



# HEADINGLEY NEIGHBOURHOOD PLAN

## Headingley Neighbourhood Plan (2019-2033)

### BASIC CONDITIONS STATEMENT

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#### **1. Introduction**

- 1.1 This Basic Conditions Statement accompanies the Headingley Neighbourhood Plan (NP) which is submitted by the Headingley Neighbourhood Forum (NF) to the Local Planning Authority (LPA), Leeds City Council (LCC). This Statement is in fulfilment of the requirement of Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.2 The submission of the neighbourhood plan, and associated documents, for independent examination, was approved at the Headingley NF meeting on 19<sup>th</sup> October 2021.
- 1.3 Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) states that a Neighbourhood Plan will be considered to have met the basic conditions if:
  - Having regard to national policy and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;

- The making of the neighbourhood development plan contributes to the achievement of sustainable development;
  - The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)'; and
  - The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.
- 1.4 In addition, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes an additional basic condition:
- The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 1.5 This Basic Conditions Statement addresses each of the Basic Conditions required by the Regulations and explains how the submission draft Headingley Neighbourhood Plan meets the requirements of Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990.

## **2. Legal Obligations**

- 2.1 Headingley NF is a designated Neighbourhood Forum and as such is a Qualifying Body (QB) that is entitled to submit the neighbourhood plan for the Headingley Neighbourhood Area (NA).
- 2.2 The Headingley NP is a neighbourhood development plan as defined by the Localism Act 2011. The plan contains planning policies which specifically relate to the development of use and land. The NP has been prepared in accordance with the statutory requirements and processes as set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), the Neighbourhood Planning (General) Regulations (2012) (as amended) and in line with advice set out in Planning Practice Guidance.<sup>1</sup>
- 2.3 The plan period of the NP is from 2019 to 2033 as is stated on the submission draft NP.
- 2.4 The NP does not contain policies that relate to 'excluded development'.
- 2.5 There are no other neighbourhood development plans in place relating to the Headingley Neighbourhood Area.
- 2.6 It is not considered that there is benefit in extending the area for the referendum beyond the Neighbourhood Area.

## **3. The Neighbourhood Area and Neighbourhood Forum**

- 3.1 The Headingley NA has at its focus Headingley Centre and has been adapted from, but extends beyond, the boundaries of Headingley and Hyde Park Ward, including some adjacent parts of Weetwood, Kirkstall, Hyde Park and Little London & Woodhouse Wards within the NA. At a meeting on 20<sup>th</sup> February 2014, initial discussions commenced and a Steering Group of 12

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<sup>1</sup> Ministry of Housing, Communities and Local Government, Planning Practice Guidance, 2020. Available from: <https://www.gov.uk/guidance/neighbourhood-planning--2>

representatives were nominated to explore the options for the Area boundary. 14 local community organisations were also involved in this decision making.

- 3.2 An application was submitted to the LPA for the designation of the Headingley NA and NF, which was publicised and brought to the attention of people who live, work and carry out business in the area. The Headingley Neighbourhood Area and Neighbourhood Forum was designated by the Council on 22<sup>nd</sup> October 2014. The Leeds City Council decision confirming the designation of the Neighbourhood Forum and Neighbourhood Area is available to view at <https://democracy.leeds.gov.uk/ieDecisionDetails.aspx?ID=41749>.
- 3.3 In 2018 Headingley NF and Hyde Park NF jointly applied to the Council to re-designate their respective neighbourhood areas in order to transfer a small area of Woodhouse Moor, known as 'Little Moor' from the Headingley NA to the Hyde Park NA. The application to re-designate both neighbourhood areas was publicised between 16<sup>th</sup> July – 3<sup>rd</sup> September 2018, and LCC subsequently approved the re-designation of the NAs on 25<sup>th</sup> October 2018. The decision confirming the re-designation of both NAs is available to view at: <https://democracy.leeds.gov.uk/ieDecisionDetails.aspx?ID=48077>. The designated Neighbourhood Area boundary is available to view in *Figure 1*.
- 3.4 The Headingley Neighbourhood Forum was designated in October 2014. A neighbourhood forum designation lasts for a period of 5 years and there Headingley NF designation expired in October 2019. On 19<sup>th</sup> January 2020, the NF submitted an application to Leeds City Council to be re-designated as a neighbourhood forum to enable the progression of the plan through pre-submission consultation and on to submission and examination. Leeds City Council publicised the application between 21<sup>st</sup> January 2020 and 3<sup>rd</sup> March 2020 and invited comment from those who live, work or carry out business in the Headingley Neighbourhood Area. LCC subsequently approved the re-designation on 15<sup>th</sup> June 2020. Leeds City Council's decision to re-designate the forum is available to view: <https://democracy.leeds.gov.uk/ieDecisionDetails.aspx?ID=50997>

#### **4. Regard to National Planning Policy and Guidance**

- 4.1 The NP must have appropriate regard to national policy and guidance issued by the Secretary of State (notably Planning Practice Guidance). The following section describes how the submission draft Headingley NP has regard to the National Planning Policy Framework (NPPF) (2021).
- 4.2 The NF acknowledges that having regard to the NPPF and guidance issued by the Secretary of State is not the same as "compliance", nor is it the same as part of the test of soundness provided for in respect of Local Plan examinations which requires plans to be "consistent with national policy". Planning Practice Guidance also clarifies that having regard to national policy means that "a

neighbourhood plan must not constrain the delivery of important national policy objectives”.<sup>2</sup>

- 4.3 In addition, Paragraph 13 of the NPPF is clear that neighbourhood plans should support the delivery of strategic policies contained in local plans and spatial development strategies. NPs should plan positively to support local development, shaping and directing development in their area that is outside these strategic policies. Paragraph 29 of the NPPF also states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.<sup>3</sup>
- 4.4 The NP has been prepared in conformity with the policies set out in the NPPF, alongside Planning Practice Guidance (published in 2014, and as amended most recently in 2020).
- 4.5 The table below (Table 1) sets out a summary of how each draft NP policy has had regard to the relevant paragraphs of the NPPF. This is not an exhaustive exercise and the most relevant aspects of the NPPF are considered here.

