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## Agenda Draft V4 – With pre-publication advice provided

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Draft



# Desired Outcomes and Recommendation Summary

**Desired Outcome** – To enhance and promote Leeds as a Green City

**Recommendation 1** – That the Chief Executive initiates a review to identify those policies, activities, challenges and achievements that;

- a) contribute to, or militate against, sustainable development, and
- b) that identifies the further actions, co-ordination and collaboration required to justify, promote and further enhance Leeds's status as a Green City.

Progress to be reported to the Scrutiny Board in January 2019

See also recommendations 2&5

**Desired Outcome** – To clearly identify and communicate a set of Sustainable Development aspirations and expectations that can be accessed, understood and supported by all stakeholders.

**Recommendation 2** – That the Chief Executive defines a clear set of prominent and overarching principles or framework for sustainable development in Leeds . Progress to be reported to the Scrutiny Board in January 2019

**Desired Outcome** – To make clear and prominent the commitment of Leeds City Council to Sustainable Development.

**Recommendation 3** – That the Director of Resources and Housing makes prominent the Council's aspiration for sustainable development in the next iteration of the Best Council Plan, in advance of wider consultation.

**Desired Outcome** – To make clear and prominent the commitment of Leeds City Council to Sustainable Development.

**Recommendation 4** – That the Director of City Development makes prominent the aspiration for sustainable development in the Leeds Inclusive Growth Strategy.

**Desired Outcome** – To ensure that Sustainable Development is considered in decision making and that there is consistency across Council policies and strategies

**Recommendation 5** – That the Chief Executive initiates a review of all Council wide policies and strategies to ensure that there is alignment and consistency for sustainable development in Leeds, in achieving economic, environment and social objectives at the same time.

Progress to be reported to the Scrutiny Board in January 2019



# Desired Outcomes and Recommendation Summary

**Desired Outcome** – To ensure that sustainable development is a strategic consideration and that a system for considering the detrimental impact of growth and the protection of communities and environments for the next generation is in place.

**Recommendation 6** – That the Chief Executive, Director of Resources and Housing and the Director of City Development,

- a) reviews the governance arrangements and role of the SIB in the strategic co-ordination and delivery of sustainable development and infrastructure in Leeds.
- b) considers the mechanisms for identifying the overarching needs of communities resulting from economic growth, for identifying the deficits created, and what can and should be delivered by all responsible organisations to remediate, and for identifying the tensions and risks arising and how they can be mitigated.

Views and conclusions to be reported to the Scrutiny Board in July 2018

**Desired Outcome** – To ensure that health provision and infrastructure is sustainable to meet current and future demand as a result of housing and population growth.

**Recommendation 7** – That the Chief Executive, the Director of Adults and Health and the Director of City Development works in collaboration with the CCG Medical Director (responsible for commissioning general practice) and the NHS England North Region Lead to identify:

- a) how within the planning system Health Services can better collaborate in a similar way to Highways and Children's Services with regard to planning strategies and programmes and individual planning applications.
- b) provides an update report to the Scrutiny Board in January 2019 on the progress made to improve the co-ordination of health infrastructure and services in order to meet current and future needs of communities as the population and housing numbers increase.

**Desired Outcome** – To empower Elected Members with knowledge regarding sustainability challenges in their areas, and to support decision making regarding the potential investment of the local fund.

**Recommendation 8** – That the Director of Communities and Environment, the Director of Resources and Housing (as chair of the SIB) and the Director of City Development,

- a) considers the mechanisms for informing and consulting with Elected Members on sustainable development and infrastructure priorities in their areas so that they can be more effective in supporting their communities, providing advice and information to residents, and in making investment/funding related decisions.
- b) ensures mechanisms are in place to consistently brief Elected Members regarding S106 obligations and schemes in their individual Wards.

Progress to be reported to the Scrutiny Board in July 2018



# Desired Outcomes and Recommendation Summary

**Desired Outcome** – To enable the Scrutiny Board to support the response of the Local Authority following this inquiry.

**Recommendation 9** – Should the Government proceed with a review of CIL, that the Director of City Development obtains the views of the Scrutiny Board (Infrastructure and Investment) to support the consultation response of the Local Authority.

**Desired Outcome** – To enable the Scrutiny Board to support and inform the decision making process of the Executive Board, with regard to the Regulation 123 list, following this inquiry.

**Recommendation 10** – That the Director of City Development obtains the views of the Scrutiny Board regarding any proposed revisions to the Regulation 123 list in advance of approval by Leeds City Council's Executive Board.

**Desired Outcome** – To ensure that Community Committees and Town and Parish Councils receive and understand relevant and informative guidance that will provide clarity regarding the investment and spending of their allocated local CIL fund.

**Recommendation 11** – That the Director of City Development and the Director for Communities and Environment reviews and refreshes The Leeds City Council CIL Neighbourhood Fund – 'Spending Guidance for Community Committees' to encompass guidance for Town and Parish Councils, and ensure that the guidance is circulated and understood by all Elected Members and Parish Councillors.

Progress to be reported to the Scrutiny Board in July 2018

**Desired Outcome** – To ensure that Town and Parish Councils and Community Committees fully understand the sustainable infrastructure needs in their areas and how they can work strategically with the Local Authority and other stakeholders to respond to those needs.

**Recommendation 12**– That the Director of Director of Resources and Housing explores,

- a) the mechanisms to inform Town and Parish Councils and Community Committees of the sustainable infrastructure needs in their localities, and
- b) how the investment of neighbourhood funds and specific S106 contributions can be coordinated through local governance arrangements to respond, in partnership with the Local Authority and other stakeholders accessing other funding sources, to the sustainable infrastructure needs in their areas.

Progress to be reported to the Scrutiny Board in July 2018



# Introduction and Scope

## Introduction

- 1 Leeds City Council has an ambition to be the best council in the UK, compassionate fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful. The Vision for Leeds 2011 – 2030 supports this ambition, stating that, by 2030 all communities will be successful where local services, including shops and healthcare, are easy to access and meet people's needs. It also states that local cultural and sporting activities are available to all and there are high quality buildings, places and green spaces, which are clean, looked after, and respect the city's heritage, including buildings, parks and the history of our communities.
- 2 The Best Council Plan 2018/19 – 2020/21, (approved on the 7<sup>th</sup> of February 2018), states that, the Council wants everyone to live in good quality, affordable homes within clean and well cared for places. It also states that that the Council wants everyone in Leeds to move around a well-planned city easily. The Best Council Plan also stipulates that the Council and Partners will be focusing on Inclusive Growth and 21<sup>st</sup> Century Infrastructure, as two of the best city priorities.
- 3 At our meeting on the 21 of June 2017 we considered our work programme for the 2017/18 municipal year. At this meeting we discussed the approach in Leeds to sustainable development through the provision of infrastructure that will support the physical and social needs of people, now and in the future. We stressed the importance of designing and planning places that are

supported sufficiently by transport provision, health services, education and green infrastructure. We resolved that this would be our main scrutiny inquiry for 2017/18.

