

## **Kippax Neighbourhood Development Plan**

### **Leeds City Council and Kippax Parish Council joint response to matters for clarification raised by the independent examiner**

This response has been prepared jointly by Leeds City Council and Kippax Parish Council to the matters raised by the Independent Examiner for the Kippax Neighbourhood Plan. Both Councils are grateful for the opportunity to respond to the matters raised by the Examiner and would be happy to answer further questions regarding the Neighbourhood Plan should the need arise.

#### ***Matter a). Maps (Policy HS1 and Policies HS2, HS3, HS4 and GE3)***

***Policy HS1 refers to the imprecise term “the Local Centre”. To be applied it is necessary for the policy to refer to a map on which the boundaries of individual properties can be identified. Would a modification of the policy to refer to the centre boundary on Map 2 serve this purpose?***

Joint response: The boundary shown on Map 2 is the boundary of the Kippax Higher Order Local Centre proposed in the Submission Draft Site Allocations Plan. The City Council is awaiting the Inspector’s report on the new boundary, however there are no outstanding objections therefore it is not anticipated that the boundary will change. The Leeds Core Strategy (2014) downgraded the UDP Town Centre to a Local Centre and the Site Allocations Plan proposes a smaller area to be protected by the Local Centre designation. There is a need for consistency in how this area is referred to within the Neighbourhood Plan and the use of “local centre” would be consistent with higher order policies and the convention used by Leeds City Council.

The Parish Council intends that the term Local Centre used in the Neighbourhood Plan matches the Local Centre designation within higher order policies (Core Strategy Policy P1). The extent of this policy would be applicable within the boundary shown on Map 2 (page 25 of the neighbourhood plan), which is an extract from the Site Allocations Plan, giving effect to the Core Strategy. A modification to the policy to refer to the centre boundary shown on Map 2 would be welcomed and appropriate.

***Would the same approach be applicable with respect to the reference to “the town centre” in Policy HS2; and to “Kippax Local Centre” and “the Local Centre” in Policy HS3?***

Joint response: The reference to the ‘Town Centre’ in Policy HS2 is incorrect, and should refer to Local Centre (as designated by higher order policies), a modification to correct this error would be welcomed. As above, a modification to the policies to refer to the centre boundary shown on Map 2 would be welcomed and appropriate.

***Would a modification requiring the precise boundaries of the “Key Locations” referred to in Policy HS4 to be shown on Map 3, or alternatively on separate maps to be included in the Neighbourhood Plan, be practicable?***

Joint response: Yes, the Key Locations are identified within the URS Study, which forms part of the evidence base to the Neighbourhood Plan, and a modification to show the precise boundaries would be welcomed and achievable.

***I also propose to recommend a modification such that maps of the Oxford Drive Limestone Quarry Face and Kippax Polo Pond local wildlife sites referred to in Policy GE3, at sufficient scale to identify their boundaries, should be included in the Neighbourhood Plan. Please confirm such maps could be produced.***

Joint response: Yes, a modification to show the precise boundaries of the sites referred to in Policy GE3 would be welcomed and achievable.

#### **Matter b). Policy GE1**

***Planning Practice Guidance states “If land is already protected by Green Belt policy, or in London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.”***

***Could you please confirm:***

- whether any (and if so which) of the areas proposed for designation as Local Green Space are situated within designated Green Belt; and***
- in respect of any such areas whether there is any existing evidence to confirm consideration has been given to whether there is any additional local benefit which would be gained by designation as Local Green Space.***

Joint response: Out of the 27 areas identified for designation as Local Green Space under Policy GE1, the following sites fall within Green Belt:

- Site 2 Kippax Welfare Playing Fields (south eastern corner only)
- Site 17 Kippax Meadows
- Site 24 Bowling green and tennis courts off Brigshaw Lane
- Site 26 Green space above sports centre

The table below sets out the designation history of these 4 sites within the Leeds Unitary Development Plan and the submission draft Leeds Site Allocations Plan.

<b>SITE NUMBER AND NAME</b>	<b>DESIGNATION IN UDP</b>	<b>PROPOSED DESIGNATION IN SAP</b>
2 Kippax Welfare Playing Fields	Green Space (all but the south eastern corner.) South east corner is Green Belt	Green Space (whole site). South eastern corner also Green Belt.
17 Kippax Meadows	Green Belt.	Green Space (all but the north eastern corner). Green Belt.
24 Bowling green and tennis courts off Brigshaw Lane	Green Belt.	Green Space. Green Belt.
26 Green space above sports centre	Green Space. Green Belt.	Green Space (part of larger area extending north and west). Green Belt.

Most of the areas proposed for designation which lie within the Green Belt are either long standing green spaces designated in the UDP or sites proposed for designation through the SAP as they have been identified as in a green space use. Site 24 is a well-used sports facility and the small part of Site 2 is part of the wider sports and social club. Site 26 is long standing green space and part of the wider proposed Town Close Hills Green Space in the SAP. This consists of open grassland and woodland (classified as “natural” typology) which is crossed by footpaths and accessible for informal recreation. None have been subject to objections during the SAP process. Site 17 is a nature reserve and as such is recognised for its importance as a wildlife habitat as well as its use as a country park, promoted by the Parish Council and the City Council. The sites are proposed as Local Green Spaces due to their local significance, and the Parish Council wishes to demonstrate to the community that sites of importance are appropriately recognised by the Parish Council through the Neighbourhood Plan.

