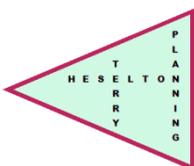


Independent Examination of the Wetherby Neighbourhood Plan

Examination Update

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Independent Examiner



Terry Heselton Planning

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I have now completed my initial assessment of the examination documents and Regulation 16 Representations and would advise you as follows.

1.0 Responses to the Regulation 16 Publicity

- 1.1 I have received 14 responses to the Regulation 16 Publicity (from Leeds City Council) submitted by individual members of the public and on behalf of local and national organisations. All of the responses were submitted within the 6 weeks publicity period and will be taken into account as part of the examination.
- 1.2 Following the invitation made in my Examination Procedure Note Wetherby Town Council have indicated that they do not wish to comment on any of the responses.

2.0 Need for a Hearing

- 2.1 From my initial assessment of the submitted documentation and Regulation 16 Representations I am satisfied that the examination can proceed without the need for a hearing. However I will keep this under review as the examination progresses and advise you further should the need arise.

3.0 Regulatory Requirements and Regard to National Planning Policy

- 3.1 It is apparent from my initial assessment that the Submitted Neighbourhood Plan and the supporting Basic Conditions Statement do not fully reflect changes that have been made to national planning policy and regulatory requirements since the Regulation 14 Consultation was undertaken on the Draft Plan. This principally concerns the NPPF which was updated in July 2018 (and further updated in February 2019) and the coming into force on 28 December 2018 of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 3.2 For example, paragraphs 3.2 and 3.2.1 in the introductory sections of the Plan and paragraphs 1.4, 1.5, 3.1, and Table 1 in the Basic Conditions Statement are out of date, and paragraphs 6.3, 6.4, and 6.5 in the Basic Conditions Statement do not accurately reflect the circumstances in relation to the HRA screening and screening review, nor the reason why an appropriate assessment is not required.
- 3.3 While this does not necessarily mean that the Plan is fatally flawed, because I will independently consider whether relevant statutory, regulatory and national planning policy requirements have been satisfied, I am also mindful of the fact that the Plan and the supporting documentation should demonstrate the extent to which it has regard to current national planning policy and regulatory requirements, particularly since I am required to take the submitted Basic Conditions Statement into

account as part of the examination.

- 3.4 I have considered whether this issue may be addressed through recommended modifications to the Plan but given the number of discrepancies I have identified through my initial assessment I have concluded it would be more appropriate for the Town Council to undertake the task of updating the submitted Plan and supporting documents to ensure they refer to the most up to date national planning policy and regulatory requirements. The update should :-
- a) take into account relevant changes in the NPPF and Planning Practice Guidance,
 - b) reflect changes to the additional basic condition prescribed in Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended)]¹, and
 - c) provide a more accurate explanation as to how the Plan is compatible with EU obligations and legislation.
- 3.5 In order to ensure openness and transparency the updated Submission Draft Plan and the Basic Conditions Statement should be published on Leeds City Council's website for 6 weeks and advertised in the usual manner. It would be helpful if the updated documents could indicate where changes have been made. Please ensure that those submitting responses to the Regulation 16 Publicity and the relevant 'consultation bodies' are notified of the consultation.
- 3.6 For the avoidance of doubt the purpose of the consultation is to provide interested parties with the opportunity to comment on the changes made to the Submitted Plan as a result of my request for references to national planning policy, regulatory requirements, and the HRA screening process to be updated and corrected. It is not an opportunity to comment further on the Plan policies and proposals as interested parties have already had the opportunity to submit representations as to whether the Plan satisfies the basic conditions or not.
- 3.7 I would be grateful if you could advise interested parties of this on your website and in any communication with consultation bodies and other parties, and also make interested parties aware that any representations received as a result of this consultation will be forwarded to the examiner and published on the Council's website.

4.0 Policies Maps

- 4.1 As drafted, the Neighbourhood Plan Policies Maps (pages 30 – 31) do not provide an adequate basis for identifying the location of individual sites and policy designations due to the clarity and scale of the maps and the symbolic representation of some sites and designations.
- 4.2 For example, while I appreciate that the precise boundaries of individual

¹ The additional basic condition as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 states 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',

areas of proposed Local Green Space (LGS) are delineated on the LGS Maps document supporting the Plan, as each of these maps only covers a small area, it is not possible in all cases to identify the corresponding LGS on Policies Map 1.

- 4.3 This problem is compounded by a number of plotting errors. For example the area of LGS to the south east of the A1(M) motorway on Policies Map 1 does not correspond with any of the 19 areas of LGS in the LGS Maps document. Some other areas of LGS appear to be plotted in the wrong location or are missed off the Policies Map.
- 4.4 To enable me to assess the suitability of individual proposals for inclusion in Policy ENV2 please provide a replacement Policies Map 1 showing the correct location of all proposed LGS. Individual areas of LGS may still be identified through the use of symbols (as opposed to delineating site boundaries) but should be numbered to correspond with the numbering used to identify individual areas in the LGS Maps document.
- 4.5 For the same reasons described above it is also difficult to identify the precise location of the proposed local heritage assets listed in Policy ENV1 and community facilities listed in Policy HWL2, particularly since neither policy is supported by a set of plans identifying site boundaries.
- 4.6 While the operation of Policy HWL2 is not dependent on the identification of precise boundaries, that is not the case with Policy ENV1, where future planning decisions may need to be informed by considerations such as whether a proposal impacts directly on a specific local heritage site or is immediately adjacent to a site.
- 4.7 In order to assist my consideration of Policy ENV1 please delineate the precise site boundaries of proposed local heritage assets on a set of separate maps.
- 4.8 In order to ensure openness and transparency the updated Policies Map and the local heritage site boundaries maps should be published on Leeds City Council's website and subject to the same consultation and notification arrangements made for the updated Neighbourhood Plan and Basic Conditions Statement, as referred to above (paragraphs 3.5 – 3.7).
- 4.9 Please advise interested parties that I am not inviting comments on the merits of proposed LGS and local heritage asset designations. The purpose of the consultation is to provide an opportunity for comments on changes made to the Policies Maps as a result of my request to improve the clarity of the Maps and to enable comments to be made on the boundaries of local heritage sites which have not previously been delineated or consulted on.

Please ensure this note is published on Leeds City Council's website.

I will provide a list of any further clarification requests and questions about the Plan content as the examination progresses.