## Scope of the Inquiry

- 4 Terms of Reference for this inquiry were agreed at our Board meeting on 19 July 2017, when we concluded that we would consider
  - The origins and definition of the term, sustainable development.
  - The definition of sustainable development, as set out in the National Planning Policy Framework (NPPF)
  - Against this framework and in relation to Planning, how the principles of sustainable development have been applied in Leeds, through the development plan process and via development management decisions, and how its principles have been translated into practice.
  - In translating these principles, the key policy issues that have emerged, which have skewed the delivery of sustainable development in its wider sense and how have they been addressed.
  - In terms of 'local sustainability', how Section 106 Agreements and the Community Infrastructure Levy (CIL) assist with the delivery of infrastructure to support regeneration and growth.

We also concluded that the purpose of the inquiry would be to make an assessment of and, where appropriate,



# Introduction and Scope

make recommendations on the following areas:

- Limitations placed on sustainable development by Government planning legislation and guidance, and the limitation of resources during austerity.
  - The extent to which sustainable development is reflected in the development and growth strategies and plans of Leeds City Council.
  - The extent to which Leeds City Council and its partners are delivering and/or promoting the need for good quality sustainable infrastructure.
  - The extent of collaboration between organisations to meet longer term economic, social and environmental requirements in communities.
  - The limitations of the Council's strategic planning framework in the delivery of sustainable development and the need for greater commitment and investment from other stakeholders.
  - If enough is being done in Leeds within the existing constraints of Government policies and resources, to meet the environmental and social needs of new and expanding communities as a result of infrastructure development and growth, or if that gap is widening.
- 5 The inquiry was conducted over six evidence gathering sessions which took place between July 2017 and January 2018 when we received a range of evidence both written and verbal.
- 6 Evidence was provided by a number of experts. A full list of those who participated is detailed at the end of this report. The information provided was

interesting and valuable, and we would like to thank everyone who contributed their time and expertise to support this inquiry.

- 7 During the course of our inquiry The Leeds Climate Commission<sup>1</sup> was established. The purpose of this commission is to help Leeds to make a positive choice on issues relating to sustainable energy, carbon reduction, and climate change mitigation. It is the intention of this Scrutiny Board to ask the Leeds Climate Commission to attend a future meeting to discuss how their work directly contributes to sustainable development in Leeds.
- 8 Since the conclusion of our inquiry the Government announced, on the 5 March 2018, the start of its consultation on a draft revised NPPF. The draft NPPF incorporates policy proposals previously consulted on in the 'Housing White Paper' and the 'Planning for the right homes in the right places' consultation. The draft also reflects the 2017 Budget which included additional proposals to change planning policy.

## Desired Outcomes, Added Value and Anticipated Service Impact

- 9 Our recommendations outline our expectations regarding a number of improvement measures which will require greater focus on communication, organisation and collaborative working within the Council and with external

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<sup>1</sup> <http://leeds.candocities.org/about-leeds-climate-commission>





# Introduction and Scope

stakeholders. We recognise that the planning system alone will not deliver sustainable development. This requires a wider integrated approach and commitment from Developers, Investors and other organisations.

- 10 Within this report we have highlighted why sustainable development must have greater prominence within our core corporate and wider city objectives. It is apparent that current Government objectives have greater focus on supporting development and growth and less focus on infrastructure requirements, and environment and social impacts. Locally we need to balance this deficit as far as is practicable, within resource and other constraints. We therefore need to ensure that we are building sustainable infrastructure that will benefit future generations, not burden them with a legacy of environmental and social issues that can so easily be generated by rapid growth, without consideration of the long term impacts.
- 11 In conducting the Inquiry we reflected on the role and organisational responsibilities of the Government, the NHS, Leeds City Council and Developers. The Scrutiny Board aimed to establish if robust strategies, and high impact operational practices are in place to ensure that sustainable development is at the core of all growth and infrastructure related decisions. The Scrutiny Board gathered intelligence and were informed through the collective knowledge and experience of all those who contributed to the inquiry. We hope that our findings provide a clear summary of areas that require focus and action.

- 12 Ongoing monitoring of the progress of outcomes and recommendations will be undertaken by the Scrutiny Board (Infrastructure and Investment) or successor board with the authority to discharge the relevant scrutiny functions relating to infrastructure, development or growth.

## Equality and Diversity

- 13 The Equality Improvement Priorities 2016 – 2020 have been developed to ensure that the council meets its legal duties under the Equality Act 2010. The priorities will help the council to identify work and activities that help to reduce disadvantage, discrimination and inequalities of opportunity to achieve its ambition to be the best city in the UK.
- 14 Equality and diversity issues have been considered throughout this Scrutiny Inquiry. Where a Scrutiny Board has made recommendations and these are agreed, the individual, organisation or group responsible for implementation or delivery should give due regard to equality and diversity, and where appropriate an equality impact assessment should be carried out.



# Conclusions and Recommendations

## Background and National Planning Policy Framework (NPPF)

- 15 As an introduction to our inquiry we were presented with a chronology of the evolution of sustainable development as a concept. We were advised that since the environmental movement in the early 60's, sustainable development has emerged as a constant international policy thread and governance objective.
- 16 It was explained to us that whilst there was acceptance that economic growth is necessary, a move away from a model where economic progress was the only overriding factor, was central to the early thinking on sustainable development. The Brundtland Commission introduced the first and internationally accepted definition of sustainable development in 1987. This has been represented as a '3 legged stool', whereby each leg (economic, environmental and social) are dependent on each other and need to be balanced, in order to achieve objectives over the longer term. No one element is a priority over the others. We were advised that the Brundtland report highlighted concern that economic activity had become paramount, leaving behind issues around social progress and environmental protection.
- 17 A more recent sustainable development model<sup>2</sup> was presented to us by Dr Katy Roelich from the Sustainability Research Institute, which portrays sustainable development as a doughnut mapping

out a 'safe and just space' where human needs are met without breaching ecological limits. This model and the Bruntland model are outlined in appendix 1.

- 18 We were advised that in 2005 the UK Government adopted a working policy framework when five policy principles were established, as detailed in appendix 2. We were informed however that since 2010 the Government has made no use of the framework and disbanded the advisory board who had supported its development.<sup>3</sup> We concluded that the diminished prominence in national policy directly correlates to the lack of clear sustainable development guidance for local authorities that exists today.
- 19 In September 2015, 193 member states attended the UN Sustainable Development Summit to adopt a global development framework which consists of 17 sustainable development goals. These goals came into force on the 1<sup>st</sup> of January 2016 and the UK is required to move forward on implementing these goals. These are outlined in appendix 3.
- 20 Each model or framework highlights that sustainable development is a wide ranging concept at a global and a local level. It had emerged as a key strand of public policy, with the ambition of securing development, economic prosperity, social progress and the management of environmental resources, at the same time. Information presented during the inquiry highlighted that whilst the Government's focus on sustainable development has diminished in the UK, cities in other parts of Europe, such as Copenhagen,

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<sup>2</sup> [www.kateraworth.com](http://www.kateraworth.com), Exploring Doughnut Economics, 2017.

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<sup>3</sup> The UK Sustainable Development Commission.





# Conclusions and Recommendations

have maintained their sustainable development principles as a priority and have become more environmentally and socially resilient as a result.

