



AIRE VALLEY LEEDS AREA ACTION PLAN

Leeds Local Development Framework

Development Plan Document

Duty to Co-operate Background Paper Submission Addendum

September 2016

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1. Introduction

- 1.1. Section 33A of the Planning & Compulsory Purchase Act 2004, as amended by section 110 of the Localism Act 2011, has introduced a Duty to Cooperate in relation to planning of sustainable development.
- 1.2. This requires Leeds City Council to co-operate with other local planning authorities and bodies prescribed in regulation 4(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 to maximise the effectiveness of the preparation of the Aire Valley Leeds Area Action Plan (AVLAAP) and supporting activities so far as it relates to a strategic matter. A strategic matter is defined as “sustainable development or use of land that has or would have a significant impact on at least two planning areas including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas” (section 33A (4) (a)).
- 1.3. In this regard the City Council and others are required to engage constructively, actively and on an ongoing basis. Paragraphs 178-181 of the National Planning Policy Framework (NPPF) provide guidance on planning strategically across local boundaries.

Paragraph 181 states that:

“Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected levels of development”

2. Duty-to-cooperate engagement on the AVLAAP

- 2.1 The City Council administers a Duty to Co-operate group, which meets on a regular basis and maintains contact between the Local Authorities in the Leeds City Region. Contact with other relevant prescribed bodies occurs via direct contact and correspondence.
- 2.2 In September 2015, a Duty to Co-operate Background Paper was published to accompany the Publication Draft Aire Valley Leeds Area Action Plan (AVLAAP) and Leeds Site Allocations Plan (SAP). This paper set out the following details in respect to the duty to co-operate process.

- The Leeds City Region governance arrangements for the duty to co-operate process on strategic planning arrangements.
- Previous duty to co-operate engagement activity relating to the preparation of the AVLAAP.
- The main issues of concern raised as part of the duty to co-operate process, noting that none of the sites in AVL were raised as issues of concern at the time.

2.3 This addendum provides an update on proposed pre-submission changes to the plan following consultation on the Publication Draft version and further activity undertaken through the duty to co-operate process.

2.4 A consultation on the Publication Draft AVLAAP was undertaken in September to November 2015. A number of representations were received raising issues relating to the soundness and legal compliance of the plan. In response the Council has proposed a number of pre-submission changes to address matters relating to the soundness of the plan.

2.5 Some of the proposed pre-submission changes have potential to raise matters of a strategic nature, particularly those relating to the capacity of major development sites. It was therefore necessary to raise these through the duty to co-operate process and invite comments on the proposed changes from relevant duty to co-operate prescribed bodies.

2.6 The Council tabled the main strategic pre-submission changes at the 29 March 2016 Duty to Cooperate meeting using the standard template and including supplementary information (details are set out in Appendix A to this report). In summary, the main changes tabled were as follows:

- Amended dwelling capacities for three housing sites. This included two increases in capacity and one reduction in capacity with an overall increase in the number of dwellings proposed in the plan area from 7,830 to 7,943 (an increase of 113 dwellings).
- An increase in the size of one employment allocation by 1.84 hectares.

2.7 The responses of the other duty to co-operate bodies to these matters are set out in the minutes to the meeting of 29 March and in the schedule of responses received in writing (see Appendix B). No specific concerns were raised by the duty to co-operate bodies although it is noted that there is a need for continuing engagement in relation to the cumulative impacts of development proposals on the strategic highway network in conjunction with the Council's development proposals set out in the Leeds Site Allocations Plan.

3. Conclusion

- 3.1 The Council has satisfied the legal tests set out in the Act. This has been achieved by regular and constructive contact with relevant prescribed bodies.

