



LEEDS CITY REGION
ENTERPRISE
PARTNERSHIP



Local Plan Expert Group
c/o Dept for Communities and Local Government
2 Marsham Street
London
SW1P 4DF

27th April 2016

Dear Sir / Madam

Local Plans Expert Group Recommendations - Leeds City Region Response

Thank you for the opportunity to provide feedback to the Local Plan Expert Group's (LPEG) recommendations regarding proposals to make the Local Plan system more efficient and effective.

This response is being sent on behalf of the Leeds City Region Enterprise Partnership (the 'LEP') and West Yorkshire Combined Authority (WYCA)¹. The ten Local Planning Authorities in the Leeds City Region have contributed to this response.

In general, we welcome the recommendations from LPEG which highlight many of the current problems facing the plan making process and reiterate several of the points we made in our previous response to the group's 'Call for Evidence' which we submitted in 2015. Overall LPEG's recommendations provide the opportunity for local planning authorities and other stakeholders involved in the plan making process to operate within a simpler and more transparent planning framework.

However, we continue to have a concern that several of the proposed changes to the planning system will place a further financial burden on already stretched local authorities. The economic benefits of a streamlined planning system are acknowledged but local planning authorities need to be adequately resourced to transition to, and operate within, a new system.

Appendix 1 highlights our detailed views on specific LPEG recommendations with the key messages being:

- We welcome recommendation (2) which states that CLG should commission an update of the 2010 HMA boundaries study to reflect the latest available evidence (including the 2011 census). We are already well progressed with this work in the Leeds City Region through our commission with CURDS², so collectively we recognise the value of this work and support the benefits that could be achieved if other areas also followed our lead.
- We have significant concerns regarding the proposed method for establishing objectively assessed housing need. The proposals amount to a radical change in national planning policy. If implemented this approach is likely to lead to sizable increases in assessed housing need

¹ Collectively the LEP area incorporates the Local Planning Authorities of Barnsley, Bradford, Calderdale, Craven, Harrogate, Kirklees, Leeds, Selby, Wakefield and York.

² Centre for Urban and Regional Studies, Newcastle University

which will be in conflict with existing evidence and is unlikely to deliver significant numbers of new homes without other measures to increase housing delivery in more challenging locations, such as brownfield sites.

- We support recommendation (3) which highlights that coordination is required between economic and housing planning boundaries, as again we already recognise the value of joining up economic and housing policy and investment across the Leeds City Region and are undertaking significant joint work in this respect such as on evidence bases and policy positions and priorities across the Leeds City Region.
- We are in agreement with recommendation (14) that advocates the rationalisation and alignment of housing and economic planning boundaries via the devolution process as this represents the most robust way to deliver spatial planning and consider strategic infrastructure requirements at the right functional economic area. However, we note that this could be a long term process in some areas due to existing plan making cycles and governance arrangements, and there should be sufficient flexibility to ensure that these local circumstances influence appropriate implementation.
- We query recommendation (16) which seeks to prioritise bids to the LEP or Government that are aligned with an up to date local plan. Whilst we note the intention, it ignores the role of other strategies and evidence that may present a strong case for investment, including more detailed site-specific Area Action Plans, Masterplans and high level city region wide strategy documents such as Strategic Economic Plans. In our view, these other relevant documents have the ability to provide a robust position to support investment decisions and should be taken into account in addition to Local Plans, irrespective of their age.
- We support recommendation (19) which states that the NPPF should be reviewed every 5 years and the NPPG on a 6 monthly basis. This is noting that local authority plan making progress is often delayed by 'changing goalposts' requiring updated evidence bases and/or revised policies.
- We feel it would be problematic to use regulations to specify a specific maximum timetable for the preparation of Local Plans. This is noting that there are a range of local circumstances, many of which are outside local authority control, which can adversely affect Local Plan progress.

I trust this response provides useful information in support of LPEG's request for feedback, and should you require any further details please do not hesitate to contact me.

Yours sincerely



Colin Blackburn

Head of Infrastructure and Investment

Leeds City Region Response - Local Plans Expert Group Recommendations

1. The Problems Facing Plan Preparation

- 1.1. We welcome the Local Plan Expert Group's (LPEG) acknowledgement of the principal problems that result in slow local plan preparation.
- 1.2. Within Leeds City Region (LCR) we have undertaken a collaborative approach to identifying Objectively Assessed Needs (OAN) for housing. This has resulted in positive steps in meeting the Duty to Cooperate (DtC). However, we do note past difficulties for specific LCR districts in this area and other examples from across the country that are well documented.
- 1.3. LPEG's thoughts regarding changes to national policy reflect our own thinking in this area. Our earlier response to the group noted the experience of local planning authorities within the city region in relation to planning reforms which have had negative implications on progressing Local Plans. In particular the changes to strategic planning and introduction of the Duty to Cooperate have resulted in the need for further work and evidence to demonstrate the alignment of local plans following the revocation of RSS.
- 1.4. We welcome recommendation (1) which highlights that an additional year should be added to the deadline for production of local plans (i.e. March 2018) should the government's proposals be revised to include post NPPF local plans.

