p>Whilst, as a matter of law, the Neighbourhood Plan, if made, would control development as part of the adopted development plan for the Neighbourhood Area, no evidence is provided to demonstrate that the Neighbourhood Plan would “<i>control modifications,</i>” whatever these might be, as referred to in the third criterion of the Policy.</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M27	Policy Des 2d., page 10	Change to “ <i>New shop fronts in the Conservation Area should be designed to conserve or enhance local character. Exceptional...</i> ”	<p>In the absence of any evidence, it is not clear that all new shop fronts can preserve and enhance the host building and the wider Conservation Area, as required by the Policy. This is neither a national nor local strategic requirement and no justification for such an onerous approach is provided.</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M28	Policy Des 2e., page 10	Delete Des 2e.	<p>There is no evidence to demonstrate that all new development within the Conservation Area or its setting can achieve the potentially onerous requirements of the fifth criterion, or why it should need to. Equally there is nothing to demonstrate that it would not be possible for development to be sustainable and therefore appropriate, if it were not to “<i>retain and reinforce</i>” the various requirements set out in this part of Policy Des 2.</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M29	Policy Des 2g., page 10	Change to “... and the Conservation Area.” (Delete rest of paragraph)	<p>Policy Des 2g. includes an unnecessary reference to all other Policies in the Neighbourhood Plan. When considering a development proposal, it is a requirement that the Policies of the development plan should be considered as a whole.</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			Permitted Development is simply that. It is not the role of the Neighbourhood Plan to impose requirements on the General Development Order.	
M30	Policy Des 2h., page 10.	Delete Policy Des 2h.	A planning application in the Neighbourhood Area must be submitted to the Local Planning Authority, which in the case of Boston Spa, is Leeds City Council. Planning application requirements are controlled by the Local Planning Authority, having regard to national requirements and any local requirements (which are the responsibility of Leeds City Council). It is not the role of the Neighbourhood Plan to impose statutory planning application requirements.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
Policy Des 3: Sustainability				
M31	Policy Des 3, page 10	Delete Policy Des 3 and supporting text.	<p>Policy Des 3 seeks to impose standards not controlled by the Neighbourhood Plan. No detail is provided in respect of what these standards might comprise.</p> <p>It is not clear what "<i>exceeding</i>" an unidentified standard might comprise, or how, in practice, a development proposal would be "<i>favoured</i>". Policy Des 3 is imprecise in this regard.</p> <p>Whilst statutory requirements must be met as a matter of law, a Ministerial Statement in 2016 established that house building standards should be incorporated into new building regulations and that optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need. The Statement added that:</p> <p><i>"Neighbourhood plans should not be used to apply the new national technical standards."</i></p> <p>Policy Des 3 does not meet the basic conditions.</p>	Agree to modify the text as indicated to comply with the Examiner's recommendations.