APPENDIX A

STRATEGIC PRE-SUBMISSION CHANGES RAISED AT MARCH 2016 DTC MEETING

Meeting of Strategic Planning (Duty to Cooperate) Group

Date: 29th March 2016

Time: 14:00 – 16:30

Location: Level 2 Conference Room
Leonardo Buildings
Rossington Street
Leeds

Agenda:

1. Introductions
2. Apologies
3. Minutes of Last Meeting 26th January 2016
4. Task List (if not on Agenda)
5. For Information
6. Local Plans Report to Government (All)
7. Empty and Five Year Supply in Leeds (Task 2) (Leeds)
8. Aire Valley Area Action Plan (LCC – Items to be tabled)
9. Planning Portfolio Board Work Programme (ML)
10. Any Other Business
11. Topics for Future Meetings – Moving Forward (All)
 - Update on STP
 - Rail North and the Franchises
 - Infrastructure Framework
 - Carbon Modelling
12. Date of Next Meeting

31st May 2016

Coghlan, Robin

From: Coghlan, Robin
Sent: 24 March 2016 13:33
To: Sharma, Anup; Alan Hart (alanhart@barnsley.gov.uk); Alison Gillespie (alison.gillespie@westyorks-ca.gov.uk); Andrew Marshall (Andrew.marshall@bradford.gov.uk); Anup Google Sharma; Buffy Grant (buffy.grant@bradford.gov.uk); Carl Bunnage (carl.bunnage@northyorks.gov.uk); emmacoveney@barnsley.gov.uk; Feeney, David; Helen Gregory (hgregory@selby.gov.uk); Ian Stokes (ian.stokes@york.gov.uk); John Houston (john.houston@calderdale.gov.uk); john.buddle@kirklees.gov.uk; Julian Jackson (julian.jackson@bradford.gov.uk); Justin Wilson (Justin.Wilson@westyorks-ca.gov.uk); Mark Rushworth; Martin Grainger (martin.grainger@york.gov.uk); Matthew Collins (mcollins@selbydc.gov.uk); Michael Long; Neville Ford (nford@wakefield.gov.uk); Philip Ratcliffe (phil.ratcliffe@calderdale.gov.uk); Rachel Jones (rachele.jones@environment-agency.gov.uk); Rachel Wigginton (rachel.wigginton@northyorks.gov.uk); Richard Hollinson (richard.hollinson@kirklees.gov.uk); Sian Watson (swatson@cravendc.gov.uk); Simon Latimer (simon.latimer@bradford.gov.uk); Steven Wright (steven.wright@kirklees.gov.uk); Toni Rios (toni.rios@highwaysengland.co.uk); Tracey Rathmell (tracey.rathmell@harrogate.gov.uk); Bingham, Paul
Subject: Further Papers for DtC meeting 29th March 2016
Attachments: DtC 290316 - Item 8 - Aire Valley Leeds AAP - DtC submission version - AVL Policies Map.pdf; DtC 290316 - Item 8 - Aire Valley Leeds AAP - DtC submission version.docx; DtC 290316 - Item 8 -Aire Valley Leeds AAP - DtC submission version - Appendix A.docx

Dear All

Please find attached papers for Item 8 – Aire Valley Leeds Area Action Plan.

We have consulted the DtC Group before on both Leeds' Site Allocations Plan and the Aire Valley Leeds AAP

There are now some changes to sites and capacities which are being proposed in modifications for the Submission version of the Aire Valley Plan

It is anticipated that there will be some limited impacts from the Plan overall on highway capacity and infrastructure affecting mainly Selby, Wakefield, Kirklees and Highways England. There has already been some modelling done of the combined effects of Aire Valley and Site Allocations plans that has been shared with affected authorities. It is anticipated that the impact of the current proposed changes will be very minor.

Please let me know either by email or at the meeting if your authority / organisation has any concerns. Also, if you have no concerns it would be useful to have confirmation of that.