**Table 1 – Summary of how each draft NP policy has had regard to the relevant paragraphs of the NPPF(2021).**

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<sup>2</sup> Planning Practice Guidance, Paragraph 069, Reference ID: 41-069-20140306.

<sup>3</sup> Planning Practice Guidance, Paragraph 070, Reference ID: 41-070-20190509.

| <b>Headingley NP Policy</b>   | <b>National Planning Policy Framework (Paragraphs)</b> | <b>Commentary</b>   |
|---|--|---|
| HOU1: Housing mix in Headingley   | 62, 63   | This policy supports the development of mixed schemes that meet the needs of the community, with particular focus on provision for longer term residents, ensuring that development of new flats meet appropriate living standards and control of new HMOs and PBSAs. This is in line with the NPPF paragraphs 62 and 63.   |
| HOU2: Support for minimising environmental impact of existing and new housing | 11, 20, 73, 92-94, 104–106, 130, 190                   | This policy seeks to encourage sustainable housing (11), by ensuring that the impact of existing housing stock on the environment is minimised through retrofitting, whilst also protecting the heritage of the properties (130, 190), and requires that new housing developments are mindful of their impact on climate change through operational efficiency (20, 73, 92-94) and encouraging more sustainable forms of transport (104-106). |
| HOU3: Support for lifelong housing for disabled people and older people       | 62, 92-93, 130   | This policy seeks to support changes of use that improve the accessibility of existing housing stock or measures that enable older people or people with disabilities to remain independent (62, 92-93, 130).   |
| HD1: Design guidance and character areas                                      | 127, 190   | This policy is in line with paragraphs 127 and 190, by identifying a number of development principles that proposals should take account of to form a positive strategy for the preservation of local character and distinctiveness. This is in line with the Government's ambition to improve design quality in new development and the focus on supporting beauty and well-designed places.   |
| HD2: Non-designated heritage assets   | 203  | This policy seeks to ensure that the heritage significance of any non-designated heritage asset is taken account of in any development affecting it in line with paragraph 203.   |
| HD3: Heritage at risk   | 190  | This policy supports proposals for the restoration of heritage assets at risk in line with paragraph 190.   |
| HD4: Historic streetscape   | 112, 127, 190  | This policy seeks to protect and enhance the historic streetscapes through retention and restoration of traditional materials and a coherent design in line with paragraphs 112, 127 and 190.   |
| HD5: Cardigan Triangle Character Area   | 127, 190, 192  | This policy identifies a Character Area and provides positive design guidance to ensure that proposals have regard to the special character of the area in line with paragraphs 127, 190 and 192.   |

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| GE1: Green Spaces                                | 99, 101-102               | This policy identifies Local Green Space of particular importance in line with criteria set out in paragraph 101-102 of the NPPF, it also protects Local Green Space from new development other than in exceptional circumstances in line with paragraph 99, and supports measures to enhance the green spaces and improve their biodiversity. A local green space assessment, which assesses the proposed sites against the criteria set out in para 102 is provided within the Green Space Evidence document, accompanying the submission of the neighbourhood plan. |
| GE2: Garden space and support for nature         | 124, 130, 174             | This policy seeks to retain and protect existing garden space and encourage an increase in biodiversity measures in line with paragraphs 124, 130 and 174.   |
| GE3: Protection of trees and verges              | 130-131                   | This policy seeks to protect important trees and retain verges for the contribution that they make to local character and identity as well as biodiversity opportunities and helping to address the Leeds City Council-declared climate emergency in line with paragraphs 130-131.   |
| GE4: Planting, landscape and water management    | 130, 179-180              | This policy seeks to support planting and landscaping schemes which enhance biodiversity and assist with slowing water run-off rates in line with paragraphs 130 and 179-180.  |
| TC1: Mix in the town centre                      | 86                        | This policy encourages a mix of uses in the town centre that enhances local sustainability and meets the mix of needs in the community and is in line with paragraph 86 of the NPPF which encourages plans to promote vitality of town centres.  |
| TC2: Supporting a pedestrian friendly Headingley | 92, 104, 110 and 112      | This policy seeks to support measures to make the town centre pedestrian friendly and more accessible with a reduction in unnecessary street clutter in line with paragraphs 92, 104, 110 and 112.   |
| TC3: Design of the town                          | 112, 126-127, 130 and 190 | This policy seeks to protect and enhance traditional shop frontages and the architectural and historic character of the town centre, including discouraging the use of external security shutters in line with 112, 126-127, 130 and 190.  |
| GA1: Traffic Management                          | 92, 104-106               | This policy seeks to support measures that alleviate current traffic management issues, through the requirement to accompany new development proposals with an active travel plan in line with paragraphs 92 and 104-106.  |
| GA2: Pedestrian & Cycle Routes                   | 92, 100, 104, 106         | This policy seeks to protect existing cycle and pedestrian routes and identify additions to the existing network to encourage active travel.   |

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| GA3: Footpaths & ginnels | 92, 100, 104, 106 | This policy is seeking to maintain, restore, enhance and improve the safety of the footpath and ginnel network throughout the neighbourhood area. |
| GA4: Electric vehicles   | 104, 107, 112     | This policy seeks to support the use of electric vehicles by encouraging the expansion of the EV charging infrastructure.                         |

## 5. Contribution to the Achievement of Sustainable Development

5.1 The Headingley NP must contribute to the achievement of sustainable development. Sustainable development is defined within the NPPF as the planning system having three overarching objectives (NPPF Paragraph 8):

5.2 These roles are:

- An economic objective: to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- A social objective: to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- An environmental objective: to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.3 There is no set way of demonstrating that a NP contributes to sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking (NPPF Paragraph 12). Planning Practice Guidance states, that the Basic Condition on sustainable development is consistent with "the planning principle that all plan-making and decision-making should help to achieve sustainable development". A qualifying body should demonstrate how its plan will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). Additionally, in order to demonstrate that a draft neighbourhood plan contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan guides development to sustainable solutions.<sup>4</sup>

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<sup>4</sup> Planning Practice Guidance, Paragraph 072, Reference ID: 41-072-20190509.