Policy H1: Protection of key views				
M32	Policy H1, page 15	Change to <i>“Development should respect local character, including Key Views listed on page 13 and indicated on the plan on page 14.”</i>	As worded, the Policy is unclear with regards whether or not a development would <i>“impact”</i> on a Key View, or in terms of who would be the arbiter responsible for judging this and on what basis.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
Policy H2: Protection of listed buildings				
M33	Policy H2, page 15	Change to <i>“Development must respond sensitively to the character and setting of Listed Buildings.”</i>	As worded, the Policy refers to development that has an (undefined) <i>“impact”</i> on Listed Buildings. This introduces uncertainty and considerable scope for subjectivity.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
Policy H3: Protection of historical heritage assets				
M34	Policy H3, page 15	Delete Policy H3	Policy H3 fails to have regard to national policy, but rather, seeks to impose a blanket requirement for development to enhance and conserve non-designated heritage assets and their settings. This is an onerous approach – more onerous than the protection national policy affords to designated heritage assets – and its departure from national policy is not justified by any substantive evidence.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M35	Page 18, first column of text, line 7	Delete <i>“...and that the Neighbourhood Plan should include a policy to protect and conserve, enhance and interpret these features for the future benefit of residents.”</i>	Policy H3 fails to have regard to national policy, but rather, seeks to impose a blanket requirement for development to enhance and conserve non-designated heritage assets and their settings. This is an onerous approach – more onerous than the protection national policy affords to designated heritage assets – and its departure from national policy is not justified by any substantive evidence.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M36	Page 18, first column of text, line 11	Change to: <i>“...agreed that the list should be included in the Neighbourhood Plan and...”</i>	Policy H3 fails to have regard to national policy, but rather, seeks to impose a blanket requirement for development to enhance and conserve non-designated heritage assets and their settings. This is an onerous approach – more onerous than the protection national policy affords to designated heritage assets – and its departure from national policy is not justified by any substantive evidence.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
Policy GS1: Protect Existing and Potential Local Green Spaces				
M37	Policy GS1, pages 26 and 27	Policy GS1, delete title and replace with <i>“Local Green Space”</i>	The title of the Policy is imprecise as it refers to <i>“existing and potential”</i> Local Green Space. Prior to the Neighbourhood Plan being made, Local Green Space does not exist. Once the Neighbourhood Plan is made, Local	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			Green Space designations will not be “potential” but actual.	
M38	Policy GS1, pages 26 and 27	Replace first sentence of the Policy with “ <i>The following sites, shown in the plans below, are designated as Local Green Space, where development is ruled out other than in very special circumstances.</i> ”	As set out, Policy GS1 simply designates sites, but provides no land use policy information in respect of what the designation actually means.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M39	Policy GS1, pages 26 and 27	Provide new plans. These should be of a large enough scale to clearly identify (and leave no uncertainty) in respect of the detailed boundaries of each Local Green Space. A single plan is incapable of showing these on an appropriate scale and therefore a number of plans, on an Ordnance Survey background, will be required. The plans should follow on directly from the Policy.	Whilst a plan accompanies the information in the Appendices, there is nothing in the Neighbourhood Plan to show where each of the Local Green Spaces is located. This is a significant omission, not least given the importance of the designation.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
Policy GS2: Increase the Quantity of Green Spaces				
M40	Policy GS2, page 27	Change to “ <i>The provision of accessible new green space in the Neighbourhood Area will be supported.</i> ”	<p>The first sentence of Policy GS2 could result in unforeseen consequences, such as welcoming inappropriate development. As worded, the Policy would welcome any form of development whatsoever, so long as it improved green space provision.</p> <p>The second sentence of Policy GS2 is vague, imprecise and confusing, to the extent that it makes little sense - it suggests that green space provision on a site could be provided elsewhere (other than on the site). In any case, the second sentence also relates directly to the flawed sentence that precedes it.</p> <p>Notwithstanding the above, the general intent of Policy GS2 is to increase green space, which has regard to</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			Chapter 7 of the Framework, <i>"Requiring Good Design."</i>	
Policy GS4: Improve the accessibility of green spaces				
M41	Policy GS4, page 27	Re-word as <i>"Improvements to the accessibility of green space will be supported."</i> (delete rest of Policy)	As worded, the Policy runs the risk of unforeseen consequences, by <i>"encouraging"</i> any form of development, so long as it improves accessibility of green space. Indeed, the Policy goes further than this, by supporting any form of development whatsoever adjacent to Stables Lane Playing Fields, as long as it incorporates public access. Also, it is unclear what a <i>"potential green space"</i> might comprise and the Policy is therefore imprecise in this regard.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
Policy T1: Retain existing trees				
M42	Policy T1, page 28	Re-word as <i>"The retention of important trees or groups of trees, such as... Avenue, will be supported."</i>	Policy T1 is worded such that it could result in unforeseen consequences. Aside from this, the Policy supports the retention of important trees or groups of trees and in so doing, it has regard to Paragraph 109 of the Framework, which seeks to minimise impacts on biodiversity.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
Policy T2: Plant extra trees				
M43	Policy T2, page 28	Re-word Policy T2 as <i>"The planting of native trees will be supported, especially in locations where they can serve to reduce pollution."</i>	As worded, the Policy requires all forms of development to seek to include the planting of extra trees, regardless of viability or relevance. Such an approach fails to have regard to Paragraph 173 of the Framework, which establishes that: <i>Plans should be deliverable. Therefore, the ... scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened."</i> No evidence is provided to demonstrate that there are specific locations under the control of the Neighbourhood Plan <i>"in places of heavy traffic"</i> where trees can be planted. Further, there is nothing to demonstrate that the planting of trees in such locations, if they did exist, would be directly related to development or necessary to make development acceptable in planning terms. As such, Policy	Agree to modify the text as indicated to comply with the Examiner's recommendations.

			2 fails to have regard to Paragraph 204 of the Framework which states that: <i>Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development."</i>	
Policy T3: Retain and increase hedges				
M44	Policy T3, page 28	Re-word Policy T3 <i>"The retention of existing hedges and the use of hedges to define new boundaries, where appropriate, will be supported. Where appropriate, new developments will be expected to provide for the filling of gaps in hedges, using native species."</i>	The wording of Policy T3 could result in unforeseen consequences, although the intent of the Policy, to support the retention of existing and planting of new hedges, has regard to the national policy aim of providing net gains in biodiversity where possible (Paragraph 109, the Framework).	Agree to modify the text as indicated to comply with the Examiner's recommendations.
Policy T4: Provide wildlife habitats				
M45	Policy T4, page 28	Change to <i>"Where possible, new housing developments should deliver gains in biodiversity and incorporate natural areas of space."</i>	Whilst it may not always be possible to retain <i>"natural areas"</i> (for example, there is no evidence to demonstrate that every possible development site in the Neighbourhood Area includes a <i>"natural area"</i>), the Framework supports gains in biodiversity. I note that irreplaceable habitats, including nationally important sites, are afforded protection by national policy.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
Energy Efficiency				
M46	Policies E1, E2 and E3, page 28	Delete Policies E1, E2 and E3. Replace as Community Actions, CAE1, CAE2 and CAE3 (changing the existing to CAE3 and CAE4)	Whilst Policies E1, E2 and E3 aim to promote energy efficiency, in practice they comprise general statements of intent, rather than land use planning policies. There is no indication of how the aims of each Policy will be <i>"encouraged"</i> – who by, or on what basis. Further, there is no indication of what, if anything, would happen if developers simply ignored the Policies. The Policies do not provide a decision maker with a clear indication of	Agree to modify the text as indicated to comply with the Examiner's recommendations. ²

² The explanatory text on page 40 of the Examiner's Report incorrectly refers to Policies E1, E2 and E3 as "EN1, EN2 and, EN3". The Council's decision on recommendation on Modification 46 correctly refers to Policies E1, E2 and E3 in the Boston Spa Neighbourhood Plan.

