



Report of the Director of Development

Development Plan Panel

Date: 7 November 2006

Subject: Local Development Framework – Update & Progress Report

Electoral Wards Affected:

All

Specific Implications For:

Equality and Diversity



Community Cohesion



Narrowing the Gap



Executive Summary

1. Following the preparation of the Local Development Scheme, work on the Local Development Framework (LDF) is well underway. As noted previously, unlike the Unitary Development Plan, the LDF is not a 'single plan' but is comprised of a series of separate planning documents being prepared in parallel. Work is therefore progressing simultaneously on a number of Local Development Documents, the Statement of Community Involvement, the consolidation and development of the LDF evidence base, the protocol for 'saving' UDP policies and contributing to the preparation of the Regional Spatial Strategy.
2. The purpose of this report is therefore to provide members with a brief overview of the stages reached in the preparation of these documents and to give an indication of the next steps. It should be emphasised also, that given that the LDF is an entirely new process, the system is still bedding in at a national, regional and local level. Issues remain therefore regarding the practical operation and interpretation of the planning reforms, the detailed implications of the 'tests of soundness' and the resource intensive nature in delivering the LDF process at a local level in line with corporate City Council and Community Strategy (Vision for Leeds) objectives and priorities.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to provide members with a brief overview of the stages reached in the preparation of LDF documents, the development of the LDF evidence base, the Regional Spatial Strategy and to give an indication of the next steps.

2.0 Background Information

- 2.1 Members will recall from previous Development Plan Panel reports, that the City Council's LDF work programme is set out as part of the Local Development Scheme. Following discussion with the Government Office for Yorkshire & the Humber (GOYH), the City Council revised and updated the LDS programme and (following Executive Board approval) resubmitted this to the Secretary of State in March 2006. Subject to minor revisions the GOYH advised (in July) that in principle the revisions could be supported (but not yet formally approved by the Secretary of State). Subsequently, following on going work on LDF documents, further GOYH advice has been sought on timetabling issues, policy matters and the development of the evidence base. As a consequence, adjustment to the timetable for the preparation of certain LDF documents may be required to reflect these considerations.

3.0 Main Issues

- 3.1 Within the context of the above, section 3 of this report provides a summary overview of the stages reached and next steps to be undertaken in the preparation of LDF documents, together with a commentary on the technical work being prepared to support the evidence base and also the current position regarding work in relation to 'saving' UDP policies and contributing to the Regional Spatial Strategy. For brevity, emphasis is placed upon the Statement of Community Involvement and Development Plan Documents as key components of the LDF, rather than the Supplementary Planning Documents, which are also being prepared in parallel.

3.2 Statement of Community Involvement

What has been achieved so far

- The Statement of Community Involvement (SCI) has reached an advanced stage of preparation, which follows two stages of consultation. The informal consultation (Regulation 25), during June and July 2005, was targeted at groups and organisations considered to have a particular interest in the SCI, together with the City Council's Heads of Service, the five Area Committees and statutory consultees. The formal 6 week consultation (Regulation 26), was undertaken during November and December 2006. This was a full public consultation process with extensive consultation including 18 public exhibitions across the Leeds District, presentations given to a variety of organisations and groups representing different interest and geographic areas and advertisements placed in 5 newspapers covering the Leeds area. The SCI documents were made available on the Council's website and paper copies were provided at the Development Enquiry Centre and all libraries and One Stop Centres.

Current Work

- The SCI was subsequently revised and submitted to the Secretary of State in April 2006 (Regulation 28) for independent examination and was subject to a further 6 week consultation period until June. A public examination was originally timetabled to be held during November, to consider the representations to the SCI, as two representors had requested that their submissions be considered as a heard case. However, the Planning Inspectorate subsequently agreed with the representors that their cases would be considered as written submissions. The Inspector will consider the representations received as well as consider the SCI against the tests of soundness.