- 5.4 Neighbourhood planning provides an opportunity for local communities to set out what sustainable development means for them and their local areas. The NF specifically states in the NP that *'Sustainability is key to our vision and objectives and increasing sustainability and the futureproofing of our area is the premise that underpins all our policies and actions'*.
- 5.5 The Vision for the Headingley NP sets out the local community's aspirations for future sustainability within the NA, as follows:
- Our vision is of a Headingley that is:*
- *vibrant, inclusive, sustainable;*
  - *designed to maximise everyone's physical and mental health and wellbeing;*
  - *committed to reducing climate change by reducing carbon emissions in line with the climate emergency targets;*
  - *a place where the heritage and local character of the area is respected;*
  - *a place with good quality housing;*
  - *a good place to walk, cycle, exercise and play;*
  - *a thriving town centre and local economy serving our local residents and welcoming visitors and workers.*
- 5.6 The vision is clearly linked to aspirations for Headingley to be more sustainable in the future, which is supported by the NP objectives:
- *Make the best possible use of our housing stock so that it supports a sustainable and balanced mix of housing tenure and population*
  - *Ensure that, as housing is developed, repurposed or designed, it meets the needs of the old, the young and those with disabilities.*
  - *Maintain our existing green spaces and, where possible, identify and provide more biodiversity for all developments and redevelopments to support reduced carbon emissions and to enhance biodiversity.*
  - *Support efforts to reduce air pollution.*
  - *Manage traffic better and improve public transport and walking/cycling provision, so that everyone in the town centre and residential areas has a better journey and is not inconvenienced by other people's journeys.*
  - *Preserve, sustain and improve our heritage and built environment.*
  - *Support and develop our town centre so that it continues to be a vibrant, lively place where residents can live, meet, and shop and enjoy themselves.*
  - *Improve opportunities for social inclusion and community development*
- 5.7 It is considered that these neighbourhood plan objectives contribute well towards the three overarching sustainability objectives of the NPPF which contribute to sustainable development.
- 5.8 The economic sustainability of the plan is supported in a number of the objectives, such as ensuring that housing stock supports and sustains a balanced and mixed demographic, better traffic management to reduce congestion and developing the Town Centre so it continues to be a vibrant, lively and healthy centre, encouraging residents to 'stay local' and safeguarding and promoting Headingley's economic and employment base. This should ensure the sustainable growth of the area, making it more attractive to residents and investors alike.

- 5.9 The social objective of the NPPF has been well considered in the emerging plan. Objectives such as addressing traffic problems, improving public transport and walking and cycling infrastructure, preserving and enhancing the heritage and character of the NA, encouraging a range of housing types and affordability to support all sectors of the community and improving opportunities for social inclusion and community cohesion, will support the current and future needs of the Headingley community and foster improved health and wellbeing.
- 5.10 Ensuring the environmental objective is met has been addressed in a number of ways through the neighbourhood plan objectives. Aspirations such as better managing traffic problems, reducing dependency on cars and reducing air pollution by improving public transport provision and active travel opportunities and seeking opportunities for increased biodiversity and reduced carbon emissions for all developments should help ensure that new development within the NA contributes to the environmental objective and mitigates against/secure resilience to the impacts of climate change.
- 5.11 A Sustainability Appraisal of the NP has not been undertaken as this is not a requirement for a neighbourhood plan. However, the draft NP has taken account of the need to contribute to the achievement of sustainable development. **Error! Reference source not found.** (pages 5-**Error! Bookmark not defined.**) provides an assessment of how the NP has regard to the policies within the NPPF, which when taken together, provide an assessment of how the NP contributes to the achievement of sustainable development as it is defined within the NPPF.
- 5.12 The Basic Condition requires the consideration of whether the making of the neighbourhood plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether a neighbourhood plan makes a specific contribution. The requirement is that there should be a contribution.
- 5.13 The planning policies of the NP have been considered against the three dimensions of sustainability stated above to provide a summary of the likely impact on the dimensions of sustainability, and potential contribution to the achievement of sustainable development (see
- 5.14 **Table 1** below).

**Table 1: Planning policies of the NP against the three dimensions of sustainability**

| <b>Headingley NP Policy</b>        | <b>Economic Sustainability</b>   | <b>Social Sustainability</b>  | <b>Environmental Sustainability</b>   |
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| HOU1:<br>Housing mix in Headingley | This policy encourages varying house sizes and types to encourage the maximum number of potential purchasers, and entice people to move into the area. | This policy ensures social sustainability through encouraging a mix of housing suitable for the varying needs of the population of Headingley and makes sure that conversions meet / exceed minimum space and | The policy encourages the efficient use of housing sites and makes sure that conversions meet or exceed carbon neutral and environmental standards. |