			<p>how to react to a development proposal, having regard to Paragraph 154 of the Framework.</p> <p>Consequently, the laudable aims of Policies EN1, EN2 and EN3 are more suited to Community Actions, rather than land use planning policies to control development.</p>	
M47	Policies (Community Actions) E1, E2 and E3, page 28	Add to the end of each new Community Action "... will be encouraged by the Parish Council"	<p>Whilst Policies E1, E2 and E3 aim to promote energy efficiency, in practice they comprise general statements of intent, rather than land use planning policies. There is no indication of how the aims of each Policy will be "encouraged" – who by, or on what basis. Further, there is no indication of what, if anything, would happen if developers simply ignored the Policies. The Policies do not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.</p> <p>Consequently, the laudable aims of Policies EN1, EN2 and EN3 are more suited to Community Actions, rather than land use planning policies to control development.</p>	Agree to modify the text as indicated to comply with the Examiner's recommendations. ³
Policy BE1: Adapting to the needs of business				
M48	Policy BE1, page 30	Change opening sentence to "Proposals requiring planning permission for a change of use away from A1 retail uses (as defined in the Town and Country Planning (Use Classes) Order) will be supported where:"	<p>Policy BE1 seeks to afford protection to shops in the Neighbourhood Area and at the same time, provide for flexibility, whilst ensuring that vitality and viability are maintained. In this way, the Policy has regard to the Framework.</p> <p>Leeds Core Strategy P1 ("Town and Local Centre Designations") establishes Boston Spa as a Higher Order Local Centre. Policy BE1 refers to primary and secondary shopping zones in the Local Centre, but does not provide any plans to show where these are. Given the general reference to the Leeds Core Strategy in the supporting text and the absence of plans in the Neighbourhood Plan,</p>	Agree to modify the text as indicated to comply with the Examiner's recommendations.

³ *ibid.*

			<p>the reference to zones appears confusing and unnecessary.</p> <p>The Policy refers to “<i>commercial buildings</i>” but does not take account of the fact that, in some circumstances, the General Permitted Development Order provides for some changes of use without the need for planning permission.</p> <p>An existing A1 use is likely to contribute to vitality and viability. Imposing a requirement to enhance this further runs the risk of being so onerous that it could prevent sustainable development from coming forward and there is no evidence to the contrary.</p>	
M49	Policy BE1, page 30	Change second criterion to “... use would maintain or improve the vitality and viability...”	<p>Policy BE1 seeks to afford protection to shops in the Neighbourhood Area and at the same time, provide for flexibility, whilst ensuring that vitality and viability are maintained. In this way, the Policy has regard to the Framework.</p> <p>Leeds Core Strategy P1 (“<i>Town and Local Centre Designations</i>”) establishes Boston Spa as a Higher Order Local Centre. Policy BE1 refers to primary and secondary shopping zones in the Local Centre, but does not provide any plans to show where these are. Given the general reference to the Leeds Core Strategy in the supporting text and the absence of plans in the Neighbourhood Plan, the reference to zones appears confusing and unnecessary.</p> <p>The Policy refers to “<i>commercial buildings</i>” but does not take account of the fact that, in some circumstances, the General Permitted Development Order provides for some changes of use without the need for planning permission.</p> <p>An existing A1 use is likely to contribute to vitality and viability. Imposing a requirement to enhance this further</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			runs the risk of being so onerous that it could prevent sustainable development from coming forward and there is no evidence to the contrary.	
Policy BE2: Adapting buildings in the village to support the local economy				
M50	Policy BE2, page 31	Change first sentence to <i>“Development that will create employment will be supported subject to it respecting local character, residential amenity and highway safety.”</i>	<p>A development will either create employment or it won't. No definition of <i>“likely to create employment”</i> is provided and this part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.</p> <p>The Policy refers to <i>“new buildings or building alterations”</i> but not extensions. It also refers to harm to the surrounding area, but not the lost property or development site.</p> <p>The Policy also seeks to impose an imprecise requirement – suggesting that hours of business use will be restricted, but not providing any indications of what these would be, under what circumstances, and who would impose them and on what basis. Further, no indication of what being <i>“prejudicial to highway safety”</i> actually means is provided.</p>	Agree to modify the text as indicated to comply with the Examiner's recommendations.
M51	Supporting text, first paragraph, page 31	Delete first sentence and delete last three sentences (<i>“There may be a need... support these changes.”</i>)	The supporting text refers to <i>“chief income earners.”</i> This is an unusual phrase and is not defined. As such, it detracts from the clarity of the Neighbourhood Plan. Also, the final part of the first paragraph of supporting text on page 31 refers to matters not addressed by the Policies of the Neighbourhood Plan and as such, appears confusing.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
Policy BE3: Alterations to Farm Buildings				
M52	Policy BE3, page 31	Delete Policy BE3	Whilst the supporting text to Policy BE3 suggests that the aim of the Policy is to support changes to farm buildings, the Policy itself is considerably more restrictive, and less precise, than policy that already exists to achieve this. Policy BE3 introduces a new test – whereby a proposal must demonstrate <i>“a thrust towards sustainability.”</i> This is an undefined phrase and is vague and ambiguous. It fails	Agree to modify the text as indicated to comply with the Examiner's recommendations.