21 We were advised that reinvigorating sustainable development in Leeds will yield results over the long term for the next generation. This will build resilience particularly if there is greater focus on environmental protection, through the development of green infrastructure and focusing on solutions that will help mitigate climate change and reduce the risk of flooding. It is recognised that risk and vulnerability are not attractive legacies for those looking to invest in Leeds and that there is competitive advantage to being resilient, environmentally, economically and socially.

22 We can, therefore, see real advantages in continuing to advance, with supporting actions, the claims of Leeds to be a Green City. We feel that increasing the pursuit, prominence, and promotion of measures to enhance sustainable development, as advocated in this report, would be an essential aspect of this process. We believe that the mantra: 'Think Global, Act Local' is still a valid approach to sustainable development and to Leeds striving to be a 'Green City', and recognised as such locally, nationally and internationally. This process would benefit from a more co-ordinated strategic approach to promoting Leeds's aspiration to be a Green City and the social, environmental and economic benefits this provides for its citizens.

**Recommendation 1** – That the Chief Executive initiates a review to identify those policies, activities, challenges and achievements that

- a) contribute to, or militate against, sustainable development, and
- b) that identifies the further actions, co-ordination and collaboration required to justify, promote and further enhance Leeds's status as a Green City.

Progress to be reported to the Scrutiny Board in January 2019

See also recommendations 2&5

23 It was reinforced by a number of contributors to the inquiry that the delivery of sustainable development is the responsibility of Government (local and national), the business community and wider society. This requires commitment beyond the planning system and the local authority to meet its objectives. We were informed that the planning system has a key role to play in delivering the principles of sustainable development but it is by no means the only mechanism through which these aims might be achieved. Within the limitations of Government legislation, planning provides an opportunity to shape the character of places and helps to influence and coordinate investment decisions. However, in terms of sustainable development, we consider the planning system to be limited in its scope and does not have the financial resources available to put in place all of the necessary interventions and programmes required.

24 It was highlighted that for the purposes of planning, broader principles of



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sustainable development have been interpreted to some extent as part of the National Planning Policy Framework (NPPF, 2012)<sup>4</sup>. This specifies that: *“The purpose of planning is to help achieve sustainable development. Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices, we must respond to the changes that new technologies offer us. Our lives, and the places in which we live them can be better, but they will certainly be worse if things stagnate.”* (Greg Clarke, Ministerial foreword).

25 We were advised that within this context, and as a basis for national planning policy and decision making, the NPPF introduced a ‘presumption in favour of sustainable development’, a set of ‘core planning principles’ where ‘development, means growth’. We were advised that whilst the framework tries to articulate the Government’s view, the planning system is seen as responsible principally for achieving a ‘pro-development’ interpretation of sustainable development, not for delivering the generic broad principles.

26 It was highlighted to us that the NPPF does not have a more rounded definition of sustainable development and therefore diminishes the status of social justice and environmental management, in meeting the needs of future

generations, which are key components of sustainable development. We raised our concern that the NPPF also does not sufficiently address climate change, air quality and environmental resources and therefore severely constrains what can be achieved in terms of sustainable development through the planning system.

27 We were also informed that since the introduction of NPPF, subsequent supporting ministerial statements and planning guidance are regularly issued regarding housing growth, the need for local authorities to demonstrate a 5 year housing land supply, development viability, economic development and the use of new technology. This has been particularly significant for Leeds City Council since 2012. There is much less emphasis in Government guidance at the current time upon managing environmental and social resources and climate change.

28 We were advised that the NPPF does outline the role of planning in the identification and delivery of infrastructure, but some of these are outside the direct scope of the planning process. With regard to plan-making the NPPF describes the need for Local Plans to focus on strategic priorities relating to:

- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities;

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<https://www.gov.uk/government/publications/national-planning-policy-framework--2>



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- plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework.
- 29 The difficulty of balancing development viability and sustainable development was highlighted to us. We were advised that through local policy the Council has outlined green space, affordable housing requirement and transportation requirements. We were advised that in recent years, and within the context of the economic downturn, the viability of development proposals and compliance with policy requirements has become a highly contested area by Developers. If planning applicants are unable to demonstrate compliance with the Council's policy requirements, they are asked to submit a viability statement to evidence their assertions. Developers also have right of appeal to the Secretary of State if permission is not granted following consideration of the viability statement.
- 30 Representatives from Leeds Property Forum (LPF) advocated pushing harder to get Developers to accept that they should deliver assets such as affordable housing, broadband and electric vehicle charging points as a matter of course. This highlighted a dichotomy as, during this current economic downturn, the Government has expressed a view that Local Authority 'asks' are complex and wide ranging and cannot be afforded. In addition the Local Authority had been advised by the Government to compromise on green space contribution to allow affordable housing. In these circumstances it is perceived that sustainable development 'goes out of the door'.
- 31 It was explained to us that this approach generally leaves us with potential major problems for the future. Creating accessible places for lifetime needs will generate long term benefits to the health and social care budget. Similarly creating access to greenspace generates benefits for wildlife and biodiversity but also has been proven to improve wellbeing and mental health for members of the public accessing it. However, in some instances Developers conclude that the delivery of development to meet those needs is not economically viable.
- ## Leeds Strategy, Policy and Development Management
- 32 We were informed that in the UK local planning authorities have the responsibility for the preparation of the Local Plan and the determination of planning applications via the development management process. In Leeds the Local Plan<sup>5</sup> is comprised of a series of documents including the Core Strategy (adopted 2014), the Natural Resources and Waste local plan (adopted 2013), the Aire Valley Leeds Area Action Plan (adoption November 2017) and the Site Allocations Plan (adoption anticipated early 2019). Once made, Neighbourhood Plans will also form part of the development plan.
- 33 It was explained that the Leeds Core Strategy 2012-28 sets out a series of interrelated objectives and strategic and thematic policies, based around the

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<sup>5</sup><https://www.leeds.gov.uk/your-council/planning/local-development-framework>



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principles of sustainable development. It is a spatial plan, which is seeking to make provision for the overall scale and distribution of regeneration and growth across the district, whilst seeking to manage environmental resources and meet social objectives, at the same time. Key components of the Core Strategy include:

- Supporting the provision of community infrastructure that is tailored to meet the needs of the community including high quality health, education and training, cultural and recreation, and community facilities and spaces.
- The provision of new educational facilities to meet increased demand either through extensions to existing establishments or through the building of new schools in areas of housing growth or adjacent to them.
- That new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

34 The Core Strategy, Aire Valley Leeds Area Action Plan and Site Allocation Plan are supported with Infrastructure Development Plans (IDPs). We were advised that the IDPs have been prepared with a range of key stakeholders including Clinical Commissioning Groups and Childrens Services. The purpose of the IDPs is to help provide an overall framework to identify infrastructure programmes and projects either in place or planned. These plans should help facilitate an understanding of what is required to address both existing infrastructure

shortfalls as well as planning for future growth.