Regards

Have a good Easter Weekend

Robin

Robin Coghlan
Planning Policy Team Leader

From: Sharma, Anup

Sent: 23 March 2016 15:14

To: Alan Hart (alanhart@barnsley.gov.uk); Alison Gillespie (alison.gillespie@westyorks-ca.gov.uk); Andrew Marshall (Andrew.marshall@bradford.gov.uk); Anup Google Sharma; Buffy Grant (buffy.grant@bradford.gov.uk); Carl Bunnage (carl.bunnage@northyorks.gov.uk); Coghlan, Robin; emmacoveney@barnsley.gov.uk; Feeney, David; Helen Gregory (hgregory@selby.gov.uk); Ian Stokes (ian.stokes@york.gov.uk); John Houston (john.houston@calderdale.gov.uk); john.buddle@kirklees.gov.uk; Julian Jackson (julian.jackson@bradford.gov.uk); Justin Wilson (Justin.Wilson@westyorks-ca.gov.uk); Mark Rushworth; Martin Grainger (martin.grainger@york.gov.uk); Matthew Collins (mcollins@selbydc.gov.uk); Michael Long; Neville Ford (nford@wakefield.gov.uk); Philip Ratcliffe (phil.ratcliffe@calderdale.gov.uk); Rachel Jones (rachele.jones@environment-agency.gov.uk); Rachel Wigginton (rachel.wigginton@northyorks.gov.uk); Richard Hollinson (richard.hollinson@kirklees.gov.uk); Sharma, Anup; Sian Watson (swatson@cravendc.gov.uk); Simon Latimer (simon.latimer@bradford.gov.uk); Steven Wright (steven.wright@kirklees.gov.uk); Toni Rios (toni.rios@highwaysengland.co.uk); Tracey Rathmell (tracey.rathmell@harrogate.gov.uk)

Subject: Papers for DtC meeting 29th March 2016

Dear All

Please find papers for next weeks DtC meeting.

They are being circulated earlier than usual as I am on my Holidays next week.

Please note that the agenda does not contain the position statement from each authority as per normal. This will return in the May meeting.

Thanks

Anup Sharma
Senior Planner
Forward Planning and Implementation
Tel: 0113 395 0638 (ext. 50638)

Recycle for Leeds

Look out for your handy guide to recycling in your Council Tax bill this month and put it on your noticeboard, fridge or cupboard door for quick reference.

[Click here](#) for a quick check of what goes in which bin.

Leeds City Council

Aire Valley Leeds Area Action Plan: duty to co-operate

Section 110 of the Localism Act, November 2011, imposes a duty on councils to co-operate with other councils and bodies such as the Environment Agency and Highways England on planning issues that cross administrative boundaries. The duty is explained in the national planning policy framework paragraphs 178 to 181. In particular paragraph 181 states: “Local Planning Authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their local plans are submitted for examination”.

The intention of the legislation is that the duty is carried out before councils make formal decisions on plans, with those decisions taking account of the outcome of the co-operation process. The duty applies to local planning authorities but also the following bodies:

The table below and appendix A sets out proposed revisions to the Aire Valley Leeds AAP which raise potential strategic issues. These revisions reflect the Council’s proposed response to representations received to the Publication Draft AAP consultation in Autumn 2015. Further detail on the Councils Discharge of the Duty can be found in the related background paper on ‘Duty to Cooperate’ which sets out both the processes in more detail as well as more details on the strategic issues and cross boundary relationships.

Ref	Strategic Issue	Potential Impact	Areas/bodies potentially affected	Evidence	Resolution / Mitigation	Monitoring	Actions / Response	NPPF Para 156 link
<i>Ref</i>	<i>Summary of the issue</i>	<i>Description of why it is an issue for neighbouring authorities</i>	<i>Details of the authorities affected by the issue</i>	<i>Evidence to show there is an issue (including links to source documents)</i>	<i>Details of how the issue can be overcome or managed</i>	<i>How the issue will be monitored including key indicators and trigger points</i>	<i>Agreed actions (including who is to lead & timescale)</i>	<i>Relevant strategic priority in para 156</i>
1 A	Revised quantum of development on specified Aire Valley Leeds AAP allocations (housing & employment – see appendices)	Impact on strategic highway network	Wakefield, Kirklees, Selby, Highways England	Infrastructure Plan	Through site requirements set out in the Aire Valley Leeds AAP informed by the sustainability appraisal, Highway England’s West Yorkshire Infrastructure (WYIS) Study and LCC’s transport modelling work.	Authority Monitoring Report	Seek clarification from duty to co-operate bodies that proposed revisions raise no cross administrative boundary issues. Continue to liaise with Highways England regarding input to the WYIS and addressing infrastructure requirements emerging from the study.	Homes and jobs needed in the area. Provision of infrastructure for transport.