			<p>to provide a decision maker with a clear indication of how to react to a development proposal.</p> <p>No indication of what “<i>damage</i>” to local character might comprise is provided. Policy BE3 does not provide for harm to be balanced against benefits and without information to establish what “<i>damage</i>” might be, who will judge this and on what basis, it is difficult to reach the conclusion that the Policy provides a clear decision maker with a clear indication of how to react to a development proposal.</p> <p>The Policy requires alterations not to be “<i>dominant</i>” but does not apply the same test to extensions or to the proposed use itself. This appears inconsistent and is not justified. No indication of which “<i>residents</i>” the Policy applies to is provided and nor is any indication given of where the “<i>existing road</i>” referred to is located.</p> <p>The Policy requires any alteration, extension, or change of use affecting a farm building or isolated building not to be primarily residential. No justification is provided for this significant departure from national policy. The requirement also conflicts with the final sentence of the Policy, which suggests that live-work units may be acceptable.</p> <p>Taking all of the above into account, Policy BE3 does not meet the basic conditions.</p>	
M53	Supporting text, below photograph, page 31	Delete paragraph of supporting text below photograph on page 31 (“In and around... and pollution”)	<p>Whilst the supporting text to Policy BE3 suggests that the aim of the Policy is to support changes to farm buildings, the Policy itself is considerably more restrictive, and less precise, than policy that already exists to achieve this. Policy BE3 introduces a new test – whereby a proposal must demonstrate “<i>a thrust towards sustainability.</i>” This is an undefined phrase and is vague and ambiguous. It fails</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			<p>to provide a decision maker with a clear indication of how to react to a development proposal.</p> <p>No indication of what “<i>damage</i>” to local character might comprise is provided. Policy BE3 does not provide for harm to be balanced against benefits and without information to establish what “<i>damage</i>” might be, who will judge this and on what basis, it is difficult to reach the conclusion that the Policy provides a clear decision maker with a clear indication of how to react to a development proposal.</p> <p>The Policy requires alterations not to be “<i>dominant</i>” but does not apply the same test to extensions or to the proposed use itself. This appears inconsistent and is not justified. No indication of which “<i>residents</i>” the Policy applies to is provided and nor is any indication given of where the “<i>existing road</i>” referred to is located.</p> <p>The Policy requires any alteration, extension, or change of use affecting a farm building or isolated building not to be primarily residential. No justification is provided for this significant departure from national policy. The requirement also conflicts with the final sentence of the Policy, which suggests that live-work units may be acceptable.</p> <p>Taking all of the above into account, Policy BE3 does not meet the basic conditions.</p>	
M54	Supporting text, under “Evidence”, bullet points 1 and 2, page 31	Delete first two bullet points under “Evidence”	<p>Whilst the supporting text to Policy BE3 suggests that the aim of the Policy is to support changes to farm buildings, the Policy itself is considerably more restrictive, and less precise, than policy that already exists to achieve this. Policy BE3 introduces a new test – whereby a proposal must demonstrate “<i>a thrust towards sustainability.</i>” This is an undefined phrase and is vague and ambiguous. It fails</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			<p>to provide a decision maker with a clear indication of how to react to a development proposal.</p> <p>No indication of what “<i>damage</i>” to local character might comprise is provided. Policy BE3 does not provide for harm to be balanced against benefits and without information to establish what “<i>damage</i>” might be, who will judge this and on what basis, it is difficult to reach the conclusion that the Policy provides a clear decision maker with a clear indication of how to react to a development proposal.</p> <p>The Policy requires alterations not to be “<i>dominant</i>” but does not apply the same test to extensions or to the proposed use itself. This appears inconsistent and is not justified. No indication of which “<i>residents</i>” the Policy applies to is provided and nor is any indication given of where the “<i>existing road</i>” referred to is located.</p> <p>The Policy requires any alteration, extension, or change of use affecting a farm building or isolated building not to be primarily residential. No justification is provided for this significant departure from national policy. The requirement also conflicts with the final sentence of the Policy, which suggests that live-work units may be acceptable.</p> <p>Taking all of the above into account, Policy BE3 does not meet the basic conditions.</p>	
Policy TM1: Drop off zones				
M55	Policy TM1, page 34	Delete Policy TM1 and replace as a Community Action TMA3 “ <i>The Parish Council will seek to encourage the creation of a drop-off zone, which will serve local schools, as indicated on the plan below.</i> ”	Policy TM1 states that it will encourage unidentified developments to create a drop-off zone. In this regard, the Policy is imprecise and fails to have regard to Paragraph 204 of the Framework in respect of planning obligations. Further, no evidence is provided to demonstrate that the Policy has regard to Paragraph 173.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			Consequently, Policy TM1 comprises an aspiration – suited to a Community Action – and is not a land use planning policy that meets the basic conditions.	
Policy TM2: Deliveries of large loads				
