



## Relevant Planning Policy: Neighbourhood Plans

### Overview

Neighbourhood Plans must be in conformity with National and Local Planning Policy. The relevant planning policy covering Leeds is set out below.

### National Planning Policy Framework

In March 2012, the National Planning Policy Framework (NPPF) was published by the Government (Department for Communities and Local Government).

The NPPF is guided by the notion of a *'presumption in favour of sustainable development'*. This requires planning and decision makers to assess whether a development would contribute to protecting and enhancing our natural environment; mitigating and adapting to climate change, including a move toward a low carbon economy is considered to be sustainable development.

The NPPF includes 12 core planning principles (paragraph 17), one of which is to:

*'support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example by the development of renewable energy).'*

The NPPF also includes policies on local planning authority policy development and advice on how to determine planning applications. Although it does not include requirements for developers or specific guidance in relation to the determination of planning application, it has been included for completeness.

Paragraph 94 of the NPPF states that Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.

Paragraph 95 states that to support a move towards a low carbon future, local planning authorities should actively support energy efficiency improvements to existing buildings.

Paragraph 96 states that in determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.



Paragraph 97 states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 of the NPPF provides specific guidance for local planning authorities in determining planning applications, stating that local planning authorities should:

- Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- Approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

Paragraph 99 of NPPF states that Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

### Leeds City Council Local Planning Policy

The following documents make up the latest position on climate change policy in Leeds.

#### **The Natural Resources and Waste DPD, Adopted January 2013**

##### Vision – A low Carbon Economy

- Identify opportunities for renewable energy generation and heat distribution.
- Promote sustainable movement of freight including minerals.
- Make better use of the water and rail transportation networks.
- Support the co-location of natural resource activities to minimise transportation impacts.

##### Energy 1: Large Scale Wind Energy Generation



Under the Habitats Regulations, wind energy generation will not be accepted if it negatively effects bird populations or other nature conservation objectives of the North and South Pennine Moors Special Protection Areas.

In other areas, the acceptability of wind energy development will be judged on whether its benefits can be shown to outweigh any significant impacts on:

1. The character and appearance of the landscape or townscape;
2. The living and working conditions of occupants of nearby property by reason of visual impact, noise, shadow flicker or reflected light;
3. Any nationally important designation, including their visual amenity and setting;
4. Areas of ecological importance;
5. Potential for cumulative effects with other existing or proposed wind energy;
6. Transport infrastructure and highway safety;
7. Civilian and military aeronautical radar services or the operation of aerodromes and their protected surfaces; and,
8. Telecommunications and television reception.

In addition proposals shall provide for reinstatement of the site through the removal of the facilities should it cease to be operational or upon decommissioning. In assessing proposals against the requirements of this policy, full account will be taken of proposed mitigating measures.

#### Energy 2: Micro-Generation Development

Where micro-generation development requires planning permission, the Council will encourage proposals for technologies that are acceptable in terms of their impact on:

1. Landscape.
2. Visual amenity.
3. Noise.
4. Safety.
5. Ecology.
6. Conservation of the built environment.

Cumulative effects of development will also be considered

#### Energy 3: Heat and Power Energy Recovery

Proposals for low carbon energy recovery methods, including Combined Heat and Power applications, and supporting infrastructure will be supported in principle. The proposals must demonstrate that:

- The facility has the potential to connect to an outlet for any energy produced;

- The development has addressed as a minimum the potential environmental impacts listed in WASTE 9; and
- New proposals for Energy Recovery from Waste should demonstrate the potential to contribute towards C Emerging Core Strategy, Submission 2013 (subject to change during examination)

#### Energy 4: Heat Distribution Infrastructure

The promotion of heat distribution infrastructure will be supported providing that the following are undertaken and are satisfactory:

- An assessment of environmental effects;
- An assessment of heat source(s) and heat use

#### Water 1: Water Efficiency

All new developments should include measures to improve their overall water efficiency where appropriate. This will be achieved through a mixture of measures to use less treated water and reduce wastewater such as:

- Sustainable urban drainage systems,
- Rainwater collection and storage,
- Grey water recycling and storage systems, and
- More absorbent surfaces for water drainage.

#### Water 7: Surface Water Run-Off

All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system. Development will be expected to incorporate sustainable drainage techniques wherever possible.

- On previously developed sites peak flow rates must be reduced by at least 30%
- On sites which have not previously been connected to the drainage infrastructure, or watercourse, surface water run off rates will not exceed the 'greenfield' run-off rate (i.e. the rate at which water flows over land which has not previously been developed).

#### Water 4: Development in Flood Risk Areas

All developments are required to consider the effect of the proposed development on flood risk, both on-site and off-site the detail of which should be commensurate with the scale and impact of the development. Within zones 2 and 3a proposals must:

- Pass the Sequential Test and if necessary the Exceptions Test as required by the NPPF.
- Make space within the site for storage of flood water, the extent of which to be determined by the Flood Risk Assessment. Must not create an increase in flood risk elsewhere.