35 Current IDP's provide a schedule of infrastructure projects across the following broad types of infrastructure<sup>6</sup>:

- Public transport (rail and buses)
- Cycle / Pedestrian network – local initiatives, including Core Cycle network and improving pedestrian priority in the city centre
- Highway infrastructure (Strategic Road Network with Highways England)
- Park and ride
- School provision (e.g. 2 form entry primary school and through school with 2FE primary school and 4FE secondary school)
- Green infrastructure (city park, green spaces, children's play equipment)
- Waste management
- Flood defences and management
- Superfast broadband network
- Health

36 During the several sessions spent exploring national and local planning policy we established that the planning framework does not effectively support the refusal of major development on sustainability grounds. Elected members serving on Plans Panels expressed their frustration stating that they would like to see high quality development throughout the city which leaves a positive legacy. They felt that it is very difficult to insist upon the kind of vision that citizens have for their communities such as quality development, space, visual amenities, and services. We

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<https://www.leeds.gov.uk/docs/CD19a%20IDP%20Submission%20-%20Examination%20Update%20Nov%202013.pdf>





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therefore do not advocate that all growth should be automatically considered as good growth, particularly if it is focused on purely economic benefit without fully embracing environmental and social considerations.

- 37 We were advised that in practice, given the limited responsibilities of planning, development management is stronger on the economic aspects than on social progress. Social requirements such as health services and education are generally delivered outside of the planning system.
- 38 We were advised that Plans Panel Members aim for a quality of development for communities and not quantity. However, in their experience, they have found that planning inspectors do not always support that view and they tend to uphold appeals unless there is a really good reason within Government planning policies not to do so. It is therefore felt that there is a series of tensions or trade-offs, and a requirement to make compromises which may result in a poorer quality development and which does not fulfil sustainability aspirations equitably.
- 39 We were informed of the perception that most Developers do not have an immediate interest in the implications of their development in terms of sustainability. Most consider that they are contributing to Community Infrastructure Levy (CIL) or to Section 106 obligations, and this is perceived as sufficient or excessive by some Developers. We asked if local supplementary planning guidance would be effective to require Developers to do more to further mitigate some of the social and environmental issues caused

by development. In response, we were advised that it would be difficult to conceive how that could be put into effect in a way that would be consistent and uniform, and that Government and its Planning Inspectors would consider achievable and reasonable.

## Sustainable Development Framework, Best Council Plan and Inclusive Growth Strategy

- 40 When considering the role of Developers and the wider community we were advised by representatives from LPF that businesses, including Developers are thinking more about how they can be corporate citizens. They added that there is a need to get more businesses to understand that Leeds has an agenda which is not just about growth and economic development but growth that is good for the City. When we questioned if Developers are clear about sustainable development for Leeds, they advised that in their view the Core Strategy does give Developers clarity, however the narrative to the rest of the outside world is hugely important in terms of how the city aspires to grow. Representatives from LPF also highlighted that other corporate plans and strategies do not reflect sustainable development aspirations in a co-ordinated way.
- 41 Hugh Ellis from the Town and Country Planning Association stated that Local Authorities need a very powerful and sophisticated set of principles for sustainable development, adding that cities require long term investment strategies and long term certainty around policy and direction. He reiterated that national policy does not support sustainable development





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sufficiently so cities need to decide their own principles for themselves based on their unique circumstances. He highlighted that sustainable development should be an overarching idea, not a subsidiary one. He referenced the 5 principals from the UK Sustainable Development Strategy from 2005 and the more recent United Nations 17 Sustainable Development goals as a good starting point for a set of Local Authority principles for sustainable development.<sup>7</sup>

- 42 Dr Katy Roelich from the sustainability institute also reminded us of the increasing mismatch between national policy which recognises economic growth and local policy, and welcomed the introduction of the Inclusive Growth Strategy in Leeds. She also brought to our attention that the Inclusive Growth Strategy, which sits outside the planning framework, needs to better influence, drive and create aspiration with regard to sustainable development principles, advising that the link between infrastructure, social development and inclusion is a key area that requires more attention.
- 43 It was emphasised to us that Leeds City Council needs to lead by example in our own strategies and that sustainable development should be a more prominent feature in our Best Council Plan and Inclusive Growth Strategy. There is opportunity to remedy this in future versions. We recognise the need to ensure that our narrative for good sustainable development is clear to businesses and the wider community and evidence a set of principles for sustainable development which is communicated beyond our Core

Strategy, to all those who can make a contribution to any of the three recognised areas of sustainable development.

- 44 When considering the proposals to refresh the Best Council Plan at our meeting on the 20 December 2017, we recommended that the Executive Board supports the need to ensure that sustainable development has prominence under the Transport and Infrastructure ambition to ensure that the environmental and social needs of communities have greater focus, and that access to supporting facilities and services such as green space, transport health services and education are not diminished due to housing and infrastructure growth.
- 45 The desire for the Council and wider stakeholders to make progress in achieving economic, environmental & social objectives at the same time, rather than being at the expense of one another, should be at the forefront of the policies, strategies and plans that we share. We continue to advocate further development of the Best Council Plan so that it is more explicit as a local framework for sustainable development. Inclusive growth and being a green city are integral to that. We consider that the Council's 'Best Council' approach, supported by the Inclusive Growth Strategy can provide the platform for innovation in order to make a lasting difference in Leeds.

**Recommendation 2** – That the Chief Executive defines a clear set of prominent and overarching principles or framework for sustainable development in Leeds . Progress to be reported to the Scrutiny Board in January 2019

<sup>7</sup> Appendix 2 and 3



# Conclusions and Recommendations

**Recommendation 3** – That the Director of Resources and Housing makes prominent the Council’s aspiration for sustainable development in the next iteration of the Best Council Plan, in advance of wider consultation.

**Recommendation 4** – That the Director of City Development makes prominent the aspiration for sustainable development in the Leeds Inclusive Growth Strategy.

**Recommendation 5** – That the Chief Executive initiates a review of all Council wide policies and strategies to ensure that there is alignment and consistency for sustainable development in Leeds, in achieving economic, environment and social objectives at the same time.

Progress to be reported to the Scrutiny Board in January 2019

## Strategic Overview, Collaboration and Communication

46 As referenced in paragraph 28, the NPPF describes the need for Local Plans to focus on a number of strategic priorities. However, during various inquiry sessions we communicated our growing concern about the perceived widening gap between economic growth and social progress in Leeds. We expressed our worry and concern that the current concentration on housing and economic growth could potentially be a diversion from considering the bigger picture of development which must include environmental

management, and social equality and inclusion.

47 A number of infrastructure planning and delivery areas are outside the direct scope of the planning process and are the responsibility of other organisations. We wanted to understand the level of integrated working and partnership oversight that would consider all community infrastructure requirements to ensure sustainability. We also sought reassurance that all parts of the Council are in a position to work genuinely together on any future development proposals particularly large developments. We expressed our concern that public health and the provision of health services are not a material planning consideration but are an essential consideration to meet the social aspect of sustainable development.

48 We were advised that the nature of legislation and the devolution of funding to different organisations by Government makes the responsibility for providing services separate. This reinforces the need for collaboration with external organisations to provide community infrastructure.

49 Dr Roelich advised us that there is a need to recognise constraints and make the most of collaboration. Private and public sector collaboration is crucial so that the Local Authority can influence the delivery of infrastructure provided by other organisations.

50 We expressed our unease that the structuring and funding of health and education services does not enable an integrated approach to sustainable development. We were advised that



# Conclusions and Recommendations

there has been an opportunity for the Council to work collaboratively through the Core Strategy, the Site Allocation Plan (SAP) and the Aire Valley Leeds Area Action Plan (AVLAAP). City Development representatives informed us that they have worked with Children's Services and Public Health on issues relating to education provision, green space provision, walking and cycling and issues of clean air. We were advised that from a planning point of view City Development has tried to integrate infrastructure programmes and commitments. School places to meet current and future need have been considered at an early stage in correlation with the identification of potential housing sites, with land being identified in the SAP and AVLAAP as possible sites for schools.