Next Steps & Milestones

- The Inspector's binding report is expected to be received during December 2006 and it is anticipated that this will be reported to the Development Plan Panel in January, with a view to recommending adoption thereafter (via Executive Board and Full Council).
- Alongside the preparation of the SCI document, officers from Planning & Economic Policy are continuing to work with Planning & Development Services, to provide more detailed guidance on community involvement for planning applications. Further work is also due to be undertaken in monitoring the effectiveness of consultation of LDF documents and learning from best practice.

3.3

City Centre Area Action Plan

What has been achieved so far

- Regulation 25, 'early engagement' May-October 2005. Publication of background fact sheets & issues papers around 4 themes. Presentation to and attendance at a series of stakeholder/interest group meetings to raise awareness & scope the issues (including Area Committees). Setting up and running 4 workshops to a wide range of invitees.
- Regulation 25, Alternative Options. Publication of 10 Options Papers around more detailed themes, including questionnaire style response forms. Widespread publicity to encourage responses during 5 weeks of April-May 2006. Two Civic Hall presentations. Planning Aid facilitated discussion sessions with a number of resident/tenant associations and youth groups.
- Assessment of consultation responses including quantification of option preferences.
- Write up of an Interim Consultation Report.

Current work

- Internal technical discussion on preparing a set of Preferred Options developed from the Alternative Options.
- Work to address detailed technical issues including :city centre transport strategy, developing a map of open space & pedestrian route aspirations within the city centre & connecting adjoining communities, update of shopping frontages, identifying a number of major redevelopment sites and preparing guidance for their development in terms of uses, public space, S106 contributions, on going discussion with key city center stakeholders e.g. University of Leeds, Leeds Metropolitan University and the Leeds General Infirmary, overseeing ongoing research and technical studies e.g. Character Area Study, Strategic Flood Risk Assessment and Housing Market Assessment.

Next Steps & Milestones

- Complete draft Preferred Options (including designation of Proposal Areas).
- Complete Sustainability Appraisal of the Preferred Options.
- Prepare Preferred Options Public Consultation strategy (consultation anticipated to commence in early 2007).
- Complete on going technical work including: greenspace analysis to support the case for public space contributions from new development and identify aspirations for new space, explore opportunities to unify north/south of the city centre in advance of the City Centre Transport Strategy, update shopping frontage definitions and explore the scope for large format stores and define locations for convenience service centres.

3.4

East & South East Leeds (EASEL) Area Action Plan

What has been done so far

- Regulation 25, Publication of "Early Issues for Consultation" July 2005 and attendance at District Partnership, Area Committees, local forum and tenants meetings to raise awareness and scope the issues.
- Regulation 25, publication of Alternative Options – "Looking to the future" June 2006. Widespread publicity through: libraries; One Stop Centres; website; 2 freestanding exhibitions in East Leeds Family Learning Centre, Seacroft, and Resourcing the Community, Harehills; radio broadcasts through Radio East Leeds FM. Plan. Over

1,200 documents circulated, 850 residents attended exhibitions & feedback received from over 1,000 people. The consultation extended from 3rd June - 21st August 2006.

- Assessment of consultation responses including quantification of option preferences.
- Interim Consultation Report prepared.

Current Work

- Internal technical discussion on Preferred Option to be developed from Alternative Options. Series of themed meetings planned.
- Work to address detailed technical issues including: further progression of baseline information - social deprivation indicators, contamination & air quality issues, mapping of housing decency proposals, assessment of % of Council stock to be demolished, accessibility to local facilities.
- Overseeing relevant research and technical studies e.g. town & local centre survey and interim greenspace usage audit
- On going meetings with stakeholders.

Next Steps & Milestones

- Complete draft Preferred Options.
- Complete Sustainability Appraisal of the Preferred Options.
- Complete and resolve on going technical work and issues including: Section 106 strategy, level of affordable housing, transport strategy & route for BRT proposal, strategy on mixed use development sites, Retail Needs Assessment, Easel Housing Market Assessment, historic character analysis.
- Prepare Preferred Options Public Consultation strategy (consultation anticipated February/March 2007).