## Emerging Core Strategy, Pre- Submission Changes January 2013

### Overview

The emerging Core Strategy was submitted to the Secretary of State in April 2013. It will then be independent examined by an Inspector, who will confirm if the Strategy is sound. There may be further changes to the policies before it is found sound.

### Spatial Policy 13: Strategic Green Infrastructure

The Strategic Green Infrastructure for the Leeds district is defined indicated on the Key Diagram. This infrastructure performs many important functions and provides for opportunities for recreation. Within these areas the Council will maintain and, in partnership with others, enhance the following key corridors:

- (i) The Aire Valley, along the river and canal corridors and including; West Leeds Country Park and Kirkstall Valley Park to the north; Fairburn Ings; St Aidans and Aire Valley Leeds to the South, incorporating the proposed Urban eco-Settlement (which has particular aims to strengthen green links to Leeds City Centre, the lower Aire Valley, Temple Newsam, and Rothwell Country Park);
- (ii) South Leeds (including the Morley-Middleton-Holbeck corridor);
- (iii) The Limestone Ridge (which runs North-South at the Eastern edge of the district);
- (iv) The Wharfe Valley; and Chevin Ridge;
- (v) Wyke Beck Valley;
- (vi) Woodhouse Ridge;
- (vii) Meanwood Valley;
- (viii) Tong Cockersdale;
- (ix) Gledhow Valley.

### Policy T2: Accessibility Requirements and New Development

New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility:

- (i) In locations where development is otherwise considered acceptable new infrastructure may be required on/off site to ensure that there is adequate provision for access from the highway network, by public transport and for cyclists, pedestrians and people with impaired mobility, which will not create or materially add to problems of safety, environment or efficiency on the highway network.
- (ii) Developer contributions may be required for, or towards, improvements to the off site highway and the strategic road network, and to pedestrian, cycle, and public transport provision. These will be secured where appropriate through Section 106 Agreements and/or the Community Infrastructure Levy, and by planning conditions.
- (iii) Significant trip generating sites will need to provide Transport Assessments/ Transport Statements in accordance with national guidance.
- (iv) Travel plans will be required to accompany planning applications in accordance with national thresholds and the Travel Plans SPD.
- (v) Parking provision will be required for cars, motorcycles and cycles in accordance with current guidelines.



See Appendix 2 for the specific accessibility standards to be used across Leeds

#### Policy G1: Enhancing and Extending Green Infrastructure

Where a development is considered to be acceptable within or adjoining areas defined as Green Infrastructure on Map 15 or on any future LDF allocation documents, development proposals should ensure that:

- (i) Green Infrastructure/corridor function of the land is retained and improved, particularly in areas of growth;
- (ii) Where appropriate, the opportunity is taken to extend Green Infrastructure by linking greenspaces or by filling in gaps in Green Infrastructure corridors, including (where relevant) extending these into Leeds City Centre. Street trees and green roofs are particularly encouraged;
- (iii) A landscaping scheme is provided which deals positively with the transition between development and any adjoining open land;
- (iv) The opportunity is taken to increase appropriate species of woodland cover in the district.
- (v) Provision for and retention of biodiversity and wildlife;
- (vi) Opportunities are taken to protect and enhance the public rights of way (PROW) network through avoiding unnecessary diversions and by adding new links.

#### Policy G2: Creation of New Tree Cover

Development which would result in harm to, or the loss of, Ancient Woodland and Veteran Trees will be resisted.

In supporting the need and desire to increase native and appropriate tree cover, the Council will, on its own initiative and through the development process, including developer contributions, work towards increasing appropriate species of woodland cover in the district. Delivery will involve planting in both urban and rural areas, and partnership with the Forestry Commission, Natural England and landowners.

Development in the urban area of the city, including the city centre will make provision for include the planting of street trees in appropriately designed pits to increase the area of tree canopy cover.

#### Policy G3: Standards for Open Space, Sports and Recreation

The following open space standards will be used to determine the adequacy of existing supply and appropriate provision of new open space:



Type	Quantity (per thousand people)	Accessibility	Quality*
<b>Parks and gardens</b>	1 hectare	720 metres	Good (7)
<b>Outdoor sports provision</b>	1.2 hectares (excludes education provision)	Tennis court 720 metres, bowling greens and grass playing pitches 3.2 km, athletics tracks, synthetic pitches 6.4 km	Good (7)
<b>Amenity Greenspace</b>	0.45 hectares	480 metres	Good (7)
<b>Children and Young People's equipped play facilities</b>	2 facilities	720 metres	Good (7)
<b>Allotments</b>	0.24 hectares	960 metres	Good (7)
<b>Natural greenspace</b>	0.7 hectares main urban area and major settlements, 2 hectares other areas	720 metres and 2 km from site of 20 hectares	Good (7)
<b>City Centre open space provision all types (including civic space)</b>	0.41 hectares	720 metres	Good (7)

Policy G4: New Greenspace Provision

On site provision of greenspace of 80 square metres per residential unit, will be sought for development sites of 10 or more dwellings that are outside the City Centre and in excess of 720 metres from a community park, and for those which are located in areas deficient of greenspace.