- 51 As part of our inquiry we explored the planning and provision of health services and infrastructure to meet the requirements of expanding communities due to housing and population growth. We were advised by the Clinical Commissioning Group (CCG) representative that they are aware of the need to make GP's services sustainable and to marry up service delivery, estate strategies, and consider demand when looking at requirements. There is also a requirement to consider the wider need for pharmacies and dental services and other supporting services for communities. We were not convinced that there is sufficient current and future capacity to meet the demand and need generated by development.
- 52 The Chief Officer for Adult and Health Resources stated that with budgets stretched they are looking to reconfigure current estates to future proof services

and provide best value. However, there are challenges due to the differences in governance arrangements and plans for the many NHS organisations in Leeds. (CCG's, NHS England, Leeds Community Healthcare Trust, Leeds Teaching Hospital Trust, and Leeds and York Partnership Foundation Trust).

- 53 We were also advised that the GP estate is in a mixture of tenures, some of which is very poor and some of which are domestic dwellings turned into surgeries. Work has been undertaken in specific areas of Leeds to identify if improved planned development could be established which could be future proofed. It was highlighted that the investment required to deliver a solution would outweigh any saving and this funding is not available at the moment.
- 54 We were advised that efforts have been made to identify where responsibility sits for the development of the primary care estate. Although this was thought to be NHS England we were advised that this responsibility may also be shared with the CCG's. It was highlighted to us that there is an opportunity to improve co-operation, planning and co-ordination by health services in terms of the infrastructure to support communities, and that the involvement of the city's Strategic Estates Forum, which includes the NHS Leeds CCG Partnership in its membership, could support this improvement.
- 55 We were advised that there is a need to understand individual health service strategies and demand before any city wide estates strategy for health can be established, and articulating that is currently a struggle. We were concerned to hear that health provision could be



# Conclusions and Recommendations

built throughout Leeds if funding was not an issue however, there is a significant challenge in recruiting enough GPs and currently not enough GP's or nurses to support new or expanding services. We acknowledge that the pressure on the workforce in general practice is a national issue and that in response to this the NHS Leeds CCG Partnership is taking steps to recruit additional GP's into the region.

- 56 We concluded that the development of the health care estate cannot currently be sustained. It is frustrated by lack of investment and the complexities of the health care system which has evolved into a fragmented approach to estate and service management.
- 57 Whilst we can be sympathetic to the challenges within our health systems we did express our disappointment at the lack of determination and endeavour collectively to plan development holistically and consider all the interdependencies that must be in place for communities to thrive. In response, we were advised that there has been an attempt to co-ordinate but more can always be done.
- 58 We sought to establish where the responsibility lies for the strategic co-ordination of sustainable development and infrastructure, who considers the social and environmental deficits and who considers the conflicting priorities that arise as a result of economic growth such as transport provision and air quality.
- 59 We were advised that the Council's Strategic Investment Board (SIB) have considered investment areas, core strategy and cross cutting issues such

as breakthrough projects. During our inquiry we requested the terms of reference for the Strategic Investment Board. These have now been provided as appendix 4, and clearly identify that there is a potential role for the SIB in the co-ordination and delivery of sustainable development in Leeds, which should be a core consideration of any future housing or infrastructure investment.

**Recommendation 6** – That the Chief Executive, Director of Resources and Housing and the Director of City Development,

- a) reviews the governance arrangements and role of the SIB in the strategic co-ordination and delivery of sustainable development and infrastructure in Leeds.
- b) considers the mechanisms for identifying the overarching needs of communities resulting from economic growth, for identifying the deficits created, and what can and should be delivered by all responsible organisations to remediate, and for identifying the tensions and risks arising and how they can be mitigated.

Views and conclusions to be reported to the Scrutiny Board in July 2018





# Conclusions and Recommendations

**Recommendation 7** – That the Chief Executive, the Director of Adults and Health and the Director of City Development works in collaboration with the CCG Medical Director (responsible for commissioning general practice) and the NHS England North Region Lead to identify:

- a) how within the planning system Health Services can better collaborate in a similar way to Highways and Children's Services with regard to planning strategies and programmes and individual planning applications.
- b) provides an update report to the Scrutiny Board in January 2019 on the progress made to improve the co-ordination of health infrastructure and services in order to meet current and future needs of communities as the population and housing numbers increase.

60. As elected representatives in our communities we highlighted that there is very little coordinated information provided which would facilitate our understanding of the planned infrastructure growth in our areas and how that will impact directly on residents.

61. Throughout the inquiry we talked extensively about sustainable development without fully understanding what is currently happening in our areas. We discussed the increase in student accommodation in the centre of Leeds, the construction of the East Leeds Orbital Road and the housing developments that it facilitates, and commented on the lack of

communication regarding the infrastructure and services required to service those communities. We concluded that all members would welcome more information about the sustainable development priorities in their areas, who is responding to it, what infrastructure is needed and how this is being funded. It was acknowledged by Council Officers that there is a need to have earlier strategic conversations with Ward Members about needs in each area so that a strategic approach can be agreed in advance as opposed to decisions being made on a site by site conversation further down the line.

62. We also commented on the perceived inconsistencies in the way that Elected Members are consulted about Section 106 (S106) funding for schemes in their electoral wards. One Elected Member advised us that they had not received any briefings regarding S106 and how it could be spent. They added that quite often, by the time information is presented to members, decisions have already been made. This was not the experience of all Elected Members, as it was also stated that full information is regularly provided. It is evident that there is a need for regular and consistent consultation with all Elected Members regarding S106 obligations and the investment of funds.





# Conclusions and Recommendations

**Recommendation 8** – That the Director of Communities and Environment, the Director of Resources and Housing (as chair of the SIB) and the Director of City Development,

- a) considers the mechanisms for informing and consulting with Elected Members on sustainable development and infrastructure priorities in their areas so that they can be more effective in supporting their communities, providing advice and information to residents, and in making investment/funding related decisions.
- b) ensures mechanisms are in place to consistently brief Elected Members regarding S106 obligations and schemes in their individual Wards.

Progress to be reported to the Scrutiny Board in July 2018

63. We were informed that the responsibility for authorising the spending of S106 monies now lies with the Chief Officer/Head of Service for the relevant Service Areas. We were informed that the Planning Agreement Manager (City Development) still maintains a database of information about contributions and can provide members with information where requested.
64. As stated earlier in this report, a multi-organisational approach is required in order to deliver sustainable development objectives, within the constraints of resources and planning regulations. This requires investment, capacity and co-ordination of all

organisations who are able to support sustainable development. We have heard that infrastructure planning both within the Council and by partner organisations can be disparate and fragmented and we acknowledge that this can be due to organisational structures determined by the Government.

