

Report of Director of City Development

Report to Executive Board

Date: 17 September 2014

Subject: Leeds Core Strategy Inspectors Report and Adoption

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): All		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. In aspiring to be the 'best city in the UK', the Core Strategy takes forward the spatial and land use aspects of the Vision for Leeds, City Priority Plans and the Best Council Plan (in particular, Objective 2: to 'Promote sustainable and inclusive economic growth'). Integral to this approach, is the need to plan for the homes and jobs needed across the District in a sustainable manner.
2. Following the submission of the Plan for independent examination in April 2013 and the completion of a number of Hearing sessions (in July and October 2013 and May 2014) and public consultation on two sets of Main Modifications (Schedule 1: 12th March – 24th April 2014 and Schedule 2: 16th June – 25th July 2014), the City Council has now received the Inspector's Report. This is a significant step in the Core Strategy process, as subject to the inclusion of the Main Modifications, the Inspector (Mr Anthony Thickett) has considered all of the matters before him and the supporting evidence base and has considered the plan to be legally compliant and sound. A copy of the Inspector's Report is attached. Based upon this, the City Council is now in a position to formally adopt the Plan, consistent with the adoption procedures required under the Local Development Framework Regulations and the Council's constitution.
3. Based upon the receipt of the Inspector's Report, the purpose of this report is for Executive Board to note the contents of the Inspectors Report and to seek authority from the Board to proceed to full Council to request the formal Adoption of the Core Strategy by the City Council.

Recommendation

4. That the Executive Board notes the Inspector's Report, including his recommendations and reasons, and recommends to Council that it adopts the Core Strategy (as submitted for examination and with modifications) pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004.

1 Purpose of this report

- 1.1 Following the receipt of the Leeds Core Strategy Inspector's Report, the purpose of this report is for Executive Board to note the contents of the Inspector's Report and to seek authority from the Board to proceed to full Council, to request the formal Adoption of the Core Strategy by the City Council.

2 Background information

- 2.1 The preparation of the Core Strategy has been a major challenge and to reach this very advanced stage, is a major achievement for a District the scale and complexity of Leeds and within the context of changing national legislation and planning requirements. In aspiring to be the 'best city in the UK', the Adoption of the Core Strategy is a significant milestone in taking forward the spatial and land use aspects of the Vision for Leeds, City Priority Plans and the Best Council Plan.
- 2.2 In particular, in seeking to deliver Objective 2 of the Best Council Plan (to 'Promote sustainable and inclusive economic growth'), the Core Strategy sets out the overall scale (70,000 net, between 2012 – 2028) and distribution of housing growth across the District, the promotion of economic development and investment within the City Centre, Regeneration Priority Areas and the key economic sectors identified as part of the Leeds Growth Strategy. The Core Strategy is also underpinned by an Infrastructure Delivery Plan and whilst challenging, this provides a basis upon which to help secure, direct, co-ordinate and bid for infrastructure resources, to support longer term regeneration and growth.
- 2.3 It should be reiterated also, that a fundamental dimension of the Core Strategy is to plan for the homes and jobs the District (at the heart of the City Region) needs, in a sustainable manner and in locations which respects the local character and distinctiveness of the communities across Leeds. Within this context, the Plan also provides an important strategic framework for a range of cross cutting issues. These include environmental protection and enhancement, low carbon development, reducing social inequalities, place making and design quality, liveability and improving public health. Consequently, the Core Strategy needs to be considered as a whole, in planning the growth and development of the District to 2028.
- 2.4 The plan has been in production for some time, and has moved through a series of formal and informal phases of public consultation (include Issues & Alternative Options – 2007, 'Preferred Approach' 2009, Publication draft & Pre-submission Changes 2012), prior to submission and examination. The receipt of the Inspector's Report therefore marks the final significant stage prior to formal Adoption.

3 Main issues

- 3.1 The Inspector's Report was received by the Council on 5th September (copy attached). The Inspector concludes that subject to inclusion of a number of main modifications (MM) the plan is "sound" and the Council is therefore able to

proceed to adoption. The Inspector sets out the reasons why he considers the modifications to be necessary. Whilst the full report and schedule of modifications is attached there are a number of issues to highlight.

