

Report of the Chief Planning Officer

Report to Development Plan Panel

Date: 10th May 2016

Subject: Aire Valley Leeds Area Action Plan – Submission Draft

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Burmantofts & Richmond Hill, City & Hunslet, Garforth & Swillington, Middleton Park, Rothwell, Temple Newsam		
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. Members will recall that the Aire Valley Leeds Area Action Plan (AVLAAP) was subject to Publication draft consultation 22 September – 16 November 2015. Following consideration of consultation submissions to the Plan a number of changes were presented to and supported by Development Plan Panel on the 1st March. This report presents Development Plan Panel with a comprehensive officer response to all changes suggested by representors and proposed modifications as a result, as part of the proposed changes to the Plan. Development Plan Panel are invited to recommend the full suite of modifications to the Plan to Executive Board (following consideration by Scrutiny Board) for approval to recommend to Full Council that the Council submit the Plan to the Secretary of State for Examination.

Recommendation

2. Development Plan Panel is invited to:
 - i) Note the officer responses to representations to the publication draft Aire Valley Leeds Area Action Plan consultation, as set out in Appendix A (Schedules 1, 2 and 3).

- ii) Consider the proposed modifications to the Publication draft AVLAAP and Sustainability Appraisal (as shown in Appendix A Schedules 1, 2, 3 and 4; the 'track-changed' version of the AVLAAP in Appendix B; and the revised Sustainability Appraisal scoring in Appendix C) and to recommend that the proposed modifications are approved at Executive Board for approval by Full Council for Submission to the Secretary of State for Examination.
- iii) Approve the process of technical and background paper amendments to the documents (set out in para 3.8) which will support the plan and form the Submission documents for the Planning Inspectorate.

1.0 Purpose of this Report

- 1.1 At the Development Plan Panel meeting on the 19th January 2016, members considered the report, 'Site Allocations Plan (SAP) and Aire Valley Leeds Area Action Plan (AVLAAP) – Emerging Issues and Next Steps'. This report provided an initial and interim assessment of the consultation responses received to the SAP and AVLAAP consultation. As part of the report, members received information on the overall scale of the consultation response, together with an explanation on emerging key issues.
- 1.2 Based on the report, the overall nature and level of response and subsequent discussion, members were minded to proceed with the AVLAAP, in advance of the SAP (whilst not seeking for the SAP to be held up), subject to further work being undertaken into the issues raised through consultation and the implications for the plan. The rationale for this approach was the desire to move the AVLAAP through the submission process as quickly as practicable, in parallel to the analysis and further consideration of the SAP submissions. This decision is also critical to enable the Plan to achieve full weight and support and guide the uplift in the Leeds economy in this area.
- 1.3 At the Development Plan Panel meeting on the 1st March 2016 members were provided with further analysis of the AVLAAP submissions and options for the way forward in relation to the issues raised. Members gave their broad support to the modifications proposed to the AVLAAP by officers, including changes to site's housing capacities and the wording of specific policies.
- 1.4 Members are now asked to consider the full list of proposed modifications alongside the consultation comments received and officer's responses to them. If supported, the schedule of proposed changes, together with the Publication Draft AVLAAP those changes pertain to, will be recommended to Executive Board to recommend to Full Council to submit the AVLAAP to the Secretary of State for Examination. It should be emphasised that the primary focus of the modifications is to address matters which go to the soundness of the Plan. As part of the process of considering the representations, opportunities have been taken to include 'minor' modifications to clarify and update the document where appropriate.
- 1.5 **Appendix A** of this report contains four schedules. **Schedule 1** shows consultation comments relating to sites proposed within the AVLAAP and officer's responses to them, including proposed modifications, where appropriate. **Schedule 2** shows consultation comments relating to policies/general comments within the AVLAAP and officer's responses to them, including proposed modifications, where appropriate. **Schedule 3** shows consultation comments relating to new sites proposed to the AVLAAP and officer's responses to them, including proposed modifications where appropriate. Schedule 4 differs from the other schedules, in that it details modifications proposed by officers as a result of updated technical information, drafting/cartographical errors and consequential changes resulting from proposed modifications.

- 1.6 **Appendix B** shows a working draft of the ‘Submission Draft of the AVLAAP incorporating ‘track-changes’ as a result of proposed modifications contained in **Appendix A**. Appendix B also includes maps that have been updated as a result of proposed modifications. At the time of writing, Appendix B is not a complete draft and may not contain all proposed modifications as contained within Appendix A, or the consequential changes that arise from proposed modifications.
- 1.7 **Appendix C** contains two updated extracts from the AVLAAP Sustainability Appraisal (referred to as Appendices 7 and 8). These two documents show the SA scoring of sites following modifications to SA objectives.

