



Report of Head of Policy and Plans

Report to Chief Planning Officer

Date: 03 September 2019

Subject: Formal Response to the Pre-Submission Draft East Keswick Neighbourhood Plan

Are specific electoral wards affected? If yes, name(s) of ward(s): Harewood	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

1.1 This report highlights the Council's response to the pre-submission draft East Keswick Neighbourhood Plan, currently being consulted on by East Keswick Parish Council.

1.2 The Council has prepared a formal response to the contents of the draft plan under the following headings:

Timing / risks – the relationship between the neighbourhood plan and emerging local plan, and updates to national planning policy

Basic Conditions – the neighbourhood plan will be assessed against the Basic Conditions when it progresses to independent examination

General comments on the Plan – including the introductory sections, formatting and mapping issues

Specific policy comments – comments on each draft policy in the Plan

1.3 The formal comments will be sent to the Parish Council and the Neighbourhood Plan Steering Group, who may wish to discuss the contents in due course. The Parish Council is under no obligation to take the Council's comments on board.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- Neighbourhood planning helps to deliver on the ambitions of the Best Council Plan by enabling local communities to have a voice in shaping the future growth of their areas. It provides the opportunity to identify and plan for the future sustainability of an area by preparing locally-distinctive planning policies which will be used by the Council to help determine planning applications in a given area and by setting out projects and aspirations.

3. Resource Implications

- The East Keswick Neighbourhood Plan has been prepared by East Keswick Parish Council with the support and assistance of the City Council. There has been a good working relationship during the preparation of the Plan.
- The City Council has claimed the full grant funding available to local authorities from DCLG to help cover the cost of supporting neighbourhood planning groups. £5,000 was claimed on designation of the East Keswick Neighbourhood Area and £20,000 will be claimed at the next opportunity once the date for the referendum is fixed.

Recommendations

- The Chief Planning Officer is recommended to:
 - a) Approve the City Council's formal response to the Pre-Submission Draft East Keswick Neighbourhood Plan.

1. Purpose of this report

- 1.4 This report highlights key elements in the Council's formal comments on the Pre-Submission Draft East Keswick Neighbourhood Plan and recommends that the Chief Planning Officer approves the comments so that they can be sent to the Parish Council.

2. Background information

- 2.1 The Localism Act 2011 gives local communities a new 'right' to prepare a neighbourhood plan which could decide where new development takes place, what it looks like and also include other issues that are locally important. These plans can be simple single-policy plans or they can be multi-policy and more complex if that is what the community wishes. However, they must meet the following 'basic conditions':

- Be in general conformity with local planning policy (the Core Strategy, Site Allocations Plan)
- Have appropriate regard to national policy (the National Planning Policy Framework)
- Contribute to the achievement of sustainable development
- Be compatible with European Union Obligations, including Human Rights
- Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (in respect of protected European Habitats sites)

- 2.2 The plan will be subject to an independent examination and tested against the Basic Conditions. Non-planning matters will not be examined although their contribution to the achievement of sustainable development may be referred to.
- 2.3 Shadwell Parish Council applied for the designation of the Parish of Shadwell as the Neighbourhood Area in May 2012 and was duly designated by the Council on 17th September 2012.

3. Main issues

- 3.1 The Council has prepared a formal response to the contents of the draft plan under the following headings:
- 3.2 **Timing / risks** – the relationship between the neighbourhood plan and emerging local plan, and updates to national planning policy. The Site Allocations Plan does not contain any development allocations within East Keswick and therefore is not considered to have an impact on the emerging neighbourhood plan. However, the Core Strategy Selective Review policies, when adopted, will form part of the development plan for East Keswick and the policies in the East Keswick NP will have to be in general conformity with the policies in the development plan. In addition, the National Planning Policy Framework (NPPF) was revised in July 2018 and further updated in February 2019. The neighbourhood plan must have appropriate regard to the NPPF.
- 3.3 **Basic Conditions** – the neighbourhood plan will be assessed against the Basic Conditions when it progresses to independent examination. The Council considers that the draft neighbourhood plan meets the Basic Conditions.
- 3.4 **General comments on the Plan** – including the introductory sections, formatting and mapping issues. A number of suggestions are made to improve the clarity and legibility of the plan and referencing.
- 3.5 **Specific policy comments** – comments on each draft policy in the Plan. The Council makes a number of detailed comments on the draft policies, providing suggestions on changes to wording and how to revise the plan before it is submitted for independent examination.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 East Keswick Neighbourhood Plan Steering Group has undertaken extensive and wide engagement with residents, businesses and other stakeholders as part of the preparation of the draft plan.
- 4.1.2 The Pre-Submission Consultation is a statutory consultation which must be undertaken by the Parish Council in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 4.1.3 Ward Members were also actively engaged in the plan preparation process.
- 4.1.4 Ward Members and Councillor Mulherin have been consulted on the draft formal comments.