- 3.2 The Inspector has confirmed that the Council has complied with the Duty to Co-operate. Members will recall that the Inspector held a separate hearing on this issue on 8 July 2013 and had previously advised the Council he was satisfied. This is important as a failure on the Duty is an insuperable legal barrier to progress with the Plan.
- 3.3 The Council has invited the inspector to recommend any main modifications he considers necessary to make the plan sound. To this end, during the course of the examination and arising from the hearing sessions, the Council published two sets of main modifications (March 2014 and June 2014) to facilitate further public comment. The Inspector's schedule of modifications substantially reflects these published modifications. There are two exceptions:
- i) The Inspector has now determined that a number of the changes are not so significant that they constitute main modifications. These were originally numbered MM9, MM10, MM20, and MM21. These minor textual changes can still be included in the adopted plan; and
 - ii) More significantly the Inspector has re-instated the lower housing target in the early years of the plan so that it is 3,660/yr for the period 2012/13 to 2016/17. The Inspector had previously indicated that he considered this to be inappropriate but during the examination process, and in particular at the hearing held in May this year, further evidence was submitted on this matter by the Council. The Inspector's final modification (MM6b) effectively reverts to the position in the Council's published plan so that 3,660/yr relates both to land supply and delivery.
- 3.4 Perhaps the most significant matter settled by the report is the housing target for the plan period, which is set at 70,000 dwellings (net). The report makes clear that the Inspector has considered the latest 2012-based ONS projections, but he did not feel that further debate on these figures *"would lead to any clear and reliable conclusions regarding objectively assessed need."* He noted that this is not an exact science and that *"small changes in headship rates and other assumptions can have a significant effect on the calculations."* He concluded that *"on the basis of the evidence before me I am satisfied that the Core Strategy figure of 70,000(net) is based on a reasonably objective analysis of the need for new housing in Leeds up to 2028."* He further noted that the Council would keep this matter under review as set out in MM6a.
- 3.5 The Inspector has also confirmed the affordable housing targets, which are set at the rates established in the Council's interim policy (MM61). The zone boundaries have been amended to coincide with the CIL charging zones and are illustrated on a new Map 12 (MM62). It is to be welcomed that the inspector has agreed that in Zones 1 and 2 a commuted sum can be sought for affordable housing for schemes falling below the threshold (10 units Zone 1 and 15 units Zone 2). It should be noted that as the requirements will be embedded in the plan any change will need to take place through plan review.

- 3.6 Members will recall that another area of debate focussed on the need to identify the requirements for Gypsies Travellers and Travelling Showpeoples' accommodation. Following further analysis and survey work with Leeds Gypsy and Traveller Exchange (GATE) the inspector was satisfied with the evidence and targets. These now need to be included in the plan in accordance with MM63 - MM69.
- 3.7 The modifications also confirm that student accommodation, older person's housing and bringing long term empty homes back into use will all contribute to the 5yr requirement and supply position. This is set out in the monitoring table MM56 and further explained in MM77.
- 3.8 A further point to highlight, is the deletion of the various references to a "selective" green belt review (MM1, MM13 AND MM14). This essentially relates to Policy SP10 which establishes the need for review to accommodate allocations and sets out criteria. In practice it is considered that this change will make little or no difference. Sites will still need to reflect the distribution strategy and the policy already allows for exceptions. Further through the SHLAA the Council has not sought to constrain submissions and sites put forward in all parts of the green belt are being considered through the site allocations process.
- 3.9 It should be noted that whilst there are numerous modifications set out in the Inspector's schedule, the vast majority of the Core Strategy has been accepted by the Inspector and remains unchanged. Importantly this includes:
- The distribution of housing against the settlement hierarchy and by HMCA (Policy SP7)
 - The windfall allowance (Policy SP6)
 - The brownfield/greenfield split and the approach to phasing (Policy H1)
 - The requirement to identify an additional 10% as safeguarded land (para 4.8.7)
 - Policies for regeneration and environmental enhancement (SP4, SP13 and G1-G8)
- 3.10 During the course of the examination a number minor changes were also considered and will need to be incorporated in the adopted plan together with the Main Modifications. These largely relate to editorial issues and matters of presentation.
- 3.11 With the Core Strategy now confirmed there is a clear context against which progress can continue to be made on the Site Allocations Plan. Members will be aware of the Site Allocations workshops which have been progressing to date on the assumption that the Core Strategy targets and distribution would be found sound.
- 3.12 Once the Core Strategy is adopted, following resolution of Full Council, it will become a key part of the development plan for Leeds. Given the advanced stage

we are now at the Core Strategy, as modified by the Inspector, will for all practical purposes carry full weight in planning decisions in the interim consistent with para 216 of the NPPF.