Aire Valley Leeds Area Action Plan: Duty to Co-operate

Summary of proposed site capacity and boundary revisions for submission draft plan

The Aire Valley Leeds AAP area covers an area of 1,300 hectares to the south east of Leeds City Centre, extending out to beyond the M1 at Junctions 44 and 45.

Leeds City Council is proposing a number of revisions to the AVLAAP for the submission draft plan. These changes are proposed in response to representations received to the consultation on the publication draft AAP which ended in November 2015. The proposed allocations set out in the publication draft have previously been taken through the duty to co-operate process.

Proposed revisions relate to site capacities and boundaries for housing/mixed use and employment sites. Any proposed revisions which may raise strategic issues are summarised in Table 1 (housing / mixed use sites) and Table 2 (employment sites) below. The accompanying plan shows the location of the sites.

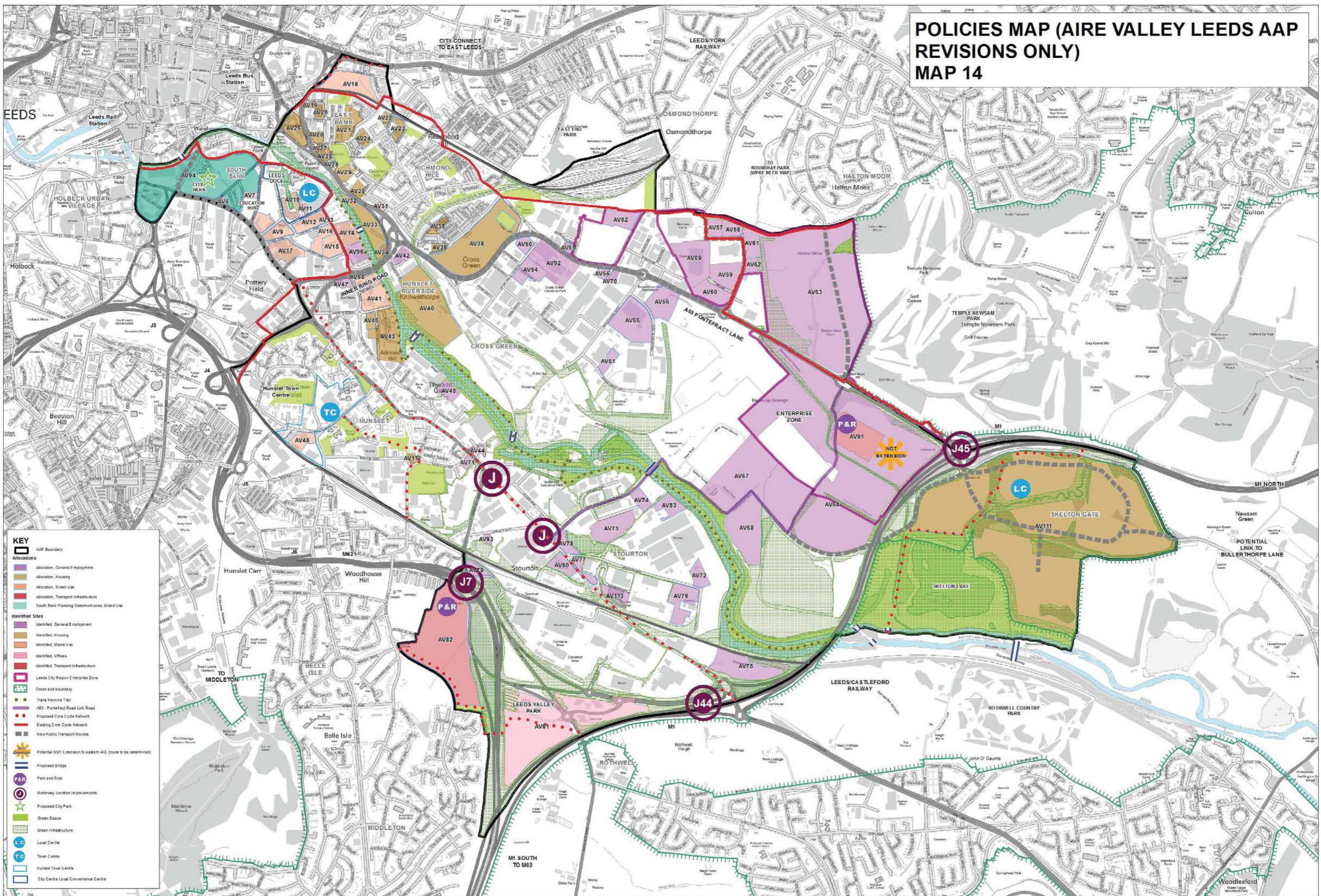
Table 1: Housing sites

Site Ref	Site Name	Leeds HMCA	Allocation	Publication Draft AVL AAP capacity (dwellings)	Proposed revised capacity (dwellings)	Difference
AV40	Bridgewater Road North	East	Housing	425	546	+121
AV94	South Bank Planning Statement Area	City Centre	Mixed use	825	1,635	+810
AV111	Skelton Gate	East	Mixed use	2,619	1,801	-818
Total AVL AAP				7,830	7,943	+113

Table 2: Employment sites

Site Ref	Site Name	Allocation	Publication Draft AVL AAP site area (ha)	Proposed revised site area (ha)	Difference (ha)
AV68	Skelton Grange (South)	General employment (identified)	7.33	9.17	+1.84

POLICIES MAP (AIRE VALLEY LEEDS AAP REVISIONS ONLY) MAP 14



KEY

- Allocation**
 - Allocation, General Employment
 - Allocation, Housing
 - Allocation, Mixed Use
 - Allocation, Transport Infrastructure
 - South Bank Planning Statement Area, Mixed Use
- Identified Sites**
 - Identified, General Employment
 - Identified, Housing
 - Identified, Mixed Use
 - Identified, Offices
 - Identified, Transport Infrastructure