3.5 **Aire Valley Leeds Area Action Plan**

What has been achieved so far

- Regulation 25, publication of “Early Issues for Consultation” July – September 2005 and attendance at District Partnership, Area Committees etc, to raise awareness and scope the issues.
- Regulation 25, publication of Alternative Options (March – May 2006), available in libraries and on the web site. Two workshop events with stakeholders and community groups. Presentations at Area Committees, Area forums and District Partnership events.
- Assessment of consultation responses including quantification of option preferences.
- Interim Consultation Report prepared.

Current Work

- Technical studies to determine the level of evidence needed to support the development of Preferred Options – linked to the provision of infrastructure provision e.g. a new bridge crossing and facilities to support a “sustainable community”.
- Developing a financial model to test the viability of development packages and proposals. This will also need to take into account remediation costs for which a further technical study is currently being scoped.
- Air quality and noise survey assessments have been undertaken and their implications for development in the area are being assessed.
- On going work in regarding Knostrop WWTW relating to Yorkshire Water’s longer term plans and the relationship of the treatment works site to potential development proposals.
- Reviewing employment land need and employment land supply. The Preferred Options will need to take crucial decisions on the quantity of employment land within Aire Valley Leeds.
- Developing an Aire Valley Leeds Transport Strategy, taking into account alternative scheme/s for public transport to replace Supertram (BRT/QBR) and considering timescale and delivery implications.
- Considering the policy implications of national planning guidance on Aire Valley Leeds including PPS 6 – interpretation.

Next Steps & Milestones

- Complete draft Preferred Options by December 2006.
- Complete Sustainability Appraisal of the Preferred Options December 2006.
- Complete and resolve on going technical work and address objections to some of Alternative Options and mediate between those responses that are conflicting.
- Prepare Preferred Options Public Consultation strategy (consultation anticipated April – June 2007).

3.6 **The West Leeds Gateway Area Action Plan**

What has been achieved so far

- Following consideration by Development Plan Panel members of an issues and options paper in August 2006, work has commenced on formal Regulation 25 consultation.

Current Work

- Within the context of the above, commencing on 16 October, a 6 week programme of public consultation is now underway.

Next Steps & Milestones

- Following close of this phase of consultation (27 November), review responses and prepare an interim consultation report.
- Commence work on developing Preferred Options and Sustainability Appraisal of Preferred Options.
- Complete draft Preferred Options by January – May 2007.
- Complete Sustainability Appraisal of the Preferred Options January – May 2007.
- Prepare Preferred Options Public Consultation strategy (consultation anticipated June - July 2007).

3.7 **The Core Strategy**

What has been achieved so far

- Following consideration by Development Plan Panel members of an initial Core Strategy issues and options paper in July 2006, a programme of early informal 'front loading' consultation and engagement work is underway with stakeholders, to inform and scope the Core Strategy further.

Current Work

- Between September and December 2006 a series of events, workshops and meetings have been planned and to support this process consultation material has also been disseminated to a wide range of stakeholders consistent with SCI principles.

Next Steps & Milestones

- Following consideration of informal consultation responses, the next stage of the work is to develop the issues and options further for formal Regulation 25 consultation for 6 weeks between Jan – March 2007.

3.8 **LDF Evidence Base**

What has been achieved so far

- A key component of the reforms to the Development Planning system introduced by the Planning & Compulsory Purchase Act 2004, is the 'test of soundness' as a methodology to assess the robustness and compliance of planning documents with the LDF regulations and wider planning principles. Emphasis is placed upon the need for Local Development Documents to be prepared within the context of a sound evidence base, as a basis to make informed planning decisions. Taking this approach forward, the on going preparation of the planning documents described in this report have and are being informed by an ever increasing, sophisticated and complex evidence base. The evidence base which is being developed takes a number of forms including: the collection of data and review processes integral to the preparation of the LDF Annual Monitoring Report, the findings of informal and formal consultation activity across Leeds

and also the commissioning of specific technical work to inform and underpin policy development and specific proposals.