- 3.13 On adoption the Core Strategy will replace many of the existing “saved” policies of the UDP. At this point the development plan in Leeds will comprise the Core Strategy, the Natural Resources and Waste DPD and remaining “saved” UDP policies. It is intended that the saved policies will be listed in the Core Strategy when published. A full schedule of all the UDP policies showing which will remain and which are to be replaced by Core Strategy policies is already available via the internet. This is CD-06: Schedule of UDP Policies in the Core Strategy Submission Documents list on the examination website.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Consistent with the City Council’s adopted Statement of Community Involvement (SCI), together with the Local Development Framework (LDF) Regulations, the preparation of the Core Strategy has been subject to several stages of formal and informal phases of public consultation and engagement. The Inspector has concluded that the plan is sound (subject to the inclusion of the Main Modifications) and it can therefore be concluded that the Inspector is satisfied that the statutory requirements of plan making (including the Duty to Co-operate) and public consultation have been met.

- 4.1.2 It is useful however to summarise the key stages undertaken in the preparation of the plan, leading up to the receipt of the Inspectors Report. Initial engagement work on the plan commenced in late 2006, which was subsequently followed by 6 week periods of consultation and engagement work at the following stages:

- Issues & Alternative Options (October – December 2007)
- Preferred Approach (October – November 2009)
- Publication Draft Plan (February – April 2012)
- Pre-submission Changes (January – February 2013)
- Submission & Examination (April 2013 – September 2014)
- Schedule 1: Main Modifications (12th March – 24th April 2014)
- Schedule 2: Main Modifications (16th June – 25th July 2014)

- 4.1.3 At each of these stages, consultation material was made available to a wide range of organisations, communities, individuals, statutory bodies and neighbouring authorities. These included statutory consultees, internal City Council stakeholders (including members, Area/Community Committees and the Development Plan Panels), developers and their agents, Parish & Town Councils, the general public and local organisations (such as the Civic Trust,

Ramblers Association and the Leeds Chamber of Commerce). In relation to the 'duty to co-operate', the City Council has also consulted with Leeds City Region authorities and bodies such as the Highways Agency and Environment Agency. In total, over 1300 individuals and organisations have been notified about the Core Strategy and material made available via the web and through the City Council's network of libraries and One Stop Centres across the District. At each key stage of Core Strategy preparation, a Report of Consultation was prepared and was subsequently submitted to the Inspector as part of the examination process.

- 4.1.4 The conclusion of the Core Strategy process is therefore not only a positive testament to the perseverance and commitment of the Council (including its members) in moving a challenging process forward but significantly, the many contributions made by the residents and representatives across Leeds, with a desire to improve and enhance their City for current and future generations.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The Core Strategy has been prepared within the context of the LDF Regulations and also the requirements of the Strategic Environmental Assessment (SEA) Directive. At each key stage, the plan has been subject to a Sustainability Appraisal to consider the implications of individual policies against a series of interrelated economic, environmental and social objectives. In reflecting the City Council's legal requirements and commitments to equality and diversity, cohesion and integration, the plan has also been subject to Equality Impact Assessment (EDIC) screening. In supporting this report an overview EDIC document has been prepared.
- 4.2.2 The Core Strategy is nearing its final stage and has been in production for some time, with each key stage previously reported to Executive Board (prior to formal consultation and submission). The Publication document was considered by the Board on 10th February 2012 and Pre-submission Changes 7th November 2012. At each of these stages, the plan was supported by comprehensive Equality, Diversity, Cohesion and Integration Screening documents (EDIC).
- 4.2.3 The plan was submitted for formal examination in April 2013 and through the course of the examination process, the Inspector recommended further evidence and policy work to be undertaken in relation to Affordable Housing and Gypsies, Travellers & Travelling Showpeople (GT&TS). In response to the issues raised by the Inspector, Executive Board considered amendments to the City Council's approach to Affordable Housing (18th December 2013) and GT&TS (14th February 2014). These changes were supported by EIA Screening documents and were subject to consultation on draft Main Modifications for consultation (12 March 2014 – 24 April 2014 and 16 June 2014 – 25 July 2014). Following the close of consultation and the Inspector's consideration of representations received, the Main Modifications have subsequently been incorporated into the Inspector's Report.
- 4.2.4 It should be noted that the Main Modifications also include a number of relatively minor wording changes to the submitted plan, in other policy areas. It should be emphasised however, that the Main Modifications were largely put forward on the

basis of seeking to improve the clarity and delivery of policies, rather than changing their overall intent. Consequently, the Main Modifications do not change the conclusions of the EDCI Screenings previously undertaken. In fact, the Main Modifications are beneficial to the overall implementation of the Core Strategy, in seeking to ensure that policies are clear, effective and reflect their intent.

