

**Report of the Director of City Development**

**Report to Executive Board**

**Date: 20th September 2017**

**Subject: Leeds Local Plan – Adoption of the Aire Valley Leeds Area Action Plan**

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. To note the Inspector’s final Report on the Aire Valley Leeds Area Action Plan (AVLAAP) (the Plan) (**Appendix 1**), accept the Inspector’s Main Modifications and to recommended to Council that it adopts the Plan.
2. In taking forward Best Council Plan priorities for regeneration, economic growth, high quality housing, infrastructure, and environmental enhancement, the Development Plan for Leeds has a key role to play in shaping the future form, location and overall pattern of development. In helping to meet these requirements and in delivering longer term aspirations, it is crucial therefore that Leeds has an up to date Development Plan in place. The Aire Valley Leeds Area Action Plan (AVLAAP) will form part of the Local Plan for Leeds and provides the future planning framework to guide the regeneration of an area of the Lower Aire Valley stretching from the City Centre, south east to the M1 corridor.
3. In July 2016 Executive Board recommended that the Plan be submitted to the Secretary of State for independent examination. Hearing sessions were held between 24<sup>th</sup>-26<sup>th</sup> January 2017. On 19<sup>th</sup> April 2017 Executive Board agreed, for the purposes of public consultation, a series of Main Modifications, recommended by the Inspector as being necessary to make the Plan sound.

Following consideration of representations received, the Inspector has issued her Report, which was received by the Council on 8<sup>th</sup> August 2017. The Inspector's Report confirms that the Submission Draft version of the Plan as amended by the recommended Main Modifications is sound. Officers have also made a series of factual updating and grammatical modifications (**Appendix 3**). The City Council is now in a position to formally adopt the Plan (consistent with the adoption procedures required under the Local Planning Regulations and the Council's constitution).

4. This is a key strategic Plan for Leeds and the City Region as a whole. The area includes the Leeds City Region Enterprise Zone and a range of major development opportunities, including the South Bank. The area contains over 400 hectares of development land which can help meet Leeds' need for housing and provide new jobs – the majority of which is brownfield. The adoption of the AVLAAP is therefore a significant step in supporting Best Council Plan priorities to support economic growth and access to economic opportunities and providing enough homes of a high standard in all sectors.

### **Recommendation**

5. Executive Board is invited to:
  - i) Note the recommendations and proposed Main Modifications of the Inspector as detailed in her Report (August 2017) at **Appendix 1**;
  - ii) Recommend to Council that it adopts the Aire Valley Leeds Area Action Plan (as submitted for examination and with the Main Modifications recommended by the Inspector at **Appendix 1**, map changes at **Appendix 2** and the Additional Modifications at **Appendix 3** pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended); and
  - iii) Agree that any further additional modifications required to be made as grammatical, consequential or factual updates be delegated to the Chief Planning Officer in consultation with the Executive Member.

## **1 Purpose of this Report**

- 1.1 The purpose of this report is to seek Executive Board's recommendation that Council adopt the submission draft Aire Valley Leeds Area Action Plan and Main Modifications to it recommended by the independent Inspector.

## **2 Background**

- 2.1 The Plan is being taken forward within the strategic context of the Core Strategy (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).
- 2.2 The AVLAAP provides investment certainty and clarity for a part of the Metropolitan District which is experiencing, and has potential for further, considerable transformational change. It supports and guides wider projects, plans and investment programmes of the Council and its partners. The Strategic Economic Plan for the Leeds City Region identifies the Aire Valley as a strategic growth centre that will create a magnet for inward investment and is a focus for delivering infrastructure. The Plan has also been prepared to respond to and provide a framework for key projects in the area such as: High Speed 2 and the Yorkshire Hub proposals, the district heating network, the Leeds Cycle Network, the South Bank Framework and Hunslet Riverside Masterplan. Moreover, given the number of new homes proposed in the area the Plan articulates a commitment to the provision of a mix of homes (including for the multiple needs of older people) with over 5,000 homes on previously developed land and local infrastructure, including schools and green infrastructure in line with Best Council Plan priorities to enhance the quality of our public realm and green spaces.
- 2.3 Executive Board considered and supported the detailed vision, objectives and policies of the Submission Draft version of the Plan at its meeting in July 2016.
- 2.4 On 8<sup>th</sup> August, and following her examination into the Plan, the Inspector issued her Final Report setting out her assessment of the Plan in terms of its compliance with the Planning and Compulsory Purchase Act 2004 and its soundness against national guidance, the Core Strategy and local evidence.
- 2.5 The Plan has been determined by the Inspector to be justified, effective, consistent with national policy, legally compliant and positively prepared to deliver sustainable development that meets Leeds' needs as set out in the adopted Core Strategy, subject to a number of Main Modifications set out in Appendix 1 to her Report.
- 2.6 In accordance with section 20(8) of the Planning and Compulsory Act 2004 and Regulation 25 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) the Inspector's report was published on the Council's website, and made available at the Council's main offices and local libraries. All relevant people who were involved in the