- Within the context of the above and as described in this report evidence work has been completed, is underway or is to be commissioned in a number of areas. To date research has been commissioned and completed on a district wide Employment Land Review. The study was complete in February 2006 and follow up work is underway to consider the technical policy implications of the findings.

Current Work

- A number of evidence based pieces of research are currently underway. Prompted by the requirements of national guidance, these include: a District wide Housing Market Assessment and a Strategic Flood Risk Assessment (both schedule for completion later 2006/early 2007).

Next Steps & Milestones

- Completed the Housing Market Assessment and Strategic Flood Risk Assessment.
- Review the findings of the above and their implications for Local Development Documents including Area Action Plan Options and Preferred Options.
- Where necessary and appropriate and subject to resources, project management capacity and timetabling issues, support and commission further work to address evidence base issues to inform policy development including: land remediation cost (Aire Valley Leeds AAP) and Character Area Assessment (EASEL AAP).

3.9 **Regional Spatial Strategy**

What has been achieved so far

- From previous Development Plan Panel Reports members will recall that both the Regional Spatial Strategy (RSS) and Local Development Framework comprise the “Development Plan” and that the LDF must be in conformity with the RSS. Within this context the City Council has been active in seeking to influence the scope and content of the RSS, to ensure that subsequent policies and proposals are consistent with Corporate Plan and Vision for Leeds objectives. Despite such efforts, the City Council had a number of concerns regarding the draft RSS (December 2005) and following Executive Board approval made formal representations (March 2006). Objections were raised in relation to a number of areas including: the need to strengthen and recognise the regional role of Leeds, the proposed increased housing requirement and an absence of adequate policies or proposals to support infrastructure and regeneration priorities in the city.
- In preparing for the RSS Examination in Public (EiP), City Council officers attended the two pre inquiry meetings. To reinforce the Council’s case further, the City Council also made further Written Statement submissions (14 August 2006) in response to ‘Inspectors questions’ prior to the commencement of the RSS (EiP) (12 September).
- Project management, preparation and attendance of City Council officers at 33 separate EiP sessions/matters as expert witnesses to present the Council’s case in relation to a range of issues including housing, the environment, economic development, Leeds City Region and transport policy issues.

Current Work

- RSS EiP due to close on 27 October.
- Continued participation in Regional Planning matters via the Regional Planning Forum Technical Advisory Group and the Regional Planning Forum.

Next Steps & Milestones

- Review the RSS Panel Report (anticipated early 2007) and as appropriate make further representations on any Proposed Changes (anticipated Spring 2007). Anticipated publication Final Plan Autumn 2007.

3.10 **UDP Saved Policies**

What has been achieved so far

- Following the reforms to the Development Planning system, introduced by the Planning & Compulsory Purchase Act 2004, transitional arrangements have been made for local planning authorities to 'save' existing Development Plan policies for 3 years (following the commencement of the 2004 Act or for 3 years from the date of adoption for Development Plans adopted post September 2004). The purpose of this is to manage the transition from the 'old' Development Plan system to the 'new' and to ensure continued Development Plan policy coverage. Provision is also made under these arrangements to 'save' policies beyond the initial 3 year period, in circumstances where new LDF Development Plan Documents are still being prepared (and not yet adopted within the appropriate 3 year period).
- With regard to Leeds, the saved policy process is complicated by the fact that the initial UDP was adopted in 2001 and the UDP Review in July 2006, consequently under the transitional arrangements two sets of 3 years apply as baselines for saving policies (i.e. 28 September 2004 for the 2001 UDP and July 2006 for the UDP Review).

Current Work

- In July 2006, further Government guidance (in the form of a "protocol") was issued, setting out the technical and administrative process for the 'saving' (and extension of the period of 'saving' for existing Development Plan policies).
- Work has commenced to review Leeds UDP policy within the context of the 'saving protocol'. At the time of preparing this report, further advice had been sought from Legal Services in interpreting and applying the protocol to Leeds, given prevailing circumstances. Members will be updated on these points at the Panel meeting.