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|  |  | light, ventilation and carbon neutral/environmental standards to benefit current and future occupants.   |   |
| HOU2:<br>Support for minimising environmental impact of existing and new housing | The policy supports the delivery of new housing development which will stimulate the economy through local population growth, employment opportunities and S106 contributions. | Whilst enabling new sustainable housing development to be delivered, and supporting the retrofitting of existing housing stock, the policy encourages the environmental enhancement of the housing stock in the area and encourages the provision of additional benefits for the residents, including reduced energy demand, efficient water and waste management systems and reduced noise nuisance where possible. | This policy ensures environmental sustainability through setting out guidelines to ensure that new development considers impact on the environment and seeks to reduce it, as well as encouraging the retrofitting of existing housing stock and more active transport options. |
| HOU3:<br>Support for lifelong housing for disabled people and older people       | This policy supports inclusive housing, which should encourage the maximum number of potential purchasers, and ensure that people can remain in the area for longer.           | By supporting lifelong housing for people with disabilities and the elderly and encouraging accessibility more generally, this policy ensures inclusive housing so people can remain in the area for longer and have their needs met.  | This policy supports accessibility improvements that also safeguard historic character.   |
| HD1: Design guidance and character areas   | The policy provides a set of design principles to support development which preserves and enhances the historic character of the area. New development could support the       | The policy ensures that the distinctive heritage and character of Headingley is preserved for current and future residents to continue to enjoy. This provides health, well being and cultural   | The policy ensures that the local character and heritage features of the area enjoy protection against development that would not preserve or enhance its   |

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|  | <p>economic sustainability of Headingley as it will help to maintain a high quality local environment, however this policy may have a minor effect on economic sustainability by adding a constraint on new development.</p>  | <p>benefits to the residents and visitors of Headingley, and ensures that beautiful well-designed development is encouraged in the area.</p>   | <p>historic character for the enjoyment of future generations.</p>  |
| <p>HD2: Non-designated heritage assets</p> | <p>Through the protecting the valued assets within Headingley, the rich heritage and character of the area is preserved and has potential to attract tourism and visitor footfall thus contributing to economic sustainability.</p>   | <p>Through identifying Non-Designated Heritage Assets for protection and enhancement, the policy ensures that the residents of Headingley will be able to continue to enjoy the amenity and cultural benefits that these assets provide.</p> | <p>The policy ensures that the character and heritage of the area is preserved and enhanced for the enjoyment of future generations.</p>  |
| <p>HD3: Heritage at risk</p>               | <p>Through supporting proposals for the restoration of identified heritage assets at risk the rich heritage and character of the area is preserved and has potential to attract tourism and visitor footfall, and also may bring under-used buildings back into full use, thus contributing to economic sustainability.</p> | <p>Through identifying heritage assets at risk for restoration, the policy ensures that the residents of Headingley will be able to continue to enjoy the amenity and cultural benefits that these assets provide.</p>                       | <p>This policy ensures that the character and heritage of the area is preserved and enhanced for the enjoyment of future generations.</p> |
| <p>HD4: Historic streetscape</p>           | <p>Through the protecting the historic streetscape within Headingley, the rich heritage and character of the area is preserved and has potential to attract tourism and visitor footfall thus contributing to</p>   | <p>Through identifying aspects of the streetscene for protection and enhancement, the policy ensures that the residents of Headingley will be able to continue to enjoy the amenity that these assets provide.</p>                           | <p>The policy ensures that the character and heritage of the area is preserved and enhanced for the enjoyment of future generations.</p>  |

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|  | economic sustainability.   |   |   |
| HD5: Cardigan Triangle Character Area    | The policy promotes the retention of historic character which has the potential to attract visitor footfall to the Character Area.   | Through identifying a Character Area for protection and enhancement, the policy ensures that the residents of Headingley will be able to continue to enjoy the amenity benefits that this asset provides.   | The policy ensures that the character and heritage of the area is preserved and enhanced for the enjoyment of future generations.   |
| GE1: Green Spaces                        | This policy will ensure that Local Green Spaces enjoy a high level of protection against inappropriate development. It is not considered that the policy will have a substantive impact on economic sustainability beyond protecting local green spaces within Headingley. | This policy helps to ensure that residents and visitors in Headingley continue to have opportunities to use accessible and valued Local Green Spaces which provide intrinsic health and wellbeing benefits. | The policy ensures that Local Green Space in Headingley will be preserved as valued amenity spaces, as well as maintained for wildlife richness, biodiversity, history and beauty.  |
| GE2: Garden space and support for nature | This policy will ensure that gardens enjoy a high level of protection against inappropriate development. This ensures a high quality local environment which should entice people to stay in/move into the area.   | This policy helps to ensure that residents in Headingley continue to retain accessible and valued garden space which provides intrinsic health and wellbeing benefits.                                      | The policy ensures that gardens in Headingley will be preserved as valued amenity spaces, as well as maintained and enhanced for wildlife richness, biodiversity, history and beauty.                                       |
| GE3: Protection of trees and verges      | This policy will ensure that trees and verges enjoy a high level of protection against removal or inappropriate development. This ensures a high quality local environment which should entice people to stay in/move into the area.                                       | Protecting trees and verges and supporting additional planting ensures that Headingley retains a high quality and green local environment which provides intrinsic health and wellbeing benefits.           | This policy seeks to protect important trees in Headingley and retain the green verges, for the contribution that they make to local character and identity as well as biodiversity opportunities and carbon sequestration. |