4.2 Equality and diversity / cohesion and integration

4.2.1 The Government has undertaken an Equalities Impact Assessment of the Localism Act in relation to neighbourhood planning (2011). The Council views the neighbourhood planning process as an opportunity to deliver equality, diversity, cohesion and integration objectives.

4.3 Council policies and the Best Council Plan

4.3.1 Neighbourhood planning helps to deliver the ambitions of the Best Council Plan by giving local communities the opportunity to directly shape the future of their local areas. It meets the Best City Priorities in a number of ways, for example:

- **Health and Wellbeing:** neighbourhood plans can address health and wellbeing through exploring green space and green infrastructure issues and including urban design principles;
- **Sustainable Infrastructure:** neighbourhood plans can identify opportunities to improve physical and social infrastructure and include projects to implement those improvements. In addition they can shape green / blue infrastructure design and delivery;
- **Child-Friendly City:** neighbourhood plans can identify sites for new play provision, improve connectivity to existing play provision and can help to ensure new development facilitates children's play and activity;
- **Age-Friendly Leeds:** neighbourhood plans can help older people to remain in their communities by encouraging new provision of housing suitable for elderly people or by identifying sites for new development;
- **Culture:** neighbourhood plans can help to protect existing cultural and community assets and facilities. In addition, they can identify areas of special historic / cultural character for consideration in the planning process and nominate non-designated heritage assets to the Council for inclusion in a Local Heritage List;
- **Housing:** neighbourhood plans can identify and allocate sites for housing development to meet local needs and can shape the delivery of the Council's development allocations;
- **Safe, Strong Communities:** neighbourhood plans can help to build local capacity and community cohesion by bringing together residents, businesses and other stakeholders to prepare a vision for their area; and
- **Inclusive Growth:** neighbourhood plans can be used to bid for funding for local projects which are important to the local community, they can also influence the spending of the neighbourhood portion of the Community Infrastructure Levy.

Climate Emergency

4.3.2 Neighbourhood plans must contribute to the achievement of sustainable development and can help mitigate against the effects of climate change. In particular, they can shape how blue / green infrastructure is delivered and identify links and networks, identify sites that extend habitat networks, promote active

travel, and support new development that is of a high quality and sustainable design.

4.4 Resources, procurement and value for money

- 4.4.1 The East Keswick Neighbourhood Plan has been prepared by East Keswick Parish Council with the support and assistance of the City Council. There has been a good working relationship during the preparation of the draft Plan..
- 4.4.2 The City Council has claimed the full grant funding available to local authorities from DCLG to help cover the cost of supporting neighbourhood planning groups. £5,000 was claimed on designation of the East Keswick Neighbourhood Area and £20,000 will be claimed at the next opportunity once the date for the referendum is fixed.

4.5 Legal implications, access to information, and call-in

- 4.5.1 Neighbourhood planning is taking place within a new and fast-changing national planning background which is focussed on economic growth, localism and sustainability. The Council adopted its Core Strategy in November 2014 and the Leeds Site Allocations Plan was adopted by the Council on 10 July. The Core Strategy Selective Review is also due to be adopted imminently. Once made, the East Keswick Neighbourhood Plan will be part of the development plan for Leeds and will be used to help determine planning applications within the East Keswick Neighbourhood Area.
- 4.5.2 The examination and referendum process introduces risks in the neighbourhood planning system where the outcome will be dependent on the examiner's recommendations and a public vote. The Council will seek to manage this risk by working closely with designated areas to ensure that their neighbourhood plans complete the independent examination successfully and subsequent referendum.

4.6 Risk management

- 4.6.1 There are risks that
- the plan will not receive more than 50% 'yes' votes in the referendum
 - the plan will be the subject of a legal challenge or judicial review
- 4.6.2 The Council will continue to work closely with the Parish Council to manage and minimise these risks.

5. Conclusions

- 5.1 The Council's formal response to the Pre-Submission draft East Keswick Neighbourhood Plan sets out the positive aspects of the draft plan and suggestions to improve areas that could benefit from further work / revision. It will be for the Parish Council to consider the comments made by the Council, and other stakeholders, and make appropriate changes to the draft plan before it is submitted for independent examination.

6. Recommendations

- 6.1 The Chief Planning Officer is recommended to:

- a) Approve the City Council's formal response to the Pre-Submission Draft East Keswick Neighbourhood Plan.

7. Background documents¹

7.1

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.