2. Establishing Objectively Assessed Needs

- 2.1. The Leeds City Region Enterprise Partnership (LEP), West Yorkshire Combined Authority (WYCA) and our districts have recently commissioned the Centre for Urban and Regional Studies, Newcastle University (CURDS) to update Housing Market Areas (HMAs) across the city region. The CURDS commission will be based on the research methods created by that organisation in its research for the National Housing & Planning Advisory Unit (NHPAU) and will utilise the data from the 2011 Census.
- 2.2. We therefore welcome recommendation (2) which states that CLG should commission an update of the 2010 HMA boundaries study to reflect the latest available evidence (including the 2011 census). Whilst we note that this will duplicate some of the work we have already commissioned from CURDS, so collectively we recognise the value of this work and support the benefits that could be achieved if other areas also followed our lead. We are also aware that a consistent set of HMA boundaries will assist our work with neighbouring districts and sub-regions where HMAs overlap administrative boundaries. We would welcome clarification that existing HMA work, such as our emerging work at a city region level, will be considered as part of any future national work to ensure that it is not undermined. It is also recognised that HMAs are reflective of a point in time and an effective forward monitoring or review process needs to be established.
- 2.3. We welcome recommendation (3) which highlights that coordination is required between economic and housing planning boundaries, as again we already recognise the value of joining up economic and housing policy and investment across the Leeds City Region and are undertaking significant joint work in this respect such as on evidence bases and policy positions and priorities across the Leeds City Region. This geography forms the basis for our LEP, which is working to drive forward economic growth and prosperity via our Strategic

Economic Plan and coordinating the effective delivery of supporting infrastructure via our emerging LCR Infrastructure Investment Framework.

- 2.4. The City Region geography also forms the basis for other forms of collaborative working and governance arrangements. This includes a range of spatial planning work, including the above mentioned HMA work, and our collaborative work to meet the Duty to Cooperate.
- 2.5. Recommendation (4) is welcomed in principle, but the government should consider the resource implications of local authorities, specifically those with a recently completed SHMA who may not have planned for a further update in the short term. Clearly, further technical work is required on the development of a standard common methodology for SHMAs. The implications of 'decoupling' housing need and employment forecasts also needs further detailed consideration.
- 2.6. The response to the Panel by Peter Brett Associates³ (PBA) highlights the potential dangers of the Panel's proposed approach to OAN.
- 2.7. One of the issues raised in this report is 'Unattributable Population Change' which one of our districts, Leeds City Council (and respective demographic consultants), tell us is down to an over-estimation by the Office of National Statistics (ONS) of international migration in 2008. Whatever the reason the Census revealed that the population of Leeds City Council was over-estimated by 50,000 people and the official ONS response is that Leeds' OAN rests at around 40,000 (to our knowledge the highest in the country). Therefore, we agree with the current position of using the projections as a starting point for OAN. Whereby districts are then able to reflect local circumstances, and ultimately the assessed need may go up or down.
- 2.8. We also endorse concerns outlined in PBA's response that using two sets of projections and picking the highest would result in double counting. One of the key benefits of the current ONS approach is that the projections have country-wide consistency. To lose this would be to 'double count' the need for homes. A starting point should be integrated working between ONS and CLG and a move away from a staggered release of population and household projections. Single projections produced and checked by both bodies working together should provide more robustness to final results and a consistency across the country which deals strategically with anticipated international and internal migration.
- 2.9. There is much concern that OAN forces authorities to choose housing needs that will not materialise as they do not account for market cycles but depend instead on economic growth inflationary drivers which are not tempered by effective demand for housing (including availability of finance or build rates). This inevitably places pressure on greenfield sites and/or Green Belts which would otherwise not have been necessary. These pressures play out through the 5 year supply approach. Footnote 11 of the National Planning Policy Framework (NPPF) is a categorical requirement for 'realistic prospects of delivery' and is a disconnect between the supply side of the equation (which can shrink on the basis of viability, landowner aspirations and wider housing market constraints) and the requirement side which must discount such impediments and provide a more optimistic / unrealistic target. This disconnect helps ensure that many local authorities lose control of the spatial strategies of recently adopted plans in a recovering or a slow market despite plentiful land supply.
- 2.10. To that end economic growth factors should be considered over a plan period to be considered more realistically and flexibly. The plan making process needs to be able to cope

³ The Local Plans Expert Group. Assessing Housing Needs: Cause for Concern (Peter Brett Associates, 2016)

with changing economic fortunes and a single OAN figure does not assist this. If the economy dips, this should not result in an ever growing backlog, which the plan cannot easily rectify, without other government interventions e.g. investment in previously developed land.