4.3 Council policies and City Priorities

- 4.2.1 As outlined in paragraphs 2.1 and 2.2 above, the Core Strategy is a key mechanism for taking forward a number of district wide and corporate priorities, set out in the Vision for Leeds, City Priority Plans and the Best Council Plan, notably the Best Council priority of 'Maximising housing growth to meet the needs of the city in line with the Core Strategy', within the objective, 'Promoting sustainable and inclusive economic growth.

4.4 Resources and value for money

- 4.4.1 The Core Strategy (and related LDF documents) has been prepared from within existing provision. This has however has been a very resource intensive process over a considerable period of time. Whilst led by Planning and Sustainable Development within City Development, this has required the need to draw upon specialist expertise from across the Council, support from members, the preparation (and on-going monitoring) of the strategy's evidence base, together with the need for leading counsel opinion and support at key stages. Post Adoption, a key issue for the Council will be the need to fully embed the Core Strategy as part of the day to day work of the Council (including the policy implications for planning applications, development and regeneration projects and the progression of the Site Allocations Plan to submission and examination).

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 As noted in paragraph 4.1.1 above, the Core Strategy has been prepared within the context of the LDF Regulations, the SEA Directive and also the Localism Act (2011). Significantly, the Localism Act introduced the 'Duty to Cooperate' (with neighbouring local planning authorities and designated bodies) in the preparation of Development Plan Documents, as a formal statutory requirement. Through the public examination process and as expressed in his report, the Inspector has confirmed that the Leeds Core Strategy has met these legal compliance and soundness requirements.
- 4.5.2 The Core Strategy forms part of the Budget and Policy Framework and is not therefore eligible for Call In, as the ultimate decision to adopt the Plan is a matter for Council. In accordance with the Budget and Policy Framework the proposals for the Core Strategy have been considered by Scrutiny Board (both Sustainable Economy and Culture and Health and Wellbeing and Adult Social Care Scrutiny Boards considered and commented on the proposals) and their comments were reported to both the Executive Board and subsequently Council at an earlier stage in the process. It should be noted that a six week statutory period for legal challenge to the Plan is triggered by its adoption.

4.6 Risk Management

- 4.6.1 Throughout the preparation of the Core Strategy, the greatest risk was that the Inspector would not find the plan sound. Within this context, the City Council has previously considered a series of Main Modifications put forward by the Inspector in order to make the plan sound. These in turn have been subject to public consultation and are included as a consolidated schedule to the attached Inspector's Report.
- 4.6.2 The receipt of the Inspector's Report and the anticipated formal Adoption of the Core Strategy, will provide Leeds with an up to date Development Planning Framework for the District. On its adoption, the Core Strategy will form part of the statutory development plan for Leeds and will provide the starting point for the determination of planning applications. Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. It will also provide the strategic framework and the basis upon which to prepare the Site Allocations Plan and subsequent Development Plan Documents (DPDs). Each of these DPDs will subsequently need to be in general conformity with the Core Strategy.

5 Conclusions

- 5.1 As set out in this report, the Core Strategy Inspector's Report has now been received following the submission of the plan for independent examination in April 2013. The Inspector has found the Core Strategy as submitted, together with a number of Main Modifications, which have arisen through the examination process, to be sound.
- 5.2 The Plan is integral to the delivery of a range of strategic priorities across the District, embedded within the Vision for Leeds, City Priority Plans and the Best Council Plan. This is therefore a significant achievement for the City and its many partners in advancing agreed objectives and in securing positive outcomes.

6 Recommendation

- 6.1 That the Executive Board notes the Inspector's Report, including his recommendations and reasons, and recommends to Council that it adopts the Core Strategy (as submitted for examination and with modifications) pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004.

7 Background documents¹

- 7.1 None

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.