### **Matter c). Policy BE2**

**Planning Practice Guidance states “Where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies from the Local Plan into action at a neighbourhood scale.”<sup>1</sup> The Guidance also states “Local Planning Authorities may identify non-designated heritage assets”<sup>2</sup> and “Local lists incorporated**

<sup>1</sup> Planning Practice Guidance Reference ID: 18a-007-20140306

<sup>2</sup> Planning Practice Guidance Reference ID: 18a-039-20140306

***into Local Plans can be a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability of the potential for sustainable development.”<sup>3</sup> The Leeds Core Strategy at Policy P11 states that the City Council will conserve and enhance locally significant undesigned assets and their settings, particularly those which help to give Leeds its distinct identity. The Heritage Background Paper (February 2017) to the Leeds City Council Site Allocations Plan Submission Version states “Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes that are not designated but have a degree of significance meriting consideration in planning decisions, because of their heritage interest. Non-designated heritage assets are identified by the local planning authority.”***

***It is not appropriate for Policy BE2 to refer to the named assets as non-designated heritage assets unless the City Council has added those assets to a local list. I am seeking clarification whether it is intended Policy BE2 with list of assets should be a Community Action which states “The following buildings and features of the built environment are nominated for assessment by Leeds City Council as potential Non-Designated Heritage Assets” to be added to a local list of heritage assets compiled and curated by the City Council.***

Joint response: Whilst it is recognised that the Council does not have a formal Local List of Non-Designated Heritage Assets, the Examiner is referred to the City Council’s [proposed modification to the Site Allocations Plan](#) (page 4), which amends the generic considerations for all proposed sites in the Revised Submission Draft SAP. The Council’s position is that the existing work on non-designated heritage assets is not exhaustive or exclusive.

It is noted that the Examiner is minded to recommend that Policy BE2 of the Neighbourhood Plan is changed to a Community Action. The Parish Council would be comfortable with this recommendation as the list would remain in the Plan (although not as part of a formal planning policy), and would ask that the Examiner considers how support for the protection and enhancement of heritage assets in Kippax can still remain a part of the Neighbourhood Plan as part of a planning policy, if appropriate.

#### ***Matter d). Policy GE2***

***There is variation between names used to identify local green corridors in the policy wording, and on Map 5 and on the Policies Map. What is the preferred name for each local green corridor?***

Joint response: Both Councils would thank for the Examiner for noting this discrepancy, to clarify, the preferred name for each local green corridor is as follows:

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<sup>3</sup> Planning Practice Guidance Reference ID: 18a-041-20140306

- Part of the Lines Way (the correct name is within the Policy GE2)
- Kippax Back (the correct name is on the key to Map 5)
- Roman Road (the correct name is on the key to Map 5)

**Matter e). Policy H1**

***The term “appropriate to the number of dwellings on the site” is imprecise and not capable of implementation. Is it intended development should not result in additional on-street parking?***

Joint response: Yes, it is the intention that new development should not result in additional on-street parking, where possible, and that parking provision is incorporated in development proposals from the outset.

**Matter f). Policy H3**

***The term “is a priority” does not provide a basis for the determination of planning applications. The term “wherever possible” is imprecise. I intend to recommend a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.***

***Strategic Policy H5 requires affordable housing to be provided at specified target levels in schemes above a threshold number of units. Strategic Policy H5 also specifies a requirement for the affordability of the affordable housing. It is inappropriate for a neighbourhood plan to seek provision above the requirements of the strategic policy. Policy H3 is not in general conformity with the strategic policy. I intend to recommend a modification in this respect.***

***Strategic Policy H5 requires affordable housing to be provided on-site unless off site provision or a financial contribution can be robustly justified. Strategic Policy H5 is silent with respect to the location of any off-site provision or in respect of where any financial contribution is to be spent. Policy H3 seeks to introduce an additional level of detail or distinct local approach in this respect. I am satisfied this approach has been sufficiently justified not least in the Re’New housing market assessment.***

***Strategic Policy H5 requires affordable housing units to be suitably integrated throughout a development site. Policy H3 requires, wherever possible, affordable housing to be “pepper-potted throughout the development”. I understand the intention is to achieve a sprinkling of affordable housing throughout a development site so that it is fully integrated throughout the development and not located in an identifiable cluster. I intend to recommend a modification in this respect.***

***Subject to the proposed recommended modification the policy is in general conformity with the strategic policies included in the***

***Development Plan applying in the Kippax Neighbourhood Area and relevant to the Neighbourhood Plan (namely the Leeds Core Strategy [adopted November 2014]; the Saved Unitary Development Plan Review [2006] Policies; and the Natural Resources and Waste Local Plan [adopted January 2013]) and will provide an additional level of detail or distinct local approach to that set out in the strategic policies.***

***The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the proposed recommended modification the policy has regard to the components of the Framework concerned with delivering a wide choice of high-quality homes. Subject to the proposed recommended modification this policy meets the Basic Conditions.***

***Recommended Modification. Replace Policy H3 with “On-site affordable housing should be integrated throughout the development concerned and not located in an identifiable cluster. Where affordable housing is not provided on-site in accordance with Strategic Policy H5 all necessary provision should be made within the Neighbourhood Area unless it can be demonstrated this is not practical”***

***I am seeking clarification that the proposed recommended modification accurately reflects the intentions of the Parish Council in the context of strategic policy.***

Joint response: The proposed modification does reflect the intention of the Parish Council within the context of strategic policy. The Parish Council wishes to encourage the increased provision of Affordable Housing within Kippax and appreciate that the recommended modification provides a locally-distinctive application and interpretation of extant strategic policy.