M56	Policy TM2, page 34	Delete Policy TM2	<p>Policy TM2 refers to development that impacts on traffic flow along the High Street, but provides no distinction between a negligible or a severe impact. Consequently, the Policy seeks to “encourage” any development, with any kind of impact, to “organise delivery of large loads outside of peak traffic periods.”</p> <p>No indication is provided of what a “large load” might comprise, or what “peak traffic periods” are. The Policy is imprecise. Further, it is not clear who with “encourage” who, or how. Also, no indication of how a development can “organise” something is provided.</p> <p>Policy TM2 does not comprise a land use planning policy that meets the basic conditions. There is no evidence to demonstrate that the approach set out would have any impact on the overall aim of tackling congestion at peak hours – for example, there is no evidence in respect of delivery times for heavy loads. As an aside, I note that businesses may require deliveries for all kinds of reasons and it may well be that a delivery during peak hours, whenever those may be, provides an important business, or even community-related, function. It may also be that deliveries outside peak hours result in noise and disturbance during quiet times. There is no evidence to the contrary.</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M57	Supporting text, last sentence, page 32	Change to “ <i>The Parish Council will promote timed deliveries of goods with the aim of reducing the impact of these... peak times.</i> ”	Policy TM2 refers to development that impacts on traffic flow along the High Street, but provides no distinction between a negligible or a severe impact. Consequently, the Policy seeks to “encourage” any development, with any kind of impact, to “organise delivery of large loads	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			<p><i>outside of peak traffic periods.”</i></p> <p>No indication is provided of what a “<i>large load</i>” might comprise, or what “<i>peak traffic periods</i>” are. The Policy is imprecise. Further, it is not clear who with “<i>encourage</i>” who, or how. Also, no indication of how a development can “<i>organise</i>” something is provided.</p> <p>Policy TM2 does not comprise a land use planning policy that meets the basic conditions. There is no evidence to demonstrate that the approach set out would have any impact on the overall aim of tackling congestion at peak hours – for example, there is no evidence in respect of delivery times for heavy loads. As an aside, I note that businesses may require deliveries for all kinds of reasons and it may well be that a delivery during peak hours, whenever those may be, provides an important business, or even community-related, function. It may also be that deliveries outside peak hours result in noise and disturbance during quiet times. There is no evidence to the contrary.</p>	
M58	Supporting text, page 34	Delete the supporting text on page 34, which refers to matters considered elsewhere (cycle routes), a matter not under the control of the Neighbourhood Plan (school admissions) and deleted Policy TM1.	<p>Policy TM2 refers to development that impacts on traffic flow along the High Street, but provides no distinction between a negligible or a severe impact. Consequently, the Policy seeks to “<i>encourage</i>” any development, with any kind of impact, to “<i>organise delivery of large loads outside of peak traffic periods.”</i></p> <p>No indication is provided of what a “<i>large load</i>” might comprise, or what “<i>peak traffic periods</i>” are. The Policy is imprecise. Further, it is not clear who with “<i>encourage</i>” who, or how. Also, no indication of how a development can “<i>organise</i>” something is provided.</p> <p>Policy TM2 does not comprise a land use planning policy that meets the basic conditions. There is no evidence to</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			demonstrate that the approach set out would have any impact on the overall aim of tackling congestion at peak hours – for example, there is no evidence in respect of delivery times for heavy loads. As an aside, I note that businesses may require deliveries for all kinds of reasons and it may well be that a delivery during peak hours, whenever those may be, provides an important business, or even community-related, function. It may also be that deliveries outside peak hours result in noise and disturbance during quiet times. There is no evidence to the contrary.	
Policy CP1: Developing off-road parking				
M59	Policy CP1, page 35	Change to <i>“The provision of off-road public parking, particularly in the village centre, will be supported.”</i>	Paragraph 40 of the Framework supports the improvement of car parking in town centres. As set out, Policy CP1 could result in unforeseen consequences, as it supports any kind of development, so long as it increases off-road public parking. Subject to addressing this, the Policy meets the basic conditions.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
Policy CP2: Reducing on-street parking				
M60	Policy CP2, page 35	Change to <i>“Development that reduces the overall provision of off-road parking in the village envelope will not be supported.”</i>	As set out, Policy CP2 reads as a vague statement. Taking the supporting text into account, the intention of the Policy is to prevent the reduction of off-road parking.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
Policy SC1: Cycle Roads				
M61	Policy SC1, page 37	Change to <i>“The provision of new or improved cycling routes, in order to provide safe access to schools, play areas and the village centre, as well as to link up with national cycling routes and neighbouring communities, will be supported. The provision of cycle lanes along Primrose Lane, Grove Road and</i>	Policy SC1 sets out a requirement for all development to provide new or improved cycle routes. It goes on to require the provision of specific routes. No evidence is provided to demonstrate that it would be viable or deliverable for all, or even any, development to meet the requirements of Policy SC1. Consequently, this Policy fails to have regard to national policy. Repeated for	Agree to modify the text as indicated to comply with the Examiner’s recommendations. ⁴