2.0 Background Information

Context

- 2.1 On the 15th July 2015, Executive Board approved the Publication draft AVLAAP for consultation. An eight week period of consultation was subsequently undertaken between the 22nd September and 16th November 2015. This followed on from the consideration of the material by the Development Plan Panel on the 20th May and earlier stages of public consultation on the emerging plan. The plan is being taken forward within the strategic context of the Core Strategy (adopted 14th November 2014), which sets out the overall scale and distribution of housing and economic growth. The Core Strategy also reflects the city council’s aspirations as part of the Best Council Plan and Vision for Leeds (Community Strategy).

3.0 Main Issues

Schedule of representations to the draft AVLAAP consultation and Officer’s response

- 3.1 Schedules 1, 2 and 3 in Appendix A set out more details on the representations received to the AVLAAP consultation, as well as officer’s responses to the issues raised including specific recommendations as to whether changes should be made to the Plan or not. The general issue raised by the representation is indicated (with a link to the full comments if viewed in electronic formats), with further sections relating to plan soundness, legal compliance and changes sought to the plan where relevant. The final sections in each representation details the officer’s response and proposed modification where relevant. **It is important to note that the schedules provide extracts of submitters’ comments, and focus on their changes sought to the plan.** Schedule 1 relates to comments made on sites, whereas Schedule 2 relates to comments made on policies, wording and other general issues and Schedule 3 relates to new sites proposed.
- 3.2 Schedule 4 in Appendix A sets out modifications proposed by officers that relate to minor alterations to the Plan. These address technical information updates, consequential consistency changes as a result of proposed modifications in Appendix A and typing, drafting and cartographic errors.

- 3.3 The following section sets out more details on officer's proposed modifications and how these are accommodated within the proposed modifications to the Publication Draft. As per the 1st March 2016 Development Plan Panel, the key changes have already been supported by Panel and this is noted in the schedules.

Refresh of Planning Permissions data

- 3.4 Planning permission data for the Aire Valley Leeds Area Action Plan has now been updated to 31st March 2016. This has resulted in some changes to the categorisation of sites, with the list of identified sites now being updated. This has resulted in some housing and employment sites previously categorised as allocations now being reflected as 'Identified'. This and the inclusion of new sites has therefore resulted in changes to the site schedules listed in Policies AVL1, AVL2, AVL3, AVL4, AVL6 and AVL7.

Changes to Maps

- 3.5 To reflect proposed modifications to the Plan agreed on the 1st March and as presented to Panel through this report, alterations have been made to the AVLAAP maps including the Policies Map (Maps 13 and 14 – reflecting alterations to site boundaries) and Maps 7 and 8 (to reflect the recent Masterplanning work at Hunslet Riverside).

Changes to the Background and Technical Material

- 3.6 The Sustainability Appraisal (SA) is currently being finalised to reflect the proposed modifications to the Plan. It is not envisaged that these changes will result in significant changes to the Plan and it is the intention of officers to make available a completed SA for Executive Board to inform their decision-making process with regards to the AVLAAP.
- 3.7 Two specific changes that have been made to the SA relate 1) to objections to the Plan made by the Coal Authority regarding land instability and 2) changes officers have made to the assessment of accessibility to employment sites. With regard to the Coal Authority objection, SA objective 18(d) 'Land Instability' has been added to the SA to demonstrate that land instability issues are considered as part of the process for identifying and allocating sites for development. With regard to employment accessibility, officers have worked with the West Yorkshire Combined Authority to devise a more robust methodology, based on Core Strategy accessibility indicators, for the assessment of accessibility to and from employment sites within the AVLAAP. This revised methodology feeds in to how sites are scored through SA Objectives 13, 15 and 16.
- 3.8 In addition to the changes to the Sustainability Appraisal other Background Papers will have to be updated in light of the modifications proposed and other factual and technical updates. The Employment Land Review is currently being updated and forms an important part of the evidence base for the AVLAAP. It is not anticipated that any changes to these documents will necessitate changes to

the AVLAAP itself. These Background Papers will be finalised in advance of Submission to the Secretary of State.

4.0 Next Steps

- 4.1 Should the proposed modifications to the AVLAAP be endorsed by Development Plan Panel, the Submission version of the AVLAAP (Publication Draft plus proposed modifications) will then progress to Scrutiny Board. Subject to approvals the intention is for the Plan to progress to Executive Board in June and Full Council in September, with a view to submitting the Plan to the Secretary of State in the autumn for Examination.

5.0 Corporate Considerations

5.1 Consultation and Engagement

- 5.1.1 A comprehensive Report of Consultation will be finalised to accompany submission of the plan. The consultation and engagement activity undertaken has been set within the context of the LDF Regulations and the City Council's Statement of Community Involvement.

