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Ref: L:\FPI\Neighbourhood
Planning\ONE\East Keswick
Date: 23 June 2020

Dear Andrew,

**Leeds City Council Response to the East Keswick Neighbourhood Plan
Pre-Submission Consultation (Regulation 14) 2020**

Thank you for consulting the Council on the revised Pre-Submission Draft East Keswick Neighbourhood Plan. This consultation has provided the opportunity for the Council to review the changes made to the plan following the last round of consultation which took place in summer 2019.

It is clear that the Parish Council has taken our previous comments on board, and this is welcomed. There are some areas, however, where the plan would benefit from further refinement. We have provided comments in this regard in Sections 3 and 4, below.

I hope that these formal comments on the pre-submission draft plan will help the Steering Group and the Parish Council in making changes prior to formal submission for independent examination. Although these are formal comments, you will be aware that there is no obligation to take them on board. We are happy to continue to work with the Parish Council in considering all of the representations more generally and changes prior to submission.

1. Timing / Risks

- 1.1. As you will be aware, the Site Allocations Plan was adopted on 10 July 2019 and the Core Strategy Selective Review was adopted on 11 September 2019. The Basic Conditions Statement, required as part of the submission and examination process, will need to set out how the neighbourhood plan is in general conformity with the strategic policies set out in the Core Strategy (including as amended in 2019). The Council is happy to provide further advice on this following the close of the publicity period, in order to assist with progressing to submission.
- 1.2. In July 2018, Government published an update to the National Planning Policy Framework (NPPF), supplemented by further minor changes in February 2019. The conformity references in the draft plan help to highlight how the plan has had regard to the NPPF and will help to prepare the Basic Conditions Statement. The Council can also advise on this in preparation for submission and examination.

- 1.3. As we have set out in our correspondence during the consultation period, the COVID-19 crisis has introduced an element of risk to the neighbourhood planning consultation process. However, the Parish Council has kept the Council informed of progress and of the extra measures being taken to ensure that residents and other stakeholders have ample opportunity to respond to the consultation. These measures, combined with updates to Planning Practice Guidance on 13 May 2020, will help to minimise this risk.

2. Basic Conditions

- 2.1. At examination, a neighbourhood plan will be judged on whether it complies with the Basic Conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). These are:
- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State**
 - b) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development**
 - c) That making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority.**
 - d) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.**
 - e) The making of the order (or neighbourhood plan) does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.**
- 2.2. It is considered that the East Keswick Neighbourhood Plan meets the Basic Conditions.

3. General Comments on the Plan

- 3.1. It is not our intention to re-iterate comments have been made during previous rounds of consultation or to comment on every draft policy, given that the Council made comprehensive comments in 2019 and that the majority of these have been considered by the Parish Council and changes made as appropriate. The Council's previous comments are appended to this letter.
- 3.2. Further comments are provided on those policies which the Council considers could be 'tightened up' and made more robust in preparation for independent examination.
- 3.3. The use of colour coding for policies is welcomed, however the policies in the Housing section are difficult to read against a brown backdrop. Suggest that this colour is changed. The community amenities and facilities policies are coded in red in Section 3.0 but are coded green on page 49 and the policies appear in pink boxes. The environment policies are coded in orange in Section 3.0 but appear grey on page 59. Suggest that this is revisited and corrected.

- 3.4. It is suggested that the Aspirations in each section are brought together as a clear list of priorities / projects at the end of the plan as well as being a part of each section.

4. Policy Comments

4.1. Policy H1: Provision of appropriate new homes

The policy could clarify as to where development would be supported (for example, within the village envelope rather than in the Green Belt) and how 'small scale' is defined. In part a), there may be circumstances where adjacent developments would be acceptable, such as individual adjacent units. This could be clarified further.

The policy could also specify what proportion / mix of dwellings would be acceptable (in particular smaller dwellings) on new housing dwellings in line with locally evidenced need.

4.2. Policy H2: Enhancing energy efficiency of new and existing homes

The overall aim of this policy is supported. However, part c) would appear to preclude proposals for individual, site-based proposals that whilst benefitting a single site, may not benefit the wider community.