⁴ Recommendation 61 on page 50 of the Examiner’s Report incorrectly refers to policy SC1 as Policy H4. The Council’s decision and reasons in this decision statement (M61) correctly refers to Policy SC1.

		the A659, to link up with Route 66 at Newton Kyme, will be supported.”	<p>emphasis, Paragraph 173 of the Framework states that:</p> <p><i>“Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”</i></p> <p>However, the intention of the Policy, as identified in the supporting text, to provide for improved, safe cycling in the Neighbourhood Area, has regard to Chapter 4 of the Framework, which promotes cycling as a sustainable form of transport.</p>	
Policy AF1: Accessibility				
M62	Policy AF1, page 40	Change to <i>“Improvements to public rights of way, for the benefit of all pedestrians regardless of ability, will be supported.”</i>	<p>Paragraph 75 of the Framework states that:</p> <p><i>“Planning policies should protect and enhance public rights of way and access.”</i></p> <p>To some degree, Policy AF1 supports the enhancement of public rights of way and has regard to national policy.</p> <p>As worded, Policy AF1 applies to all development and fails to have regard to Paragraph 173 of the Framework, as set out above. In addition, road surfaces and signage tend to be the responsibility of the highway authority and there is no evidence to demonstrate that this is not the case in Boston Spa.</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
Policy AF2: Safer Crossings				
M63	Policy AF2, page	Delete Policy AF2 and replace with a	Policy AF2 seeks to impose a requirement on non-specific	Agree to modify the text as

	40	Community Action, CAAF1 <i>"The Parish Council will seek to work with other parties to provide a crossing point on the High Street for the Deepdale Centre."</i>	development (no indication is provided in respect of what development, where, will impact (in what way) on <i>"the volume of pedestrian or vehicle activity in the vicinity of the Deepdale Centre"</i>) to provide a crossing point. The Policy fails to have regard to Paragraphs 173 and 204 of the Framework, highlighted earlier in this Report. It does not meet the basic conditions.	indicated to comply with the Examiner's recommendations.
Policy PFVC1: Making a people friendly village				
M64	Policy PFVC1, page 42	Delete Policy PFVC1 and replace with a Community Action, CAPFVC1 <i>"The Parish Council will seek to encourage development to make a positive contribution towards making the centre of Boston Spa more people friendly."</i>	Policy PFVC1 comprises a general statement. It is ambiguous and provides no indication of what might happen were the Policy to be ignored. It does not set out land use planning criteria and does not provide a decision maker with a clear indication of how to react to a development proposal. It does not meet the basic conditions.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
M65	Supporting text, first sentence, page 40	Change to <i>"... covered in the "Creating a People Friendly Village" section."</i>	Policy PFVC1 comprises a general statement. It is ambiguous and provides no indication of what might happen were the Policy to be ignored. It does not set out land use planning criteria and does not provide a decision maker with a clear indication of how to react to a development proposal. It does not meet the basic conditions.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
Community and Well-being				
M66	Supporting text, first column, first paragraph, line 11, page 43	Delete <i>"A priority for the... indoor and outdoor."</i>	The introductory text to this section suggests that the Neighbourhood Plan achieves something that it does not. Designating Local Green Space is not the same thing as significantly increasing the level of amenity space. The introductory text also refers to the future development of Policies, which is not something covered by the Neighbourhood Plan.	Agree to modify the text as indicated to comply with the Examiner's recommendations.
M67	Supporting text, first column, second paragraph, line 18, page 43	Change to <i>"To this end we aim to provide opportunities for residents..."</i>	The introductory text to this section suggests that the Neighbourhood Plan achieves something that it does not. Designating Local Green Space is not the same thing as significantly increasing the level of amenity space.	Agree to modify the text as indicated to comply with the Examiner's recommendations.

