

# INDEPENDENT EXAMINATION OF THE KIPPAX NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINER:

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To Kippax Parish Council and Leeds City Council (by email to John Urwin and Abbie Miladinovic, with copy to the Clerk of Kippax Parish Council and Ian Mackay and Heather Suggate)

Dated 8 October 2018

Dear All

## **Kippax Neighbourhood Development Plan Independent Examination**

**I am saddened by the news I received this morning that Cllr. Doug Morley passed away last week after a battle with illness. I wish to express my sincere condolences to the Parish Council; Neighbourhood Planning Group; friends of Doug; and any family.**

Further to my email of 22 August 2018 regarding the independent examination of the Kippax Neighbourhood Development Plan I am writing to provide an update on my progress and to seek clarification of certain matters.

### 1. Examination documents

I confirm Leeds City Council has provided me with copies of each of the submissions received from seven different parties during the Regulation 16 period for representations which closed at 5.00pm on 1 October 2018. The independent examination formally commenced when I received the last of those submissions on 3 October 2018. The City Council has published all representations received on its website.

As stated in my email of 22 August 2018 I am provided an opportunity for Kippax Parish Council to comment on the representations of other parties. There is no obligation on the Parish Council to offer any comments but this opportunity can prove particularly helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council

should submit any comments to me within 2 weeks of the date of this email, that is no later than 22 October 2018. The Parish Council may, at an earlier date, submit its comments to me or confirm it does not intend to submit any comments on the representations. Any Parish Council comments should be published on both the Parish Council and Leeds City Council websites. Parish Council comments must not include new evidence.

On 14 September 2018 the City Council sent me an updated Habitats Regulations Assessment Screening Report which is being published on the City Council website for a six-week period closing at 5.00pm on Monday 29 October 2018 so that any interested parties may make representations which would be sent to me for my consideration as part of the Independent Examination process.

## 2. Independence

My initial review of the Regulation 16 representations indicates that there are no conflicts of interest that would call into question my independent status. I will keep that matter under review throughout the examination.

## 3. Request for clarification

In my email of 22 August 2018, I stated I may seek written clarification of any matters that I consider necessary. In this respect I would be pleased to receive the response of the City Council and the Parish Council, preferably a joint response, in respect of the following matters:

### 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?

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?

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?

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.

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.

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 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 undesignated 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.”*

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

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

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

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.

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?

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?

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 recommended 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.

I would be grateful if a response to these requests for clarification could be sent to me by 22 October 2018. I have set this date to take account of annual leave of my primary contact at the City Council.

#### 4. Confidential draft of my report

When it is prepared, after the close of the updated HRA Screening Report publicity period on 29 October 2018, it is my intention to send a confidential draft of my report to Leeds City Council and Kippax Parish Council to allow an opportunity to check whether there are any factual errors. The draft should not be shared beyond the City and Parish Councils. The fact check will not be an opportunity for any further representations to be made. I should be grateful if the City Council and the Parish Council could confirm to me that they would wish to undertake a fact check of my confidential draft report on the terms stated.

#### 5. Procedural matters

I would be pleased to address any questions relating to the examination process that Leeds City Council or Kippax Parish Council may have.

This email and any response, should be published on the Leeds City Council and Kippax Parish Council websites. I may make other requests for clarification of matters.

I would be grateful if both Leeds City Council and Kippax Parish Council could confirm receipt of this email.

Regards

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