4.3. Policy BVD1: Character and design

This policy has greatly improved since the previous draft of the plan and this is welcomed. In the introductory sentence, suggest 'To be supported, proposals for development must reflect and respect the character and setting of the location. Proposals must demonstrate regard to the following key guiding design principles:'

Part g) - off street parking should not dominate frontages in order to reflect character of historic properties. Suggest that 'where possible' is deleted.

Part i) subsections i to iv should be indented.

4.4. Policy BVD3: Unlit Parish

The Aspiration to produce a guide for householders' external lighting is supported, but it might be worth going a bit further and stating domestic external lighting should not come on at all between mid-March and August (bats will be returning to roost sites in March). Also – the colour spectrum of external lighting is important for humans and wildlife, ideally <2700Kelvin is best (traditionally it will be 4000K or higher – which has higher impacts on bats, and humans).

4.5. Policy CA1: Protecting existing community facilities

After 'options to secure its use through the Parish Council' in the policy wording, there appears to be some missing text.

4.6. Policy ELB1: Information and Communications Technology

This policy may have unintended consequences. An application for a telecoms mast may argue it has been designed so that it is as unobtrusive as is practicable but this would still be inappropriate. Suggest that the policy wording requires proposals to be in keeping with the special landscape setting of East Keswick.

4.7. Policy ELB2: Small business development

Could clarify what is meant by 'small scale'.

4.8. Policy ELB3: Farm Diversification

Part a) could also reflect the need for farm diversification proposals to minimise effects on habitats / biodiversity.

4.9. Policy E1: Special Landscape Area

Suggest that the introductory text refers to Core Strategy Policy SP13 (Strategic Green Infrastructure).

4.10. Policy E2: Green corridors

The Landscape Team have done an indicative sketch of how to strengthen and link up the green corridors in East Keswick through planting. This could tie in with the policy on farm diversification (ELB3). The drawing will be provided when the Parish Council meets with officers to discuss next steps.

4.11. Policy E3: Local Green Spaces

Land at Church Drive Turning Circle has been missed from the list of LGS sites in the policy wording.

4.12. Policy E4: Conservation of wildlife habitats and biodiversity

The policy should explicitly identify the extensions shown on Map 11A as part of the extended habitat network (though please note that only areas within the neighbourhood area can be identified in neighbourhood plan policy).

A good justification for extending and increasing the size of local nature reserved would be to map East Keswick in accordance with ANGSt principles (accessible and natural). Officers have conducted an informal mapping exercise which will be shared with the Parish Council.

4.13. Policy E5: Trees hedges and verges

Reference could be made to existing evidence that demonstrates the importance of trees to local biodiversity, perhaps found within the East Keswick Wildlife Trust's Habitat Surveys?.

4.14. Policy E6: Water quality and flooding

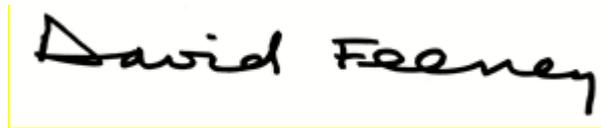
The reference to 'blue/green SUDS' could be changed to 'green/open water SUDS' to be clear that these are preferred to tanks.

Part a) could reference the need for ground investigation to demonstrate the suitability of infiltration drainage methods. The early determination of infiltration drainage rate or suitability for any site would help to determine the infiltration drainage system appropriate to the site and allow the applicant to review other feasible drainage options in line with the hierarchy of surface water drainage as set out in the Building Regulations. Further measures may then be required to address the water quality issues.

Part c) could be broadened so that water quality control is considered at all disposal locations. Suggest "surface water run off should be subjected to appropriate treatments to ensure that it is not a risk to water quality at the point of disposal".

I hope these comments are useful and help the neighbourhood planning group to review the draft East Keswick Neighbourhood Plan before it progresses to examination. As mentioned, we are happy to advise further on these and other representations made to assist the Parish Council in preparing the submission draft neighbourhood plan.

Yours sincerely,



David Feeney
Chief Planning Officer