- 2.11. We also have concerns about the link between boosting housing as a means of providing affordable housing. Given the need to prove viability which is a central plank of the Framework and the as yet unknown impact of starter homes, it is queried how an LPA bound to a higher housing target can ensure that the affordable housing is actually delivered by market providers.

3. Turning OAN into Local Plan Requirements

- 3.1. We wholly support the identification of this issue by the Panel. Our districts have spent a significant amount of time and resources meeting the NPPF requirements in this policy area.
- 3.2. We also welcome recognition of the complexities in establishing robust HMAs (para 3.6-7) which formed part of our rationale for commissioning CURDS to undertake an objective and robust assessment of HMAs within LCR.
- 3.3. We welcome recommendations 7, 9 and 10 which relate to the assessment of environmental capacity, green belt, growth points respectively. There are some of the key areas of ambiguity within the NPPF and will assist in unlocking economic potential and housing growth in the longer term.

4. Working Across Boundaries to Meet Needs

- 4.1. We note recommendation (12) which states that where local authorities within a HMA have failed to agree the distribution of housing needs by March 2017 they should be directed to prepare a joint local plan for the applicable HMA (or other suitable geography such as transport corridors). In response to this recommendation, we support the Panel's recognition of the importance of effective planning and the distribution of housing growth across HMAs. However, we note that joint plans and/or joint working will not avoid difficult and often contentious decisions needing to be made. These strategic matters will still need to be considered whether that be at the local, multi-authority or sub-regional level.
- 4.2. Where areas are directed to prepare (joint) local plans we would emphasise the importance of travel to work areas and functional economic geographies, such as Leeds City Region, in preference to 'transport corridors' as stated in the panel's report.
- 4.3. We await further information on how this may operate in practice, this is noting that previous consultations from the government have mentioned that combined authorities may have a role in this process where the 2017 local plan deadline is not met.

5. Devolved Powers

- 5.1. Recommendation (13) highlights that successful devolution bids should require a commitment to positivity to meet objectively assessed housing needs. We note and welcome this approach as it is consistent with our existing work across Leeds City Region.
- 5.2. Our 'Call for Evidence' response noted that over the course of the last 5+ years, a robust city region evidence base has been produced and we are continuing to develop this further. This

includes emerging work on our LCR Housing Markets Geography Study, a city region wide Strategic Employment Land Review and the LCR Infrastructure Investment Framework.

- 5.3. We are in agreement with recommendation (14) that advocates the rationalisation and alignment of housing and economic planning boundaries via the devolution process as this represents the most robust way to deliver spatial planning and consider strategic infrastructure requirements at the right functional economic area. However, we note that this could be a long term process in some areas due to existing plan making cycles and governance arrangements, and there should be sufficient flexibility to ensure that these local circumstances influence appropriate implementation.
- 5.4. In relation to recommendation (15) we note the importance of agreeing the scale and distribution of development needs across a strategic planning and economic geography.
- 5.5. Our earlier response LPEG noted our 'LCR Statement of Cooperation for Local Planning' which outlines the practical steps that are being taken to meet the Duty to Cooperate across the city region to strengthen the city region's authorities' approach to joint working on planning. The document considers a range of strategic, cross-boundary planning issues including the distribution of development. Our agreement in this area is informed by joint city region work to Objectively Assessed Needs (OAN) for housing development which aligns local plan across the city region with strategic documents such as our SEP.
- 5.6. The Statement of Cooperation has also been supported by Government, as it was included in the Leeds City Region Growth Deal as a key way in which the planning system within the city region would ensure delivery of the Growth Deal.
- 5.7. At local plan publication stage, all LCR districts consider the alignment of their plans in the context strategic policy documents and strategies (i.e. our Strategic Economic Plan, Local Transport Plan and emerging Single Transport Plan) via a 'self-assessment' process. The Combined Authority then considers this assessment and provides a response to the relevant district that considers compliance in this area.
- 5.8. Within LCR we feel that this process works well, and two districts are currently progressing their plans following receipt of the Combined Authority's views.
- 5.9. We would welcome further information and discussion regarding this recommendation, and how potential additional powers for combined authorities would operate in practice. We have no objections to this approach in principle.

6. Incentives for Timely Plan Preparation

- 6.1. The importance of planning for infrastructure effectively is agreed. As noted earlier in this response we are currently preparing a city region wide infrastructure investment framework. This will align with existing and emerging local plans, but also identify key strategic infrastructure that cannot be delivered locally and consider a timeframe beyond emerging local plans. This will allow the framework to consider the infrastructure required to support delivery of longer term projects such as HS2, LCR 'Metro' System and Northern Powerhouse Rail.
- 6.2. When the LEP receives bids for infrastructure investment, the applicable policy context, supporting strategies and evidence base form a key part of the appraisal process. Recommendation (16) seeks to prioritise bids that are aligned with an up to date local plan.