Next Steps & Milestones

- Within the context of advice from Legal Services, continued work on the analysis of UDP policies, with a view to preparing a schedule of policies it is intended that the City Council should save (beyond the initial 3 year period) or should not save (subject to appropriate criteria) – with reasoned justification, for members further consideration in the new year.
- The saved policy protocol sets as deadline of 1 April 2007 to submit the schedule to the Secretary of State for consideration.

4.0 Implications For Council Policy And Governance

- 4.1 The scope and objectives of the Local Development Framework are consistent with Council Policy and through a commitment to 'front loading' and community engagement consistent with Governance arrangements. It should be noted that within the context of Government guidance, the LDF Core Strategy must be in conformity with the Regional Spatial Strategy, 'provide a spatial expression' of the Community Strategy and reflect Corporate Policy objectives. Given the dynamics of the wider policy environment, it is likely that the LDF Core Strategy may need to address spatial and land use planning policy drivers which may give further expression to or supersede aspects of the Community Strategy and Corporate Plan. Where such instances may occur, these will be highlighted with members and appropriate stakeholders in due course and appropriate action taken.

5.0 Legal And Resource Implications

- 5.1 This report has emphasised the criticality of the 'test of soundness' as a key component of the new Development Planning system, introduced by the Planning & Compulsory Purchase Act 2004. The report also makes reference to legal advice, which has been sought in relation to the application of the saved policy protocol to Leeds. Members will be updated on this particular point at the Panel meeting.

- 5.2 From a technical and resource perspective, experience at a local level (and from elsewhere) indicates that the introduction of the LDF system does present a series of resource demands and challenges. Consistent with Corporate Plan and Community Strategy objectives, the LDF programme in Leeds is ambitious but necessary in aiming to secure longer term regeneration, renaissance, economic develop and environmental management of Leeds. Resources have therefore been placed in taking forward a series of Area Action Plans and the Core Strategy as early Development Plan Document priorities.
- 5.3 Whilst the LDF process does present many opportunities, it is resource and capacity intensive both for the City Council and for the stakeholder and communities who wish to be continually engaged in the process. Financial resources are currently being managed within existing resources and are under regular review. In relation to forthcoming LDF EiPs, resource demands also need to be anticipated (paying for venues, programme officer support, administrative arrangements, legal advice and Inspectors fees) and planning, in running such activity simultaneously or in quick succession.
- 5.4 As highlighted above, a key component of the new LDF system is the need to present Local Development Documents with the support of a robust evidence base (in order to satisfy the 'test of soundness'). The full breadth and depth of 'evidence' required to support LDF documents is still however unknown. At a national level a Development Plan Document is yet to go fully through the 'system' and following consultation with GOYH (and other bodies), practice is still emerging and where this does exist, is not comparable to circumstances in Leeds. Officers are therefore keeping the wider implementation of the new LDF system under review and will continue to endeavour to seek further guidance and learn from emerging experience as this develops.

6.0 Conclusions

- 6.1 This report has provided a brief overview of the current and ongoing LDF work programme. Good progress is being made across a number of areas in meeting targets and milestones, consistent with the revised and updated LDS timetable. It is likely however that subject to the timetable for commissioning, completing and reflecting on further technical research and evidence, timetable adjustments may have to be made. This is inevitable given the newness of the system, the indicative timetables set out in government guidance (PPS12), the scale and complexities of the issues faced within the local Leeds context and importantly, the need to manage the risk of satisfying the 'test of soundness' in advancing Local Development Documents. If this risk is not appropriately managed, this in turn may lead to delays in the process or even Development Plan Documents failing to meet the soundness test as part of the LDF EiP process.

7.0 Recommendations

- 7.1 Development Plan Panel members are requested to note the contents of this report.