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| <p>GE4: Planting, landscape and water management</p>    | <p>The policy provides a set of design principles to support development which provide quality landscaping and biodiversity gain, as well as dealing with surface water run-off in a natural way. This could support the economic sustainability of Headingley as it will help to maintain a high quality local environment and help minimise the impact/expense of surface-water runoff and flooding, however this policy may have a minor effect on economic sustainability by adding constraints on new development.</p> | <p>Encouraging robust landscaping schemes and supporting sustainable drainage ensures that Headingley retains a high quality and green local environment which provides intrinsic health and wellbeing benefits.</p>   | <p>This policy seeks to support enhanced biodiversity and sustainable drainage, which should be positive for local character and identity as well as biodiversity opportunities, carbon sequestration and flood reduction.</p>   |
| <p>TC1: Mix in the town centre</p>                      | <p>This policy supports an enhanced mix of commercial, retail and residential uses within the town centre, promoting economic sustainability by providing options for increased centre vitality and viability and broadening its attractiveness to shoppers and visitors.</p>   | <p>By encouraging uses which diversify and improve the vitality of the local centre and limiting certain uses which have negative impacts on amenity this policy should ensure that local residents will benefit from having a sustainable, attractive and user-friendly town centre to the benefit of health and wellbeing.</p> | <p>By ensuring that there is a wide range of uses and services within the town centre this policy will encourage local residents to shop, use services and meet locally, contributing to long-term environmental sustainability through the promotion of the 20-minute neighbourhood and potentially reducing reliance on the private car.</p> |
| <p>TC2: Supporting a pedestrian friendly Headingley</p> | <p>The policy encourages improved walking and cycling provision which has the potential to</p>  | <p>Improved walking and cycling provision, as well as ensuring that the centre is fully accessible, provides</p>   | <p>The improvement of the existing walking and cycling options within the area, will enhance Green</p>   |

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|                                | contribute to economic sustainability through increasing footfall through Headingley from both residents and increased visitors.   | the opportunity for increased health and wellbeing benefits for the residents of Headingley through improving choices for exercise and options for people with disabilities.  | Infrastructure and networks and general connectivity within Headingley, as well as providing increased options for sustainable transport and potentially reducing reliance on the private car.   |
| TC3: Design of the town        | This policy encourages the retention and enhancement of traditional shop frontages and features, supporting the rich heritage and character of the area which has potential to attract tourism and visitor footfall thus contributing to economic sustainability.  | Through protecting the traditional shop frontages, the policy ensures that the residents of Headingley will be able to continue to enjoy the amenity and cultural benefits that these assets provide.   | The policy ensures that the character and heritage of the town centre is preserved and enhanced for the enjoyment of future generations.   |
| GA1: Traffic Management        | The policy seeks to reduce traffic management issues through the A660 which should contribute to economic sustainability through increasing footfall through Headingley from both residents and increased visitors due to reduced congestion and better air quality. However, the policy could affect economic sustainability by identifying a potential additional constraint on development. | Improved active travel opportunities provides the opportunity for increased health and wellbeing benefits for the residents and visitors to Headingley through improving options and choices for exercise, and improving air quality as congestion decreases. | This policy commits to supporting active travel measures and ensuring that major developments have an active travel scheme in place to help reduce traffic and associated carbon emissions by providing increased opportunity for sustainable transport. |
| GA2: Pedestrian & Cycle Routes | The policy encourages improved walking and cycling provision which has the potential to  | Improved walking and cycling provision provides the opportunity for increased health and  | Through encouraging improvements to the existing walking and cycling options   |

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|                          | contribute to economic sustainability through increasing footfall through Headingley from both residents and increased visitors.   | wellbeing benefits for the residents of Headingley through improving options and choices for exercise and general accessibility.   | within the area, this will enhance Green Infrastructure and networks and general connectivity within Headingley, as well as providing increased options for sustainable transport.                             |
| GA3: Footpaths & ginnels | This policy seeks to maintain, restore and enhance and improve the safety of the footpath and ginnel network throughout the neighbourhood area which has the potential to contribute to economic sustainability through increasing footfall through Headingley from both residents and visitors. | Improved walking provision provides the opportunity for increased health and wellbeing benefits for the residents of Headingley through improving options and choices for exercise, safety and general accessibility.          | Through encouraging improvements to the existing walking options within the area, this will enhance Green Infrastructure and networks, and increase biodiversity and options for sustainable transport.        |
| GA4: Electric vehicles   | This policy seeks to improve EV charging infrastructure within the area promoting economic sustainability by broadening its attractiveness to new residents, shoppers and visitors.  | Supporting more electric vehicles in the area provides an opportunity for increased health and wellbeing benefits for the residents and visitors to Headingley by improving air quality as use of electric vehicles increases. | Supporting more electric vehicles in the area provides an opportunity for increases environmental sustainability by improving air quality and reducing carbon emissions as use of electric vehicles increases. |

- 5.15 Overall, it is considered the neighbourhood plan contributes positively, when read as a whole, to the three objectives of sustainability identified in the NPPF.
- 5.16 The objectives of the plan, and the specific policies providing guidance and detail to achieve those objectives, should ensure that growth within the village is achieved positively and sustainably, fostering well-designed and beautiful places. The need for housing growth, improved community facilities and provision of economic and employment opportunities has been recognised, while seeking to conserve the character, heritage and environmental assets in the neighbourhood area as well as enhancing wellbeing provision for residents. The progress on achieving these objectives should be monitored throughout the plan period, ensuring that any viability conflict between protecting existing assets and encouraging growth are mitigated against as early as possible to protect the sustainability objectives.