Examination were also informed that the Inspector's report was published.

- 2.7 Once adopted the Council will publish the adoption documents and Adoption Statement, in accordance with regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council will notify all persons on the Local Plan database and send a copy of the Adoption Statement to the Secretary of State for Communities and Local Government.

### **3 Main Issues**

- 3.1 The Plan has been through a process of independent examination, and Executive Board approved consultation on a number of main modifications in April 2017. Fourteen representations were received and considered by the Inspector in preparation of her final report. These included comments by neighbouring councils (Selby, Wakefield and North Yorkshire), statutory consultees (Historic England, Environment Agency, Natural England and the Coal Authority) and other interested parties

- 3.2 The City Council received the Inspector's Report on 8 August 2017. The main conclusions reached by the Inspector are as follows:

- The Plan provides an appropriate basis for the planning of Aire Valley Leeds provided that a number of recommended Main Modifications are made to it. These are summarised in para 3.6 below.
- The Council has complied with the Duty to Co-operate and has engaged constructively with relevant bodies, including neighbouring local authorities, Highways England and the Environment Agency, to ensure that strategic priorities and cross boundary issues are properly considered and addressed.
- The Plan provides a delivery mechanism to ensure that the development required to implement the Core Strategy is appropriately located, of the right scale and adequately supported by the required physical and green infrastructure. It also provides a positively prepared and coherent framework to deliver sustainable regeneration and growth.
- The Plan is consistent with national policy, in particular with aims to boost significantly the supply of housing and support sustainable economic development. Subject to the modifications, the Plan appropriately addresses the spatial implications of economic, social and environmental change and, as demonstrated by the Sustainability Appraisal, will achieve net gains across all three social, economic and environmental dimensions of sustainable development.
- Air quality considerations are of particular relevance in relation to traffic movements. In this respect, the Core Strategy aims to focus development in locations that will reduce the need for people to travel. The Plan fully supports and reinforces this approach, with development located within or adjacent to the Main Urban Area and significant provision made within the Plan for improvements to

transport infrastructure. The Inspector is satisfied that the Plan would not delay compliance, or contribute to any future non-compliance, with the Ambient Air Quality Directive (Directive 2008/50/EC).

- Subject to the recommended modifications, the allocations in the Plan are consistent with national planning policy on flood risk.
- Viability and delivery issues within the Plan area have been appropriately addressed and in delivering over 7,500 homes and 200ha of employment land the Plan will provide sufficient flexibility to respond to changes in circumstances over its lifetime.
- Mechanisms such as the Strategic Housing Land Availability Assessment, the Employment Land Review and Assessment, and the Sustainability Appraisal have enabled a thorough testing of the proposed allocations against reasonable alternatives, with clear methodologies used for the comparative and cumulative analysis of potential allocations.
- The scale and mix of housing proposed by the Plan is justified and there is a reasonable prospect for its effective delivery over the plan period, which will positively address the identified needs of different groups in the community.
- The allocation of site AV111 (Skelton Gate, east of M1 Junction 45), including an area of Green Belt, would be consistent with Core Strategy Policy SP10 and the wider Green Belt review within the MD and would not prejudice the outcome of that wider review. The Inspector is satisfied that there are no reasonable alternatives to this site and that the allocation as proposed would be necessary to meet needs with sufficient flexibility to adapt to rapid change. Consequently, and taking into account the character of the land and its fulfilment of Green Belt purposes, as a whole, the benefits that would result from the development of this land are sufficient to amount to the exceptional circumstances necessary to support the release of the Green Belt in this location. The allocation of site AV111 as proposed would enable the development of a sustainable extension to the Main Urban Area, in accordance with Core Strategy Policy SP1.
- A range of investment has already taken place within the area, or is due to take place in the near future. A significant amount of development has occurred within the established Leeds City Region Enterprise Zone (EZ), including the recent completion of a recycling and energy recovery facility (RERF), and the development of additional Park & Ride sites is underway or being planned. A number of other key projects will also support the delivery of development across the wider Plan area, such as the intended development of the HS2 railway line and station. The Inspector considers that the Plan proposes an appropriate quantitative and qualitative mix of floorspace and land for economic development and will support the objectives of the Core Strategy in its approach to improving access to employment within the area.