 - Leeds City Region Enterprise Zone
- Infrastructure**
 - Green belt boundary
 - Trans Pennine Trail
 - A63 - Pontefract Road Link Road
 - Proposed Core Cycle Network
 - Existing Core Cycle Network
 - New Public Transport Routes
 - Potential NGT Extension to eastern AVL route to be determined
 - Proposed Bridge
 - P&R
 - Motorway Junction Improvements
 - Proposed City Park
 - Green Space
 - Green Infrastructure
 - Local Centre
 - Town Centre
 - Hunslet Town Centre
 - City Centre Local Convenience Centre

APPENDIX B
RESPONSES FROM DTC BODIES

Aire Valley Leeds Area Action Plan: duty to co-operate

Updated submission version March 2016

Section 110 of the Localism Act, November 2011, imposes a duty on councils to co-operate with other councils and bodies such as the Environment Agency and Highways England on planning issues that cross administrative boundaries. The duty is explained in the national planning policy framework paragraphs 178 to 181. In particular paragraph 181 states: “Local Planning Authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their local plans are submitted for examination”.

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Minutes of Strategic Planning (Duty to Cooperate) Group

Date: 29th March 2016
Time: 14:00 – 16:30
Location: Leonardo Conference Room
Leonardo Buildings
Rossington Street
Leeds

In Attendance

Andrew Marshall	Bradford City Council
Michael Long	Combined Authority
Tracey Rathmell	Harrogate Council
John Buddle	Kirklees Council
David Feeney (Chair)	Leeds City Council
Robin Coghlan	Leeds City Council
Mark Rushworth	North Yorkshire County Council
Tom Ridley	Selby Council
Neville Ford	Wakefield Council
Ian Stokes	York City Council

Apologies

Alan Hart	Barnsley Council
John Houston	Calderdale Council
Justin Wilson	Combined Authority
Toni Rios	Highways England
Anup Sharma	Leeds City Council
Steven Wright	Kirklees Council
Helen Gregory	Selby Council

3. Minutes of Meeting 26th January 2016

Agreed as an accurate record

4. Task List

All items on main agenda.