65. We continue to have concern regarding the level of pressure and determination to deliver individual schemes, as this increases the risk of missing broader sustainability issues as the bigger picture is not being considered in terms of long term detrimental impact or conflict. (see recommendation 6)
66. We acknowledge that organisational structures, governance arrangements and funding streams outside of Local Authority control can be barriers and do not always support ambitions. We were advised that matters of infrastructure and impact have been high on the public's agenda at public meetings and people do expect the planning system to provide and fund infrastructure to meet community needs. We acknowledge that the Local Authority cannot be held responsible or accountable for meeting all community infrastructure and service needs. We need to manage public perception and expectations in this regard and therefore we consider that there is a need to be more open about the limitations of the planning system and the limitations of the Local Authority, particularly when there is a negative impact to Leeds residents that cannot be resolved. In addition we must be clear with residents about the sustainable development priorities in



# Conclusions and Recommendations

their areas and where those priorities can or cannot be met.

## Community Infrastructure Levy and Section 106

67 Through the planning process Developers are required to make contributions through Section 106 (S106) agreements or the Community Infrastructure Levy (CIL).

68 We were informed that S106 agreements are contractual agreements made between Local Authorities and Developers which are attached to a planning permission. These obligations are used for three purposes, to prescribe the nature of the development, to compensate for loss or damage created by a development and/or to mitigate a development's impact and make it acceptable in planning terms. Within this context, S106 contributions are used for site specific requirements.

69 CIL allows local planning authorities to raise funds from Developers who are creating new buildings in their area. The funds raised will go towards infrastructure that is needed to support the growth of the city, such as schools and transport improvements. CIL is applied as a charge on each square metre of certain types of new buildings, with the funds generated to be used to deliver infrastructure projects and priorities identified on the Regulation 123 list (Appendix 5).

70 The spending of CIL income was determined by Executive Board in

February 2015<sup>8</sup>. CIL is directed into two main funding streams; a strategic fund, and a neighbourhood fund. The Strategic Fund is 70-80% of the total CIL received, and priorities for its spend is decided on an annual basis as part of the Council's budget setting process, in line with the Regulation 123 List. In July 2017 Executive Board approved the investment of the CIL strategic fund, for monies accumulated up until November 2016<sup>9</sup>. The Executive Board agreed that the investment of CIL strategic fund would be used to contribute to learning places deficit for schools.

71 The Neighbourhood Fund is 15% in an area without a Neighbourhood Plan, and 25% in an area with an adopted Neighbourhood Plan. The neighbourhood fund is passed to Parish Council areas, as required by national CIL regulations. In non-parished areas the decisions about spending are delegated to the relevant Leeds City Council Community Committees, and the neighbourhood fund is ring fenced by the City Council for that purpose.

72 During the inquiry we sought to establish if CIL or S106 obligations are sufficient to ensure that Developers fully mitigate the negative impact created by their development, or to support the development of sustainable infrastructure required by communities such as green space, education and health services.

8

<http://democracy.leeds.gov.uk/documents/s127185/CIL%20Cover%20Report%20300115.pdf>

9

<http://democracy.leeds.gov.uk/mgConvert2PDF.aspx?ID=163008>



# Conclusions and Recommendations

73 It was established that neither CIL nor S106 contributions, separate or combined, are sufficient in terms of funding the delivery of sustainable development. Dr Roelich reinforced this conclusion, adding that the limitations on how funding can be invested also creates challenge to delivering broader sustainability. It was clarified that S106 and CIL provides investment in infrastructure to remedy issues created by new developments rather than to remedy existing deficiencies and problems within communities. Therefore there is a need for a strategic approach that goes beyond planning funding functions to bridge the gap.

74 During our inquiry a significant amount of information was presented to us which provided a comprehensive overview of the levy, administration and collection of CIL and S106 obligations. We established that the administration of the two schemes and the complexities of CIL creates difficulties for both Developers and home extenders. It was stated that for Council Officers and Developers the practical everyday experience is confusing. We were advised that both systems have their strengths but both are very bureaucratic and CIL is particularly difficult. In addition, the CIL regulations have brought about more robust controls for the use of S106, which means that there is now less flexibility with regard to how it can be invested.

75 We were advised that due to the complexities of CIL the Government is expected to review the system, but this has been subject to delay. We consider that the views of this Scrutiny Board should be provided to support a response to future Government

consultation on CIL or any alternative proposed scheme.

**Recommendation 9** – Should the Government proceed with a review of CIL, that the Director of City Development obtains the views of the Scrutiny Board (Infrastructure and Investment) to support the consultation response of the Local Authority.

76 In addition, we were advised that a review of the Regulation 123 list would also be undertaken early in 2018.

**Recommendation 10** – That the Director of City Development obtains the views of the Scrutiny Board regarding any proposed revisions to the Regulation 123 list in advance of approval by Leeds City Council's Executive Board.

## Neighbourhood Fund, Parish Councils and Community Committees

77 Community Committees and Parish Councils have responsibility for spending of the neighbourhood fund as highlighted earlier in this report, which is not constrained by the Regulation 123 List. Elected members sitting on both Community Committees and Parish Councils stated that there is still a lack of clarity and general confusion regarding the spending of the neighbourhood fund. In addition one of our external representatives advised us that it is not clear how sustainability considerations and appraisal are managed and considered for the neighbourhood fund, adding that it is



# Conclusions and Recommendations

also unclear how the general public have a say.

78 We appreciate that decision making for the investment of CIL at a local level can become complex when there are uncertainties regarding S106 investment on local schemes or a lack of shared intelligence regarding local priorities for sustainable infrastructure in the area. We highlighted the importance of ensuring Parish Councils and Community Committees are fully aware of the sustainable development needs in their areas to support the decision making processes regarding spending priorities. We also stressed the importance of having clear shared priorities and goals and improved integrated arrangements between Parish Councils, Community Committees and the City Council to enable conversations about the investment of the strategic fund, the neighbourhood fund and S106 funds, to provide single solutions rather than disparate, fragmented spending on individual projects that may provide little or no long term benefit for communities.

79 We were advised that The Leeds City Council CIL Neighbourhood Fund – Spending Guidance for Community Committees was agreed by Executive Board on 21<sup>st</sup> October 2015. This was drawn up following four workshops held during 2015, to which all Ward Members, Town and Parish Councils, and Neighbourhood Planning Groups were invited. It was evident that Scrutiny Board members, who are also Community Committee members had no current knowledge of the protocol. We therefore recommend that the guidance is refreshed and all Elected Members and Parish Councillors are fully informed

of its contents, particularly as one of the principles relates directly to the consultation and relationships between Neighbourhood Forums, Parishes and Community Committees.<sup>10</sup>

**Recommendation 11** – That the Director of City Development and the Director for Communities and Environment reviews and refreshes The Leeds City Council CIL Neighbourhood Fund – ‘Spending Guidance for Community Committees’ to encompass guidance for Town and Parish Councils, and ensure that the guidance is circulated and understood by all Elected Members and Town and Parish Councillors.

Progress to be reported to the Scrutiny Board in July 2018

80 It was acknowledged by Leeds City Council Officers that more could be done to build relationships and provide training. It was also acknowledged that more can be done to consider community aspirations, how they link to neighbourhood plans and how those aspirations can be delivered by potential CIL receipts coming into the area. We consider that there is a need for greater clarity on how specific projects in communities are contributing to sustainability objectives, including consideration of negative impacts. This will facilitate better decision making regarding investment that supports social progress and environmental protection.