Although we note the intention here, it ignores the role of other strategies and evidence that may present a strong case for investment. This is noting that some local authorities may have produced relatively early LDFs/local plans and subsequently progressed other planning tools, such as more detailed site-specific Area Action Plans, masterplans and high level city region wide documents such as Strategic Economic Plans or infrastructure plans/frameworks. In our view, these other relevant documents have the ability to provide a robust position to support investment decisions and should be taken into account in addition to local plans, irrespective of their age.

- 6.3. We support recommendation (17) which states that legislation should be changed to place a statutory duty on local authorities to produce and maintain their local plan. However, the implications of this recommendation should be considered by the government in the context of the ongoing budgetary constraints being placed on local government.
- 6.4. Recommendation (18) is noted, however we consider that a more appropriate approach would be to make it clear that reduced or limited weight may be attributed to local plan policies under the scenarios listed in the panel's report, subject to consideration of local circumstances.

7. Policy Changes

- 7.1. We support recommendation (19) which states that the NPPF should be reviewed every 5 years and the NPPG on a 6 monthly basis. This is noting that local authority plan making progress is often delayed by 'changing goalposts' requiring updated evidence bases and/or revised policies.

8. Local Plan Process

- 8.1. We note the intention of recommendation (23) but we feel it would be problematic to use regulations to specify a specific maximum timetable for the preparation of local plans. This is noting that there are a range of local circumstances, many of which are outside local authority control, which can adversely affect local plan progress. This includes, changing developer / land owner aspirations, newly arising infrastructure issues, fluctuating economic cycles and political changes.
- 8.2. The significant scale and increasing complexity of local plan evidence is well documented. It is also something that we and LCR districts are well aware of. The intention of recommendations 24-26 are therefore welcomed, subject to local authorities being able to robustly defend their position at local plan examinations and planning appeals. It is also recognised that Sustainability Appraisals provide an important tool for the development of plans and anchor plan-making in a wide assessment of sustainable development.

9. Local Plan Content

- 9.1. We welcome recommendation (36) which provides flexibility to allow strategic allocations to be identified in the latter phases of the plan period, notwithstanding uncertainties over funding. This approach would assist our long term planning at the city region level and provide an enhanced degree of certainty for private investors where longer term and complex investment decisions may be required.

10. Implementation and Delivery

- 10.1. We are concerned about the status of 'reserve sites' within the plan-making process and their relationship to 'allocated sites'. We query what specific criteria would apply to sites to make it to the 'reserve list' and whether rolled over reserve sites could create an environment of uncertainty for local communities.
- 10.2. It would be more appropriate to maintain a focus in plan-making on delivery, monitoring and regular flexible plan reviews rather than introduce the fairly loose concept of reserve sites, which could create uncertainty and stagnation in some areas as developers hold on to aspirations for development well into the future.

11. Minerals and Waste Plans

- 11.1. We note recommendation (45) on Aggregates Working Parties and can see the merit in the output from the Aggregates Working Party being given particular weight in planning decisions and preparation of minerals plans. However, the operation and funding of the Aggregates Working Parties may need review, to ensure outputs are meaningful and robust, with appropriate funding to ensure their continued operation.
- 11.2. We support recommendation (46), that advocates that the Government should confirm that there are comparable expectations on Minerals and Waste Plans completion. The authorities responsible for the minerals and waste within the Leeds City Region are primarily Unitary Authorities who either incorporate the minerals and waste policy within their Local Plan and/or have separate Development Plan Documents for minerals and waste. We consider that there is a clear link between minerals and waste and other issues with a planning or spatial dimension, with minerals and waste being necessary to the sustainable house building agenda and energy provision; consequently parallel timetables for the completion of local plans/development plan documents are considered necessary.
- 11.3. We also note Discussion Paper 8 on Minerals and Waste and support the comments therein, which recognise that resourcing minerals and waste planning authorities is an issue, with concerns raised by industry over the pool of suitably qualified staff of handling their roles and the ability to continue to deliver a sufficient supply of minerals and waste planning resources. We also agree that the absence of data for minerals and waste is a significant constraint on the preparation of comprehensive and up to date local plans for these important sectors and would advocate these data concerns being addressed.

12. Next Steps and Transition

- 12.1. We note recommendation (47) which states that a Technical Working Group should be established to assist the implementation of the recommendations. This is supported and we highlight the need for a representative mix of local authorities and/or combined authorities from a diverse social, economic and geographical background.