## **6 General Conformity with the Strategic Policies of the Development Plan**

- 6.1 The Headingley NP must be in general conformity with the strategic planning policies contained within the Development Plan for Leeds. As at December 2021, the development plan for Leeds consists of the following documents:
- The Leeds Core Strategy (including as amended by the Leeds Core Strategy Selective Review) (2019);
  - The Site Allocations Plan (2019);
  - The Leeds Natural Resources and Waste Local Plan (2013);
  - The Saved Policies of the Leeds Unitary Development Plan Review (2006); and
  - Aire Valley Leeds Area Action Plan (2017)
- 6.2 For the purposes of the NP, the strategic policies of the development plan are considered to be those policies contained within the Core Strategy and the Saved Policies of the Unitary Development Plan Review. The Site Allocations Plan contains identified sites and allocations for housing, employment and mixed-use development, as well as designating areas of green space. The allocations within the plan are non-strategic. The Leeds Natural Resources and Waste Local Plan for the most part contains policies on excluded development for neighbourhood planning purposes. The Aire Valley Leeds Area Action Plan covers the lower Aire Valley with is outside of the Headingley Neighbourhood Area.
- 6.3 LCC is currently conducting work on an emerging Local Plan Update, with initial Regulation 18 consultation on the plan to having taken place in Summer 2021. At this present time, it is unclear whether the emerging Local Plan Update will have a significant impact on the policies within the NP. The Local Plan Update seeks to update elements of the Local Plan in view of the fact that Leeds City Council declared a Climate Emergency in March 2019. The Headingley NP aligns with the aspirations of the emerging Local Plan Update. The fact that the Local Plan Update is in progression does not prevent a neighbourhood plan being brought forward beforehand. Additionally, the Basic Conditions require that the neighbourhood plan be in general conformity with the strategic policies of the development plan, and the emerging Local Plan Update does not currently form part of the development plan and therefore this Basic Condition does not apply in this respect.
- 6.4 The Basic Condition requires that the NP is in general conformity with the strategic policies of the development plan. It is accepted that general conformity means that there is an element of flexibility, and that the word “general” allows for a degree of conflict. There should be broad consistency between the policies of the NP and those within the development plan, however the flexibility implied is not unlimited.
- 6.5 Planning Practice Guidance states that “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority should consider the following:

- Whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- Whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy; and
- The rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”<sup>5</sup>

**6.6** The policies in the submission draft Headingley NP have therefore been assessed against the relevant development plan policies (as contained within the Leeds Core Strategy (as amended), 2019; and the Saved Policies of the Leeds Unitary Development Plan Review, 2006; see **Table 2** below). Again, this assessment is not exhaustive, and provides commentary on the most relevant development policies to the draft NP policies. The considerations of Planning Practice Guidance (set out in paragraph 6.5, above) have been used to guide the assessment process.

**Table 2: Assessment of the NP against the relevant development plan policies**

| <b>Headingley NP Policy</b>   | <b>Development Plan Policies</b>  | <b>Commentary</b>   |
|---|---|---|
| HOU1: Housing mix in Headingley   | Core Strategy policies H4, H6 and H9<br><br>UDP policies GP5, BD5               | This policy conforms with policy H4 in promoting a good mix of housing for new residential development, highlighting an identified local need for 2/3 bed properties. The second part of HOU1 regarding new HMOs and PBSAs upholds the principle of H6, and requires development to exceed it where possible, adding some local detail in the form of the Council's Houses in Multiple Occupation: Development Management Practice Note May 2019.                           |
| HOU2: Support for minimising environmental impact of existing and new housing | Core Strategy policies P10, P11, G9, EN1, EN2<br><br>UDP policies GP5, BD2, BD5 | This policy seeks to minimise the environment impact of new housing and support retrofitting of existing where possible while safeguarding historic character and supporting non-motorised transport, in line with Policies P10, P11 and GP5 on high quality design and the integration of sustainable construction with conservation, while securing biodiversity improvements in line with G9 and carbon reduction and sustainable construction in line with EN1 and EN2. |

<sup>5</sup> Planning Practice Guidance, Paragraph 074, Reference ID: 41-074-20140306.

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| HOU3: Support for lifelong housing for disabled people and older people | Core Strategy policies H8, H10, P10                                      | This policy conforms with H8 and H10 which seek to increase provision for elderly people and people with disabilities, and P10 which requires accessible design.  |
| HD1: Design guidance and character areas                                | Core Strategy policies P10 and P11<br>UDP Policies GP5, N19, BD2 and BC7 | HD1 adds Headingley-specific detail to the generic provisions of the development plan policies in respect of conservation areas, design and character, while remaining clearly in conformity with those policies.   |
| HD2: Non-designated heritage assets                                     | Core Strategy policies P10 and P11<br>UPD Policies GP5, N14-N17, BD2     | HD2 adds Headingley-specific detail to the generic provisions of the development plan policies, by identifying the non-designated assets to which those policies should apply.  |
| HD3: Heritage at risk   | Core Strategy policy P11<br>UDP policies N14-N17                         | HD2 adds Headingley-specific detail to the generic provisions of the development plan policies, by identifying the heritage at risk assets to which those policies should apply.  |
| HD4: Historic streetscape   | Core Strategy Policies P10 and P11.<br>UDP policies GP5, N19, BD2, BC7   | HD4 adds Headingley-specific detail to the generic provisions of the development plan policies, by identifying the historic streetscape to which those policies should apply and the design principles that should be applied.                                      |
| HD5: Cardigan Triangle Character Area                                   | Core Strategy policies P10 and P11<br>UDP policies GP5, N19, BD2         | HD2 adds Headingley-specific detail to the generic provisions of the development plan policies, by identifying a Character Area asset to which those policies should apply and some specific design principles that should be considered.                           |
| GE1: Green Spaces   | Core Strategy policies P12, G1, G6, G9<br>UDP policy N9                  | Policy GE1, seeking to protect identified green spaces, along with biodiversity and connectivity improvements, is in conformity with the aims of these CS Policies which seek to protect green spaces from development and enhance and extend green infrastructure. |
| GE2: Garden space and support for nature                                | Core strategy policies P10, P12, G1, G9<br>UDP policies GP5, LD1         | Policy GE2 seeks to support the preservation of existing gardens, the requirement for garden space in new developments and guidance on biodiversity and wildlife measures to be included, in conformity with those development plan policies.                       |