5.2. Equality and Diversity / Cohesion and Integration

- 5.2.1 In the preparation of the AVLAAP, due regard has been given to Equality, Diversity, Cohesion and Integration issues. This has included the completion of EDCI Screening of the AVLAAP and meeting the requirements of the Strategic Environmental Assessment Directive, which has meant that these Plans are subject to the preparation of a Sustainability Appraisal. The purpose of such Appraisals is to assess (and where appropriate strengthen) the document's policies, in relation to a series of social (and health), environmental and economic objectives. As part of this process, issues of Equality, Diversity, Cohesion and Integration, are embedded as part of the Appraisal's objectives. The AVLAAP material follows on and reflects the approach set out in the Core Strategy, which has also had the same regard to these issues.

5.3. Council Policies and City Priorities

- 5.3.1 The Core Strategy, the Publication Draft AVLAAP, play a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to be the 'the Best City in the UK'. Related to this overarching approach and in addressing a range of social, environmental and economic objectives, these Plans seek to implement key City Council priorities as set out within the 'Best Council Plan 2015-20' relating to economic growth, improvements to transport infrastructure and enhancing economic growth.

5.4 Resources and value for money

- 5.4.1 The preparation of statutory Development Plan Documents or the Local Plan is a necessary, but resource intensive process. This is due to the time and cost of document preparation (relating to public consultation and engagement), the

preparation and monitoring of an extensive evidence base, legal advice and Independent Examination. These challenges are compounded by the financial constraints upon the public sector and resourcing levels, concurrent with new technical and planning policy pressures arising from more recent legislation (including the Community Infrastructure Levy and Localism Act). There are considerable demands for officers, members and the community in progressing the council's Local Plan.

5.4.2 For the Local Development Framework ('Local Plan') to be as up to date as possible, the Council needs to produce the AVLAAP as quickly as practicable, following adoption of its Core Strategy. This will provide value for money in that the council, through the plan, will influence and direct where development occurs. Without an up to date plan the 'presumption in favour of sustainable development' by the Government means that any development in conformity with national policy will be acceptable, regardless of any previous positions of the authority, which could have implications in terms of resources and value for money.

5.5 Legal Implications, Access to Information and Call In

5.5.1 The AVLAAP will follow the statutory Development Plan process. The report is not eligible for call-in as no decision is being taken.

5.6 Risk Management

5.6.1 Without up-to-date allocation plans, aspects of the existing UDP allocations will become out of date and will not reflect or deliver the Core Strategy policies and proposals (including district wide requirements for housing and general employment land) or the requirements of national planning guidance. Early delivery is essential to enable the council to demonstrate that sufficient land will be available when needed to meet the Core Strategy targets. Without an up to date plan, the 'presumption in favour of sustainable development' by the Government means that any development or Neighbourhood Plan in conformity with national policy will be acceptable, regardless of any previous positions of the authority. The more the work progresses, the more material weight can be given to it.

6.0 Conclusion

6.1 This report provides a schedule of consultation comments and modifications proposed to the Aire Valley Leeds Area Action, informed by Officer's responses to consultation comments raised on the Publication Draft Plans. The main issues raised in the representations to the plan have been previously discussed in detail at the 1st March Panel, with options for consideration in determining how the council should respond. This report builds on those recommendations to provide a comprehensive suite of modifications to the AVLAAP and a 'Submission Draft' to the Plan, showing those changes in context.

7.0 Recommendation

7.1 Development Plan Panel is invited to:

- i) Note the officer responses to representations to the publication draft Aire Valley Leeds Area Action Plan consultation, as set out in Appendix A (Schedules 1, 2 and 3).
- ii) Consider the proposed modifications to the Publication draft AVLAAP and Sustainability Appraisal (as shown in Appendix A Schedules 1, 2, 3 and 4; the 'track-changed' version of the AVLAAP in Appendix B; and the revised Sustainability Appraisal scoring in Appendix C) and to recommend that the proposed modifications are approved at Executive Board for approval by Full Council for Submission to the Secretary of State for Examination.
- iii) Approve the process of technical and background paper amendments to the documents (set out in para 3.8) which will support the plan and form the Submission documents for the Planning Inspectorate.

Appendices

Appendix A: Schedule 1: Comments and Modifications relating to Sites

Schedule 2: Comments and Modifications relating to Policies, wording and general sites

Schedule 3: Comments and Modifications relating to newly proposed sites

Schedule 4: Council proposed Modifications

Appendix B: Working Draft 'Track changes' version of 'Submission Draft' with modified maps

Appendix C: Updated Sustainability Scoring of Sites (referred to as Appendix 7 and Appendix 8)