			The introductory text also refers to the future development of Policies, which is not something covered by the Neighbourhood Plan.	
Policy CW1: Improvement/enhancement of Community Assets				
M68	Policy CW1, page 44	Delete all text after first sentence and replace with <i>“Where proposed development affects any of the community assets listed above, consultation with the community will be welcomed.”</i>	<p>The first part of Policy CW1 seeks to improve the provision of community facilities, having regard to national policy. The rest of the Policy seeks to establish that developers will be <i>encouraged</i> to undertake consultation. Whilst national policy encourages consultation and engagement, it does not place a requirement on developers to do so (unless circumstances are such that consultation is a legal requirement). Neither the Policy nor the supporting text sets out how consultation will be <i>encouraged</i>. In addition, no indication is provided of what would happen if development failed to protect an identified community asset.</p> <p>The supporting text to Policy CW1 refers to <i>“assets of value to the community,” “community assets,” “assets for community use”</i> and <i>“right to buy assets,”</i> often in an interchangeable manner. This is confusing and detracts from the clarity and precision of the Neighbourhood Plan.</p> <p>An Asset of Community Value needs to be formally registered as such. No registered Assets of Community Value are identified as such by the Neighbourhood Plan.</p> <p>The supporting text refers to the Neighbourhood Plan protecting events and organisations, without indicating how this might happen and states that community assets <i>“will be registered”</i> as Assets of Community Value, without reference to the due process that needs to be undergone.</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M69	Supporting text under “Services and Community Assets”, line 8,	Change to <i>“... there are many events and organisations that contribute to the community, including Arts...”</i>	The first part of Policy CW1 seeks to improve the provision of community facilities, having regard to national policy. The rest of the Policy seeks to establish that developers will be <i>encouraged</i> to undertake consultation. Whilst	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

	page 43		<p>national policy encourages consultation and engagement, it does not place a requirement on developers to do so (unless circumstances are such that consultation is a legal requirement). Neither the Policy nor the supporting text sets out how consultation will be <i>encouraged</i>. In addition, no indication is provided of what would happen if development failed to protect an identified community asset.</p> <p>The supporting text to Policy CW1 refers to “<i>assets of value to the community,</i>” “<i>community assets,</i>” “<i>assets for community use</i>” and “<i>right to buy assets,</i>” often in an interchangeable manner. This is confusing and detracts from the clarity and precision of the Neighbourhood Plan.</p> <p>An Asset of Community Value needs to be formally registered as such. No registered Assets of Community Value are identified as such by the Neighbourhood Plan.</p> <p>The supporting text refers to the Neighbourhood Plan protecting events and organisations, without indicating how this might happen and states that community assets “<i>will be registered</i>” as Assets of Community Value, without reference to the due process that needs to be undergone.</p>	
M70	Supporting text under “Services and Community Assets”, second paragraph, page 43	Change to “ <i>The Parish Council will seek to protect all of this and build...</i> ”	<p>The first part of Policy CW1 seeks to improve the provision of community facilities, having regard to national policy. The rest of the Policy seeks to establish that developers will be <i>encouraged</i> to undertake consultation. Whilst national policy encourages consultation and engagement, it does not place a requirement on developers to do so (unless circumstances are such that consultation is a legal requirement). Neither the Policy nor the supporting text sets out how consultation will be <i>encouraged</i>. In addition, no indication is provided of what would happen if development failed to protect an identified community asset.</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			<p>The supporting text to Policy CW1 refers to “<i>assets of value to the community,</i>” “<i>community assets,</i>” “<i>assets for community use</i>” and “<i>right to buy assets,</i>” often in an interchangeable manner. This is confusing and detracts from the clarity and precision of the Neighbourhood Plan.</p> <p>An Asset of Community Value needs to be formally registered as such. No registered Assets of Community Value are identified as such by the Neighbourhood Plan.</p> <p>The supporting text refers to the Neighbourhood Plan protecting events and organisations, without indicating how this might happen and states that community assets “<i>will be registered</i>” as Assets of Community Value, without reference to the due process that needs to be undergone.</p>	
M71	Supporting text under “Community Assets”, line 2 and line 6, page 43	Change line 2 to “... members of the community <i>and can provide a source of income.</i> ” Line 6 change to “... meet. The Parish Council seeks to protect community assets for the future enjoyment...”	<p>The first part of Policy CW1 seeks to improve the provision of community facilities, having regard to national policy. The rest of the Policy seeks to establish that developers will be <i>encouraged</i> to undertake consultation. Whilst national policy encourages consultation and engagement, it does not place a requirement on developers to do so (unless circumstances are such that consultation is a legal requirement). Neither the Policy nor the supporting text sets out how consultation will be <i>encouraged</i>. In addition, no indication is provided of what would happen if development failed to protect an identified community asset.</p> <p>The supporting text to Policy CW1 refers to “<i>assets of value to the community,</i>” “<i>community assets,</i>” “<i>assets for community use</i>” and “<i>right to buy assets,</i>” often in an interchangeable manner. This is confusing and detracts from the clarity and precision of the Neighbourhood Plan.</p> <p>An Asset of Community Value needs to be formally</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