5. For Information

- i. Planning Inspector's conclusion that Brighton could adopt a housing requirement which is lower than its objectively assessed housing need. Paper circulated.
- ii. The Court of Appeal concluded that the meaning of NPPF paragraph 49 should be interpreted widely. Thus, if a local authority fails to demonstrate a 5 Year Supply of housing, the policies that can be regarded as "out of date" include all those with the slightest relation to housing supply, including Green Belt gap policies.

6. Local Plans: Report to Communities Secretary and Minister by the Local Plans Expert Group

6.1 The report had been circulated. It has housing delivery and speed of preparation as underlying concerns and makes a number of recommendations. Some recommendations are of particular concern, such as reviewing the 5 Year Supply annually.

6.2 ML said he anticipated that Justin Wilson will be compiling a response to the Government on behalf of the Combined Authority (making use of the Combined Authority's response to a previous similar consultation), and would welcome suggestions from individual local authorities.

Task 1: Local authorities to send their responses or suggestions to JW to inform his response on behalf of the Combined Authority

7. Empty housing and 5 Year Supply in Leeds

7.1 Leeds had circulated its method for including reductions in housing vacancy in its 5 Year Supply calculation. It relies on evidence of the effects of initiatives to reduce vacancy.

8. Aire Valley Leeds Area Action Plan

8.1 RC reported that Leeds had circulated by email details of the proposals for the Submission plan. The proposed modifications to the Publication Plan involve a slight redistribution of housing and an increase to the size of one employment site. The net effects are extremely modest: 113 extra dwellings and 1.8ha additional general employment land.

8.2 York and Barnsley had already emailed confirming they have no concerns about the plans. RC urged the other authorities to do likewise.

8.3 No one was present from Highways England (HE), but Leeds expects to continue dialogue with HE about the highways impact.

8.4 JB queried what modelling of traffic impacts had already been shared? RC said he thought this related to the one-to-one meetings that Leeds held with neighbouring local authorities in spring 2015.

8.5 TR said Selby was concerned about the combined impact of Aire Valley development and proposals for new settlements. There had been insufficient time to put together a considered response from Selby.

8.6 DF said there will be a further opportunity for Leeds and Selby to meet and consider the impacts and how they might be mitigated through the DtC process.

Task 2: Leeds to arrange a meeting with Selby and NYCC

9. Planning Portfolio Board Work Programme / Strategic Planning review and Update (JW)

9.1 ML reported that a number of papers are due to be considered by the Combined Authority:

- Update to the Strategic Planning document
- Response to the Turbo Technologies planning application concerning the relocation of the business from Kirklees to Calderdale

- Response to the Draft Kirklees Local Plan

9.2 Heads of Planning are due to consider reports in April concerning employment land and housing markets.

10. Any other business

10.1 It was noted that the Budget contains proposals concerning garden village settlements of between 1,500 and 10,000 dwellings.

10.2 Bradford has agreed to hold additional hearing sessions for the examination of the Core Strategy during the week beginning 17th May. Areas for examination include:

- i Habitat regulations work
- ii The settlement hierarchy
- iii Housing distribution

Area Action Plans on City Centre and Canal Road Corridor need further confirmation from DtC authorities that they envisage no impacts of concern.

10.3 JB of Kirklees asked if other LAs intend to respond to CLG's technical consultation paper on Starter Homes Regulations, which runs until 18th May. It proposes that all housing developments of 10 or more dwellings should provide 20% as Starter Homes.