- The Plan makes clear provision for the extent and type of physical infrastructure required to meet the anticipated rate of development and would appropriately reflect the current strategy for strategic transport infrastructure improvements in the area, including in relation to public transport provision.
- The Plan appropriately recognises and reflects the significance of designated and non-designated heritage assets and takes into account the contribution they make to their environment.
- The policies and provisions of the Plan to support improvements in the health of the local population and to meet their identified needs for social infrastructure, including community facilities and schools, are justified.
- The Plan complies with the relevant legal requirements as follows:
  - the Plan has been prepared in accordance with the Council's Local Development Scheme
  - the Plan complies with the requirements of the Statement of Community Involvement
  - Sustainability Appraisal has been carried out and is adequate
  - the Habitats Regulations Screening Reports indicates why Appropriate Assessment is not necessary
  - the Plan complies with national policy except where main modifications are recommended
  - the Plan complies with the Planning Act and Regulations

3.3 The Main Modifications recommended by the Inspector can be summarised as follows:

- Changes to reflect updates to the identified approaches to strategic infrastructure provision, including the safeguarded HS2 route and station location, and the cancellation of the NGT trolleybus scheme and the consequential changes to transport investment;
- Specific references to potential constraints and clearer identification of the wider policy context for the Plan, particularly in relation to matters such as land stability, flood risk, air and water quality;
- Alterations to housing numbers and employment floorspace to reflect changes to capacity calculations and availability;
- Amendments to site specific requirements, including to reflect the most recent flood risk maps and revisions to potential uses, green infrastructure requirements, and pedestrian and cycle routes;
- More accurate reflection of statutory and national policy requirements in relation to heritage assets and their settings, including non-designated heritage assets;
- Further specification of the monitoring arrangements for delivery, including the provision of an indicative housing delivery trajectory.

- 3.4 The full schedule of Main Modifications is set out in **Appendix 1** to this report as an appendix to the Inspector's Report. These modifications reflect those which Executive Board resolved be subject to consultation in April 2017 except for three further changes recommended by the Inspector. These consist of minor wording changes to MM29 and MM48 and one additional main modification (MM105A) to clarify the green space requirements of the Skelton Gate site (AV111).
- 3.5 As explained in detail in paragraphs 6 to 8 of the Inspector's Report, the Main Modifications also result in further corresponding changes to the policies map and some of the maps in the AVLAAP Map Book. These further changes to the policies map, detailed in Appendix 2 to this report, were approved for consultation by Executive Board in April 2017 alongside the Main Modifications.
- 3.6 In addition to the Main Modifications recommended by the Inspector, a number of additional modifications are proposed by officers which do not materially affect the policies set out in the Plan and simply serve to correct typographical and factual errors identified in the Submission Draft version of the Plan or other minor updates such to the naming of sites. The Schedule of Additional Modifications is set out in **Appendix 3** to this report. These modifications have not been considered or recommended by the Inspector nor consulted upon as they do not relate to the issues of the soundness of the Plan but rather are to ensure the Plan is factually correct and reads correctly. Some of these additional modifications were previously agreed by Council when the Plan was submitted for examination in September 2016.
- 3.7 Having received the Inspector's Report, the City Council is now in a position to formally adopt the Plan (consistent with the adoption procedures required under the Local Planning Regulations and the Council's constitution) incorporating the Main Modifications recommended by the Inspector, the additional modifications proposed and the consequential changes to the policies map and other maps included in the Plan.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 A comprehensive Report of Consultation accompanied the submission of the Plan and is included as a Background Paper. The Executive Board Report of 27th July 2016 detailed the consultation and engagement activity in relation to the preparation of the Plan. Further Main Modifications were subject to public consultation between 27 April and 8 June 2017. The Inspector's Report has been published in accordance with s.20(8) of the Planning and Compulsory Purchase Act 2004 (as amended) and is available on the Council's website, at the council offices and local libraries and any person who has requested to be notified of the publication of the Inspector's report has been given notice.