10

<http://democracy.leeds.gov.uk/documents/g7245/Public%20reports%20pack%2021st-Oct-2015%2013.00%20Executive%20Board.pdf?T=10>



# Conclusions and Recommendations

**Recommendation 12** – That the Director of Director of Resources and Housing explores,

- a) the mechanisms to inform Town Parish Councils and Community Committees of the sustainable infrastructure needs in their localities, and
- b) how the investment of neighbourhood funds and specific S106 contributions can be co-ordinated through local governance arrangements to respond, in partnership with the Local Authority and other stakeholders accessing other funding sources, to the sustainable infrastructure needs in their areas.

Progress to be reported to the Scrutiny Board in July 2018





# Evidence

## Monitoring arrangements

Standard arrangements for monitoring the outcome of the Board's recommendations will apply.

The decision-makers to whom the recommendations are addressed will be asked to submit a formal response to the recommendations, including an action plan and timetable, normally within two months.

Following this the Scrutiny Board will determine any further detailed monitoring, over and above the standard quarterly monitoring of all scrutiny recommendations.

## Reports and Publications Submitted/Considered

- Report of the Head of Governance and Scrutiny Support, 19 July 2017
- Presentation , Sustainable Development , 19 July 2017
- Report of the Head of Governance and Scrutiny Support and Director of City Development, 27 September 2017
- Report of the Head of Governance and Scrutiny Support and Director of City Development, 25 October 2017
- Report of the Head of Governance and Scrutiny Support and Director of City Development, 22 November 2017
- Evidence presented to the Leeds Scrutiny Inquiry, November 2017, The University of Leeds, Sustainability Research Institute, Authors: Dr Alice Owen, Dr Katy Roelich and Harriet Thew
- Report of the Head of Governance and Scrutiny Support and Director of City Development, 20 December 2017
- Draft Leeds Inclusive Growth Strategy 2017 – 2023
- Draft Best Council Plan 2018/19 – 2020/21



# Evidence

## Witnesses Heard

Andrew Hall – Head of Transportation, Leeds City Council  
Cllr Richard Lewis – Executive Board Member, Regeneration, Transport and Planning.  
Tim Hill - Chief Planning Officer  
David Feeney - Head of Strategic Planning  
Dr Kathy Roelich - Sustainability Research Institute  
Mark Goldstone - Leeds Property Forum, Leeds Chamber of Commerce  
Gerald Jennings – Leeds Property Forum, Leeds Chamber of Commerce  
Richard Amos, Sufficiency and Participation  
Darren Crawley, Sufficiency Planning Manager  
Steve Hume, Chief Officer, Adults and Health resources  
Elizabeth Bailey, Head of Public Health  
Kirsty Turner, Associate Director of Primary Care (CCG)  
Hugh Ellis – Town and Country Planning Association

## Dates of Scrutiny

19 July 2017  
27 September 2017  
25 October 2017  
22 November 2017  
20 December 2017  
9 January 2017 (working group)



# Appendix 1

## 3-Legged Sustainability Stool

### Sustainability



#### Economic Leg

Good Jobs  
Fair wages  
Security  
Infrastructure  
Fair Trade

#### Environmental Leg

0 Pollution & Waste  
Renewable Energy  
Conservation  
Restoration

#### Social Leg

Working conditions  
Health services  
Education services  
Community & Culture  
Social justice

Quality of Life / Genuine Wealth / Genuine Progress

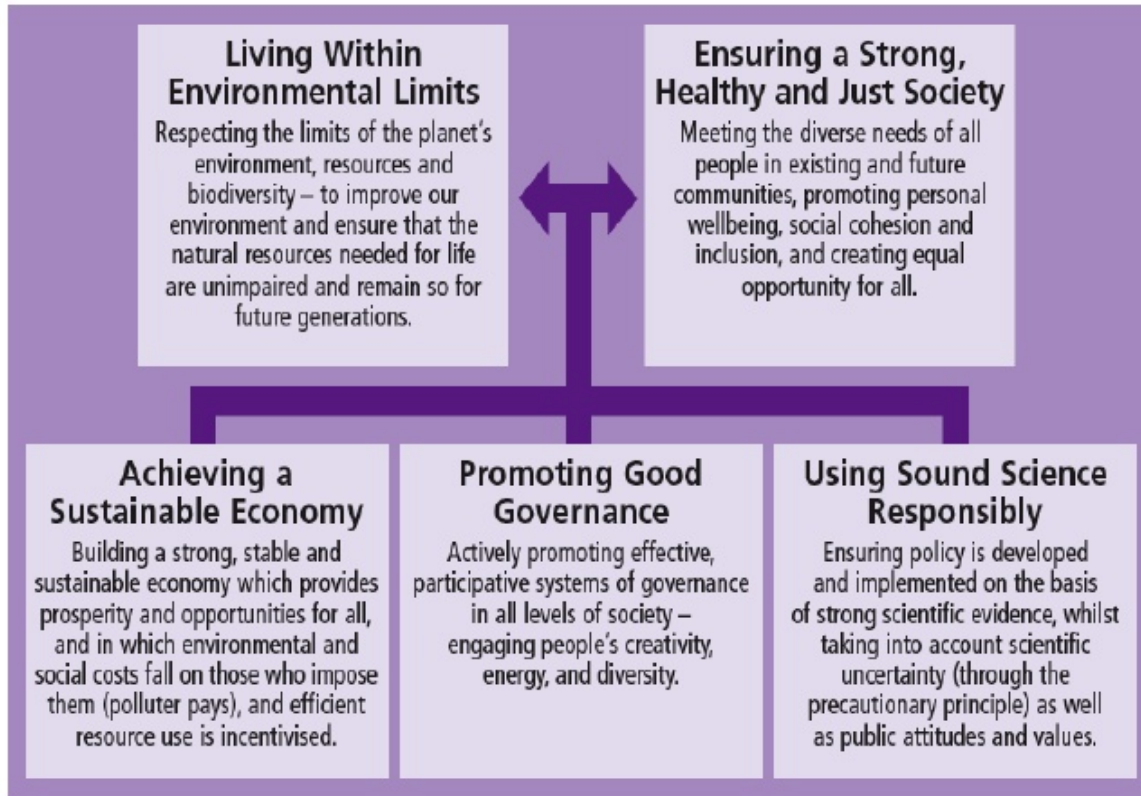


Doughnut of Social and Planetary Boundaries 2017. Rockstrom et al.



# Appendix 2

Securing our Future – UK SD Strategy 2005





# Appendix 3







# Appendix 4

## STRATEGIC INVESTMENT BOARD (SIB)

Terms of Reference  
March 2017



### Purpose

To take a strategic view of the Council's investments, plans and funding priorities for approval by SIB Members to achieve maximum return on investment and best value for money whilst ensuring they are aligned to delivering Best City and Best Council ambitions.