11. Topics for Future Meetings

11.1 Suggested items for future meetings were:

- Update on Minerals Planning – Carol Howarth invited to attend next meeting on 31st May.
- Update on STP
- Rail North and the Franchises
- Infrastructure Framework
- Carbon Modelling

12. Date of Next Meeting

31st May 2016

Task 1:	CLG Reform of Local Plan Preparation: Local authorities to send their responses or suggestions to JW to inform his response on behalf of the Combined Authority	All LAs	31/05/16
Task 2:	Effects of Aire Valley Leeds and New Settlement Proposals: Leeds to arrange a meeting with Selby and NYCC	RC	31/05/16

Aire Valley Leeds Area Action Plan: duty to co-operate

Updated submission version March 2016

Responses from Duty to Cooperate bodies

DtC Body	Response
Barnsley MBC	<p>Barnsley MBC note the small net changes in development as proposed in the revisions and offer no comment specific to the Aire Valley Leeds AAP.</p> <p>However, it is noted that the M1 and its nearby junctions are a key means of access to and from the Aire Valley AAP locality.</p> <p>The Leeds CR Strategic (DtC) Officers Group has recently been consulted by Highways England on the draft consultancy report into the West Yorkshire Infrastructure Study (focus on SRN ability to accommodate West Yorkshire LA Local Plan proposals) and access to and from the M1 is a key part of the study.</p> <p>The BMBC response observed: It is noted that the concluding paragraph of 8.3 summarises the general outcome of the study as follows... Notwithstanding the benefits provided by the potential mitigation schemes, this study indicates that in absolute terms there will continue to be detriment to SRN network performance and operation onwards to 2040 as demonstrated by increased hours of delay and reduced average speeds within both the 'do minimum' and 'do something' scenarios.</p> <p>Also noted from para 8.3 was the reference to ' The LRN is also significantly impacted upon by forecast traffic growth.... The LRN arguably requires investment to a level as significant as that required on the SRN. ...The study highlights key LRN locations requiring further enhancement.</p> <p>Consequently (ie despite the mitigation there will be continuing detriment to SRN network), please see above an attachment (Leeds CR DtC Robin Aire Valley AAP 24th March 2016.doc) giving the BMBC submission to Highways England on the WYIS report as presented to Leeds CR DtC in January this year and the HE (Toni Rios) acknowledgement.</p>

DtC Body	Response
	<p>You'll see that a point is made that one way to ease the pressure on the M1 links / junctions north of M1 J36 is for HE to promote an 'expressway' link through Barnsley from M1J36 to A1M J37 (approx.) together with improvements to the A1 and A1M north of A1M J37.</p> <p>This would reduce traffic on the M1 ie that traffic whose origin and destination is south of M1J36 and or A1 north of Leeds.</p> <p>See the point made ...Also from a road and SRN viewpoint would an 'expressway' link through Barnsley from M1J36 to A1M J37 be part of a Highways England RIS solution together with A1 north of J37 improvements and also fit viably with emerging transpennine / Humber ports connectivity propositions?</p> <p>Such an 'expressway' and associated A1 north of J37 RIS proposition may ease traffic impacts on a number of links / junctions north of M1 J36 and also a number of M62 links/ junctions within the West Yorkshire Infrastructure study area and also provide for coordinated LRN investment to ease some of the LRN consequences of improvements to the SRN.</p> <p>In response HE replied 'I agree that the infrastructure study only forms part of the picture but should prove a useful piece of information to feed into wider discussions and workstreams including TfN and the forthcoming second round of Route Strategies. '.</p>
Highways England	<p>No problems with this in terms of the DtC table and reference to continuing work with HE to understand the impacts. We do however still need the revised data set to allow us to carry out the comparison of this with what was modelled in the Infrastructure Study.</p>
Selby DC	<p>Having viewed the new updates and attended a DTC meeting 31 May 2016, SDC have no concerns over the AAP proposals and support the continued development of the Aire Valley and the economic benefits it will bring to the region.</p> <p>As raised in your email below, SDC does still have some concerns over the replacement options for the Outer North East HMCA area of Leeds, however SDC appreciate it is still early in the process and LCC are perusing a number of options. Again we would reiterate the need to be consulted as soon as possible on any proposals or new evidence.</p>

DtC Body	Response
	Please note these are officer comments and have not been through elected members.
Wakefield MBC	Wakefield Council have no comments with regard to the proposed modifications to the Aire Valley Leeds AAP.
City of York Council	The impacts on the City of York UA will be in relation to increasing outward commuting to employment, but the magnitude will negligible / minimal.