## **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 In the preparation of the AVLAAP, due regard has been given to Equality, Diversity, Cohesion and Integration (EDCI) issues. This has included the completion of an EDCI Screening of the AVL AAP, attached at Appendix 4, 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 AVL AAP material follows on and reflects the approach set out in the Core Strategy, which has also had the same regard to these issues.

## **4.3 Council Policies and Best Council Plan**

4.3.1 The adopted Core Strategy and the AVLAAP, if adopted 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 support delivery of our ambition to be a strong economy and a compassionate city as set out in the Best Council Plan. In particular, they support the Best Council Plan priorities on transport and infrastructure, low carbon, good growth, health and wellbeing and resilient communities.

4.3.2 The AVLAAP provides the statutory planning framework necessary to guide and implement key elements of the Leeds Inclusive Growth Strategy including the "big ideas" around the city centre, growing economic nodes in Leeds, providing 21st century infrastructure, supporting places to respond to economic change, promoting and growing the digital sector and promoting the city.

## **4.4 Resources and value for money**

4.4.1 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.

## **4.5 Legal Implications, Access to Information and Call In**

4.5.1 The AVLAAP follows the statutory Development Plan process in accordance with The Town and Planning County Planning Act 1990, Planning and Compulsory Purchase Act 2004 (as amended), The Environmental Assessment of Plans and Programmes Regulations 2004, Town and Country Planning (Local Planning ) (England) Regulations 2012 (as amended) , Localism Act 2010, and associated legislation. Once adopted the Plan will form part of the Council's statutory Local Plan.

4.5.2 The report is not eligible for call in, in line with the Executive and Decision Making Procedure Rule 5.1.2 – the power to call-in decisions does not extend to those being made in accordance with the Budget and Policy Framework Procedure Rules. The Plan was considered by Scrutiny Board (City Development) on 17th May 2016 in accordance with the Budget and Policy Framework Procedure Rules.

#### **4.6 Risk Management**

4.6.1 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 development plan, the ‘presumption in favour of sustainable development’ by the Government means that any development in conformity with national policy will be presumed to be acceptable, regardless of any previous positions of the authority. The adoption of the Plan creates certainty for an area of the City which is undergoing transformational change.

### **5 Conclusions**

5.1 In conclusion, the Inspector’s Report on the AVLAAP examination concludes that the Plan is sound and capable of adoption subject to a number of Main Modifications recommended by the Inspector.

5.2 The adoption of the AVLAAP will be a significant step in supporting our ambition to strengthen the economy in a compassionate way as set out in the Best Council Plan through economic growth, widening access to economic opportunities and improving housing growth and standards.

### **6 Recommendations**

6.1 Executive Board is invited to:

- i) Note the recommendations and proposed Main Modifications of the Inspector as detailed in her Report (August 2017) at Appendix 1;
- ii) Recommend to Council that it adopts the Aire Valley Leeds Area Action Plan (as submitted for examination and with the Main Modifications recommended by the Inspector at Appendix 1, map changes at Appendix 2 and the Additional Modifications at Appendix 3 pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended); and
- iii) Agree that any further additional modifications required to be made as grammatical, consequential or factual updates be delegated to the Chief Planning Officer in consultation with the Executive Member.

## **7 Appendices**

Appendix 1: Inspector's Report and Schedule of Main Modifications

Appendix 2: Map Book Changes Incorporating Main Modifications and Policies Map Following Adoption of the Plan

Appendix 3: Schedule of Additional Modifications to the Submission Draft Plan

Appendix 4: Equality, Diversity, Cohesion and Integration Screening Report

## **8 Background documents<sup>1</sup>**

8.1 None.

---

<sup>1</sup> 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.