In areas of adequate supply, contributions of an equivalent value towards safeguarding and improvement of existing greenspace will take priority over the creation of new areas.

Policy G6: Protection and Redevelopment of Existing Greenspace

Greenspace (including open space in the City Centre) will be protected from development unless one of the following criteria is met:

- (i) There is an adequate supply of accessible greenspace/open space within the analysis area and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment, or,
- (ii) The greenspace/open space is replaced by an area of at least equal size, accessibility and quality in the same locality; or
- (iii) Where supported by evidence and in the delivery of wider planning benefits, redevelopment proposals demonstrate a clear relationship to improvements of existing greenspace quality in the same locality.

Policy G8: Protection of Important Species and Habitats

Development will not be permitted which would seriously harm, either directly or indirectly, any sites designated of national, regional or local importance for biodiversity or geological importance or which would cause any harm to internationally designated sites, or would cause harm to the population or conservation status of UK or West





Yorkshire Biodiversity Action Plan (UK BAP and WY BAP) Priority species and habitats. In considering development proposals affecting any designated sites and UK or WY BAP Priority species or habitats, the needs of the development and the requirements to maintain and enhance biological and geological diversity will be examined.

Other than the above requirement particular account will be taken of:

- The extent and significance of potential damage to the interest of any national, regional or local site, or UK or WY BAP Priority species or habitat; and
- Demonstration that the need for the development outweighs the importance of any national, regional or local site, or UK or WY BAP Priority species or habitat; and
- The extent that any adverse impact could be reduced and minimised through protection, mitigation, enhancement and compensatory measures imposed through planning conditions or obligations and which would be subject to appropriate monitoring arrangements

#### Policy G9: Biodiversity Improvements

Development will be required to demonstrate:

- (i) That there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement; and
- (ii) The design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife; and
- (iii) That there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network.

#### Policy EN1: Climate Change – Carbon Dioxide Reduction

All developments of 10 dwellings or more, or over 1,000 square metres of floorspace, (including conversion where feasible), will be required to:

- (i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon; and,
- (ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

Carbon dioxide reductions achieved through criteria (ii) will contribute to meeting criteria (i).

Criteria (ii) will be calculated against the emissions rate predicted by criteria (i) so reducing overall energy demand by taking a fabric first approach will reduce the amount of renewable capacity required.

If it can be demonstrated that decentralised renewable or low carbon energy generation is not practical on or near the proposed development, it may be acceptable to provide a contribution equivalent to the cost of providing the 10%, which the council will use towards an off-site low carbon scheme. The opportunity to aggregate contributions to deliver larger scale low carbon projects would be implemented independent of the development. Wherever possible, the low carbon projects would be linked with local projects that would bring local benefits. It is likely that the approach of pooling off-site contributions through planning obligations will be replaced by CIL in April 2014. Applicants will be required to submit an Energy Assessment with their application based on expected end user requirements to demonstrate compliance with this Policy. Where end user requirements change significantly, an updated EA should be submitted prior to construction.





Policy EN2: Sustainable Design and Construction

To require developments of 1,000 or more square metres or 10 or more dwellings (including conversion) where feasible) to meet at least the standard set by BREEAM or Code for Sustainable Homes as shown in the table below. A post construction review certificate will be required prior to occupation.

	2012	2013	2016
Leeds Code for Sustainable Homes requirement	Code level 3	Code level 4	Code level 6
Leeds BREEAM standard for non-residential buildings requirement	Very Good	Excellent	Excellent

Policy EN3: Low Carbon Energy

The Council supports appropriate opportunities to improve energy efficiency and increase the large scale (above 0.5MW) commercial renewable energy capacity, as a basis to reduce greenhouse gas emissions. This includes wind energy, hydro power, biomass treatment, solar energy, landfill gas, and energy from waste.

Protection of internationally designated nature conservation sites will be a key consideration, including relevant Policies contained as part of the Natural Resources & Waste Development Plan Document. Proposals for biomass power generation are required to supply an assessment of the potential biomass resource available (including location) and the transport implications of using that resource. Any development that may lead to an adverse effect on the integrity of a European site will not be supported

Policy EN4: District Heating

Where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, developments of 1,000 or more square metres or 10 dwellings or more (including conversions where feasible) should propose heating systems according to the following hierarchy:

- (i) Connection to existing district heating networks,
- (ii) Construction of a site wide district heating network served by a new low carbon heat,
- (iii) Collaboration with neighbouring development sites or existing heat loads/sources to develop a viable shared district heating network,
- (iv) In areas where district heating is currently not viable, but there is not potential for future district heating networks, all development proposals will need to demonstrate how sites have been designed to allow for connection to a future district heating network.

All major developments will be expected to contribute (either financially or in-kind) towards the creation of new, or enlargement of existing, district heating networks. Such contributions will be secured through the use of legal agreements and subsequently financial contributions through the CIL once introduced. Carbon savings and renewable energy generation achieved under this policy will contribute to EN1(i) and EN1(ii).