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| GE3: Protection of trees and verges              | Core strategy policies P12, G1, G2 and G9<br><br>UDP policy N9                | By highlighting the features which should be taken into consideration in development proposals, including the protection and enhancement of tree cover and verges, the policy amplifies and adds locally-specific detail to existing development plan policies by identifying those features within the neighbourhood area which contribute to its landscape value.                               |
| GE4: Planting, landscape and water management    | Core Strategy policies P10, P12, G1, G9, EN5<br><br>UDP policies GP5, N9, LD1 | Policy GE4 seeks to promote the softening of the built environment in Headingley, enhance biodiversity and assist with slowing water run-off rates, by providing guidance on what measures will be supported, adding locally-specific detail to existing development plan policies.   |
| TC1: Mix in the town centre                      | Core Strategy policy SP2, P2<br><br>UDP policy BD2                            | Policy TC1 supports the aims of the development plan policies SP2, P2 and BD2 by setting out local considerations regarding the mix within the Headingley Town Centre in order to support viability and vitality while supporting local character, including extending criteria to be taken into account of for hot food takeaway proposals and removing support for new drinking establishments. |
| TC2: Supporting a pedestrian friendly Headingley | Core Strategy policies P10, T1 and T2<br><br>UDP policy BD3                   | Core Strategy Policies T1 and T2 both encourage sustainable transport solutions. Policy TC2 adds to and complements the Core Strategy's strategic approach by specifically addressing Headingley's local needs and aspirations.   |
| TC3: Design of the town                          | Core Strategy policies P10, P11<br><br>UDP policies GP5, BD2, BD6 and BD7     | TC3 adds Headingley-specific detail to the generic provisions of the development plan policies, by providing guidance and some specific design principles that should be considered to ensure new shop fronts and alterations to existing complement the character of the area.   |
| GA1: Traffic Management                          | Core Strategy policies SP11, T1 and T2  | Policy GA1 conforms to development plan policies in seeking to advance sustainable travel proposals and alleviate traffic congestion by requiring major new development to produce an active travel plan.   |
| GA2: Pedestrian & Cycle Routes                   | Core Strategy policies SP11, T1 and T2<br><br>UDP policy GP5                  | Core Strategy Policies T1 and T2 both encourage sustainable transport solutions. Policy GA2 adds to and complements the Core Strategy's strategic approach by specifically addressing Headingley's local needs and aspirations.   |
| GA3: Footpaths & ginnels                         | Core strategy policies P10, T1, T2, G1, G9<br><br>UDP policy N9               | Core Strategy Policies T1 and T2 both encourage sustainable transport solutions. Policy GA3 adds to and complements the Core Strategy's strategic approach by specifically addressing Headingley's local needs and aspirations and providing guidance on design and increasing biodiversity.  |

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| GA4: Electric vehicles | Core strategy policies SP11, T2, EN8,<br>UDP policy GP5 | Policy GA4 seeks to ensure that EV charging infrastructure is included in the design of new development and encourage the retrofitting of existing, supporting the aims of development plan policies. |

## 7 Compatibility with EU Obligations including Human Rights

7.1 The Basic Conditions require that the making of the neighbourhood plan does not breach and is otherwise compatible with European Union obligations. These are:

- Directive 2011/91/EU on the assessment of the effects of certain public and private projects on the environment (known as the Environmental Impact Assessment (EIA) Directive).
- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds.

7.2 In addition, the Basic Conditions require that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

7.3 To assess whether the Headingley NP might breach any of these requirements, Leeds City Council prepared a screening report to determine whether the Plan required a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

7.4 The screening report also considered whether the Headingley NP required a Habitats Regulations Assessment in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.5 The screening was available for the pre-submission consultation on the draft NP. It is not considered that the draft policies have changed in a material way since the pre-submission consultation took place and therefore the screening is considered to stand. It is available in **Error! Reference source not found..**

7.6 As part of the preparation of the screening, LCC consulted with the statutory consultees (Historic England, The Environment Agency and Natural England) on the draft screening.

7.7 The SEA screening concluded that as a result of the assessment carried out within the screening exercise, it is unlikely that the significant effects will arise as a result of the Headingley NP and that an SEA is not required when judged against the application of the SEA Directive Criteria.

7.8 The Habitats Regulations Assessment screening also concluded that none of the policies in the draft NP are likely to give rise to significant effect on the South Pennine

Moors and North Pennine Moors SPAs/SACs and therefore the NP did not include any mitigation measures. Furthermore, no potential in combination effects were identified. Therefore, the draft NP can be considered to be screened out. This satisfies the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

**7.9** The statutory consultees all agreed with LCC's screening conclusions. Furthermore, the statutory consultees also provided a response to the pre-submission consultation on the draft neighbourhood plan (see the Headingley Neighbourhood Plan Consultation Statement). These responses confirmed that

- Natural England consider that it is unlikely that significant negative impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan;
- The Environment Agency consider that it is unlikely that significant negative impacts on environmental characteristics that fall within our remit and interest will result through the implementation of the plan; and
- Historic England did not provide any specific comment relating to SEA at Pre-Submission consultation stage.

## **8 Compatibility with Human Rights Legislation**

**8.1** The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK Law.

**8.2** The specific Articles of the ECHR relevant to planning include:

- Article 6 (Right to a fair and public hearing);
- Article 8 (Right to respect for private and family life, home and correspondence);
- Article 14 (Prohibition of discrimination); and
- Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

**8.3** The statutory and non-statutory consultations on the draft neighbourhood plan have been carried out in such a way that all sections of the local community, including those with an interest in the NP and the NA, have been given the opportunity to express their views. The ways that this has been achieved are set out in the accompanying Consultation Statement. The neighbourhood plan has been prepared to take into account the views of the whole community.