### **Primary Responsibilities:**

- Plan the Council's capital investment to ensure it aligns to both Council and City priorities;
- Provide professional advice to major capital investment programmes and projects as approved by Executive Board

To deliver these responsibilities SIB will:

- Liaise with the Council's strategic partners and internal directorates to ensure investments maximise delivery of City and Council priority outcomes and utilise external resources where appropriate;
- Recommend for approval the Council's capital receipts programme, taking account of strategic considerations, financial requirements and incentives for release;
- Agree significant submissions to Government departments seeking financial or other support for projects or programmes (including business cases) prior to approval by Executive Board;
- Approve governance and progress monitoring arrangements for programmes and projects with significant capital investment to ensure such risks are mitigated and managed;
- Maximise funding opportunities for capital investment;
- Procure feasibility studies and options appraisals on proposals with policy implications;
- Working closely with Corporate Leadership Team (CLT) and other Boards to ensure the achievement of our Best Council and Best City ambitions.

### **Strategic Investment Board composition:**

Neil Evans	Director of Environment and Housing
Martin Farrington	Director of City Development
Tim Hill	Chief Planning Officer
David Outram	Chief Officer Procurement and PPPU
Bhupinder Chana	Principal Finance Manager
Gary Bartlett	Chief Highways Officer
Simon Foy	Head of Policy and Intelligence
Angela Barnicle	Head of Asset Management, City Development
Viv Buckland	Head of Learning Systems, Children's Services.
Steve Hume	Chief Officer ASC Resources and Strategy
Lee Hemsworth	Chief Officer Citizens and Communities Customer Access
Michele Kelly (Co-ordinator)	Senior Asset Management Officer



# Appendix 5



## **COMMUNITY INFRASTRUCTURE LEVY**

### **REGULATION 123 LIST**

**September 2014**

Regulation 123 provides for the Council to set out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the Community Infrastructure Levy (CIL). In order to ensure that individual developments are not charged for the same infrastructure items through both Section 106 Agreements and the CIL, a S106 contribution or a S278 agreement cannot then be made towards an infrastructure item already on the List.

Sustainable transport schemes: <ul style="list-style-type: none"><li>- New Generation Transport (NGT)</li><li>- Leeds Core Cycle Network</li><li>- The Public Right of Way network</li></ul>
Leeds Flood Alleviation Scheme (FAS)
Secondary education
Primary education, except for large scale residential development identified in the Site Allocations Plan, which will be expected to provide primary schools either as an integral part of the development or as the result of no more than 5 separate planning obligations
Green infrastructure and public greenspace, except for on-site provision required by Core Strategy policies
Community sports facilities
Cemeteries
Public realm improvements, except for on-site provision or where this is required as a direct result of an adjacent development
District heating networks
Public health facilities

The Council will review this list at least once a year, as part of monitoring of CIL collection and spend, and any changes will be justified and subject to appropriate local consultation.

The R123 List does not identify priorities for spending within it, or any apportionment of the CIL funds across the District, and does not signify a commitment from the Council to fund the projects listed through the CIL.

The Council will work with local communities and parish/town councils to agree local priorities for spend. The 'meaningful proportion' held by local communities can be spent on the R123 List, but it does not have to be.



# Appendix 5

## ONGOING USE OF SECTION 106 AGREEMENTS

For clarity, the list below provides an outline of the matters which will continue to be addressed through S106 or S278 Agreements.

- Affordable housing
- Employment and skills agreements e.g. local employment or apprentice contracts
- Site specific matters needed to make the development acceptable in planning terms, including:
  - o New bus connections or services and cycle/pedestrian routes and connections if directly required by the development
  - o Local junction / highways improvements and access into the site
  - o Metrocards, travel plans and monitoring fee / co-ordinator posts
  - o Primary schools/extensions as a direct result of large sites or groups of up to five sites identified in the Site Allocations Plan
  - o On-site greenspace as required by Core Strategy Policies G4 and G5 (which include requirements for a financial contribution in lieu of on-site provision in certain circumstances<sup>1</sup>).
  - o Public realm improvements on-site, and off-site where this is required as a direct result of an adjacent development.<sup>2</sup>
  - o On-site drainage and flooding solutions
  - o On site sustainable energy requirements

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<sup>1</sup> Clarification added April 2015

<sup>2</sup> Clarification added April 2015



# Appendix 5



## Regulation 123 list Amendments

Current Reg123 List	Proposed change	Explanation
Leeds Core Cycle Network	Leeds Core Cycle Network, except for where improvements or additions are necessary as a result of a specific development.	Where appropriate for the site, a development may be expected to provide a new cycle link or upgrade an adjacent existing route, via a S106. However, where that link or route happens to be part of the Leeds Core Cycle Network, this is not possible due to the generic category on the R123 List. Therefore by inserting the exclusion on the List, it will allow the CIL to be the main contributor (alongside other funding sources), yet not preclude S106 contributions from individual developments.
The Public Right of Way network	The Public Right of Way network, except for where improvements or additions are necessary as a result of a specific development.	Almost all development sites are expected to provide new pedestrian links or upgrade an adjacent existing route, and sometimes this is best sought through a S106. However, there have been instances where applicants have argued that because all walking routes are part of the public right of way network, then no S106 contribution should be made. It was never the intention that the CIL should supersede the proper planning of new development sites, therefore providing further clarity on this wording is considered appropriate.
Primary education, except for large scale residential development identified in the Site Allocations Plan, which will be expected to provide primary schools either as an integral part of the development or as the result of no more than 5 separate planning obligations	Primary education, except for large scale residential development, which will be expected to provide primary schools as an integral part of the development.	<p>It is very difficult to identify in advance which should be the specific sites to contribute towards off-site school need in each area. This is because it does not work out evenly basing this on size or location or phasing, because the need for the school and the timing of it will alter in each case depending on which sites come forwards at which points, and because there are inevitably more than 5 sites in most instances that will generate a cumulative demand for places. It also cannot be guaranteed which sites would come forwards first.</p> <p>In addition, the CIL Regulations refer to pooling of 5 S106 'obligations', which means that the tally includes where schemes may change and new/revised applications/S106s are required, and where reserved matters applications come forwards in phases spread across one sight which would each then require a S106.</p>





## Appendix 5

Current Reg123 List	Proposed change	Explanation
		<p>Therefore even a single site could on its own generate 5 obligations, after which no more could be taken into account either from that site or from any other site, no matter what was set out in the SAP and no matter whether the contributions would ever actually be received (i.e. if superseded by another application).</p> <p>The statutory consultation procedures relating to school expansions also means that even if a specific school were cited for expansion in the SAP or a S106 agreement, there is no guarantee that the outcome of the consultation would agree the expansion of that school.</p> <p>It is therefore more appropriate to remove the reference to identification of sites in the SAP to pool together up to 5 obligations.</p>
Secondary education	Secondary education, except for large scale residential development which will be expected to provide secondary schools as an integral part of the development	To provide consistency with the position for primary schools, and to support the few sites in the Site Allocations Plan where on-site secondary provision will be a requirement.
Green infrastructure and public greenspace, except for on-site provision required by Core Strategy policies	Green infrastructure and public greenspace, except for site specific provision required by Core Strategy policies	To provide better clarity about the scope of Core Strategy Policies G4 and G5, and the potential for site-specific provision to be provided by an 'on-site contribution in lieu' and not just physically on-site provision.
Public realm improvements, except for on-site provision or where this is required as a direct result of an adjacent development	Public realm improvements on-site, and off-site where this is required as a direct result of an adjacent development	To provide better clarity.

16<sup>th</sup> November 2015



Draft