			<p>registered as such. No registered Assets of Community Value are identified as such by the Neighbourhood Plan.</p> <p>The supporting text refers to the Neighbourhood Plan protecting events and organisations, without indicating how this might happen and states that community assets “will be registered” as Assets of Community Value, without reference to the due process that needs to be undergone.</p>	
M72	Supporting text under “Community Assets”, third para, line 4, page 43	Change to “... and possible, <i>the Parish Council will seek to register community assets as “Assets of Community Value”. This is a formal process and as yet, there are no such “ACVs” in the Neighbourhood Area. Formal registration provides a layer of legal protection, providing the community with an option to purchase an ACV, if it were to come up for sale. Community assets (not ACVs) owned by Leeds City Council are:”</i>	<p>The first part of Policy CW1 seeks to improve the provision of community facilities, having regard to national policy. The rest of the Policy seeks to establish that developers will be <i>encouraged</i> to undertake consultation. Whilst national policy encourages consultation and engagement, it does not place a requirement on developers to do so (unless circumstances are such that consultation is a legal requirement). Neither the Policy nor the supporting text sets out how consultation will be <i>encouraged</i>. In addition, no indication is provided of what would happen if development failed to protect an identified community asset.</p> <p>The supporting text to Policy CW1 refers to “<i>assets of value to the community,</i>” “<i>community assets,</i>” “<i>assets for community use</i>” and “<i>right to buy assets,</i>” often in an interchangeable manner. This is confusing and detracts from the clarity and precision of the Neighbourhood Plan.</p> <p>An Asset of Community Value needs to be formally registered as such. No registered Assets of Community Value are identified as such by the Neighbourhood Plan.</p> <p>The supporting text refers to the Neighbourhood Plan protecting events and organisations, without indicating how this might happen and states that community assets “will be registered” as Assets of Community Value, without reference to the due process that needs to be undergone.</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.

M73	Supporting text under "Community Assets", next list of bullet points, page 44	Change to " <i>Community assets owned by third parties are:</i> "	<p>The first part of Policy CW1 seeks to improve the provision of community facilities, having regard to national policy. The rest of the Policy seeks to establish that developers will be <i>encouraged</i> to undertake consultation. Whilst national policy encourages consultation and engagement, it does not place a requirement on developers to do so (unless circumstances are such that consultation is a legal requirement). Neither the Policy nor the supporting text sets out how consultation will be <i>encouraged</i>. In addition, no indication is provided of what would happen if development failed to protect an identified community asset.</p> <p>The supporting text to Policy CW1 refers to "<i>assets of value to the community,</i>" "<i>community assets,</i>" "<i>assets for community use</i>" and "<i>right to buy assets,</i>" often in an interchangeable manner. This is confusing and detracts from the clarity and precision of the Neighbourhood Plan.</p> <p>An Asset of Community Value needs to be formally registered as such. No registered Assets of Community Value are identified as such by the Neighbourhood Plan.</p> <p>The supporting text refers to the Neighbourhood Plan protecting events and organisations, without indicating how this might happen and states that community assets "<i>will be registered</i>" as Assets of Community Value, without reference to the due process that needs to be undergone.</p>	Agree to modify the text as indicated to comply with the Examiner's recommendations.
M74	Supporting text under "Community Assets", third list of bullet points, page 44	Change to " <i>Community assets owned by the community are:</i> "	<p>The first part of Policy CW1 seeks to improve the provision of community facilities, having regard to national policy. The rest of the Policy seeks to establish that developers will be <i>encouraged</i> to undertake consultation. Whilst national policy encourages consultation and engagement, it does not place a requirement on developers to do so (unless circumstances are such that consultation is a legal requirement). Neither the Policy nor the supporting text</p>	Agree to modify the text as indicated to comply with the Examiner's recommendations.

			<p>sets out how consultation will be <i>encouraged</i>. In addition, no indication is provided of what would happen if development failed to protect an identified community asset.</p> <p>The supporting text to Policy CW1 refers to “<i>assets of value to the community,</i>” “<i>community assets,</i>” “<i>assets for community use</i>” and “<i>right to buy assets,</i>” often in an interchangeable manner. This is confusing and detracts from the clarity and precision of the Neighbourhood Plan.</p> <p>An Asset of Community Value needs to be formally registered as such. No registered Assets of Community Value are identified as such by the Neighbourhood Plan.</p> <p>The supporting text refers to the Neighbourhood Plan protecting events and organisations, without indicating how this might happen and states that community assets “<i>will be registered</i>” as Assets of Community Value, without reference to the due process that needs to be undergone.</p>	
Policy CW2: Creation of New Community Assets				
M75	Policy CW2, page 44	Delete Policy CW2 and replace with a Community Action CACW5 “ <i>Where appropriate, the Parish Council will seek to hold community assets on behalf of the local community.</i> ”	<p>The first part of Policy CW2 simply repeats the first part of Policy CW1, which already supports the provision of new services and facilities for the community.</p> <p>The remainder of Policy CW2 comprises a statement of intent/outlines some aspirations and does not comprise a land use planning policy.</p>	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
The Neighbourhood Plan: Other Matters				
M76	Page 47	Point 10, change to “... through the <i>approach to energy;</i> as well...”	Page 47 refers to “ <i>policies for energy.</i> ” The recommendations propose the deletion of these policies.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M77	Page 48	Delete Page 48	Page 48 comprises background information relating to the pre-examination version of the Neighbourhood Plan.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
M78	All pages	Update the Policy, page and paragraph	The recommendations made in this Report will have a	Agree to modify the text as

		numbering, taking into account the recommendations contained in this Report.	subsequent impact on Policy, page and paragraph numbering.	indicated to comply with the Examiner's recommendations.
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