**8.4** The preparation of the neighbourhood plan has also had regard to the provisions of Section 149(1) of the Equality Act 2010 and the PC is not aware of any discrimination, harassment, victimisation or any other conduct that is prohibited under this Act.

**8.5** The PC has considered the potential impacts on persons with protected characteristics (as identified in the Equality Act 2010), in Table 3 as follows:

| Protected Characteristic      | Potential Impact of Draft Headingley NP  |
|-------------------------------|--|
| Age                           | <p>The draft NP seeks to support a more inclusive environment for people of all ages, as is recognised by the vision. In particular, the NP seeks to safeguard the existing natural environment in the NA including improving access for all residents (regardless of age). The NP also includes policies which support enhanced connectivity and increased accessibility in the town centre which should provide opportunities for increased mobility for residents of all ages. In addition, policies HOU1 and HOU3 of the NP specifically encourages development to provide an appropriate mix of housing, including smaller dwellings and provision for independent and lifelong housing for the needs of elderly people and/or those with disabilities.</p> <p>It is therefore not considered that the NP will have any specific negative effects on persons due to their age, and instead will increase opportunities for residents of all ages to continue to live in and enjoy the special character of Headingley, including the services and facilities within the area.</p> |
| Gender reassignment           | <p>It is not considered that any of the provisions within the NP will have an effect (either positive or negative) on persons specifically in relation to gender reassignment or gender identity.</p>  |
| Marriage or civil partnership | <p>It is not considered that any of the provisions within the NP will have a specific effect (either positive or negative) on persons in relation to marriage or civil partnership. Notwithstanding that, the draft NP seeks to support a more inclusive environment for people, as is recognised by the vision. The aims of the NP in general, in terms of encouraging new sustainable housing including a mix of property sizes, safeguarding, promoting and supporting Headingley's economic base and protecting existing and encouraging new gardens and green spaces, will ensure that the area can support a whole range of residents, from individuals, to couples and families of all sizes.</p>   |
| Pregnancy or maternity leave  | <p>It is not considered that any of the provisions within the NP will have a specific effect (either positive or negative) on pregnancy or maternity leave. Notwithstanding that, the draft NP seeks to support a more inclusive environment for people, as is recognised by the vision. The aims of the NP in general, in terms of encouraging new sustainable housing including a mix of property sizes, safeguarding, promoting and supporting Headingley's economic base and protecting existing and encouraging new gardens and green spaces, will ensure that the area can support a whole range of residents, including families of all sizes.</p>  |
| Disability                    | <p>The draft NP through policy HOU3 supports changes of use that improve accessibility of the existing housing stock and the</p>   |

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|  | inclusion of accessible dwellings on new developments so people with disabilities can live life as they wish. Policy GA2, supporting improved walking and cycling provision, encourages accessibility improvements on all existing and new networks, ensuring that they are easily accessible and safe for use by people with disabilities. It is also recognised that for people who are unable to travel via active transport, proposals such as additional disabled parking places will be supported. Overall, these policies should ensure that future development within the area will be inclusive and positivity benefit those residents with a disability. |
| Race, including colour, nationality, ethnic or national origin | It is not considered that the NP will have any specific negative effects on persons due to their race, nationality or ethnicity, and instead will increase opportunities for all residents to continue to enjoy the special character of Headingley, including the economic and retail base within the area, and attract new residents to the area with an increase of sustainable homes.  |
| Religion or belief   | It is not considered that the NP will have any specific positive or negative effects on persons due to their religion or belief. One of the objectives supporting the vision of the NP is to improve opportunities for social inclusion and community development which should aid all residents, regardless of religion or belief, to feel welcome in the area and able to benefit from and enjoy the inclusive environment.  |
| Sex  | It is not considered that the NP will have any specific positive or negative effects on persons due to their sex. One of the objectives supporting the vision of the NP is to improve opportunities for social inclusion and community development which should aid all residents, regardless of sex, to feel welcome in the area and able to benefit from and enjoy the inclusive environment.  |
| Sexual orientation   | It is not considered that the NP will have any specific positive or negative effects on persons due to their sexual orientation. One of the objectives supporting the vision of the NP is to improve opportunities for social inclusion and community development which should aid all residents, regardless of sexual orientation, to feel welcome in the area and able to benefit from and enjoy the inclusive environment.  |

*Table 3: Potential Impact of Draft Pool-in-Wharfedale NP on protected characteristics*

- 8.6** It is not considered that the NP is likely to have any specific or particular impact on any persons with a protected characteristic. Overall the NP is likely to either have neutral benefit, or a general positive benefit for all residents of Headingley with increased inclusivity and accessibility, through support for better traffic management, active travel, sustainable housing and enhanced green space.
- 8.7** The neighbourhood plan has had regard to the fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act. This is

evidenced through the vision, objectives and policies in the draft neighbourhood plan which seek to improve quality of life for residents and others in the NA through improving local sustainability.

**8.8** In addition, the plan as submitted provides further opportunities for involvement in Headingley life, through engaging with the community in order to deliver projects identified in the neighbourhood plan and support its implementation.

## **9 Conclusions**

**9.1** This Basic Conditions Statement has considered the submission draft Headingley NP against the requirements of the neighbourhood planning Basic Conditions. It is considered that the NP meets the requirements of the Regulations in that it:

- Has regard to national planning policy and guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development;
- Is in general conformity with the strategic policies of the development plan;
- Complies with EU obligations, including Human Rights requirements; and
- Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

**9.2** Headingley neighbourhood Forum therefore respectfully suggests that the Headingley NP complies with Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990 and, subject to the conclusions of the independent examination, can proceed to a Referendum.