

**REPORT OF THE DEVELOPMENT DEPARTMENT
REPORT TO: DEVELOPMENT PLAN PANEL
DATE: 31 MAY 2006**

SUBJECT: LEEDS UDP REVIEW – REPRESENTATIONS TO THE MODIFICATIONS AND NEXT STEPS

Electoral Wards Affected:

ALL

Specific Implications for:

Ethnic Minorities

Women

Disabled People

Key Decision Major Decision Eligible for call in Not Eligible for call in
Significant Operational Decision Administrative Decision (details contained in the report)

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to provide an overview of the response to the Proposed Modifications and to consider what further action is required to progress the UDP Review to adoption.

2.0 BACKGROUND

2.1 The report of the Inspector who held the Public Inquiry into the UDP Review was received on 23 November 2005. The Development Plan Panel agreed its response to the Inspector's recommendations, including the proposed modifications, at meetings which were held on 6 December 2005, 3 January 2006, 24 January 2006, 7 February 2006 and 17 February 2006. The Panel's recommendations were subsequently approved by the Executive Board on 17 February 2006 and the Modifications were placed on deposit on 27 February 2006. The deposit period expired at midday on 10 April. There was only one late submission, which has been classified as a 'not duly made' representation.

2.2 The Modifications were placed on deposit in the Council's offices, all local libraries and One Stop Centres. Complimentary copies were sent to MP's, Parish and Town Council's and Statutory Consultees, such as the Environment Agency. The report was also placed on the Council's web site and it was made possible for people to submit their comments on-line. All Members received a copy of the Modifications Report and letters were sent to everyone who had submitted representations at earlier stages on plan preparation to inform them about the publication of the report and where they could inspect it.

3.0 RESPONSE TO THE MODIFICATIONS

- 3.1 A total of 131 'duly made' representations were received to the modifications, which relate to 36 Modifications. Of these 20 are representations of support. An additional 2 representations expressed support for the Modifications, but only in part. These have therefore been treated as objections. Appendix 1 lists the total number of representations received (objections and supports) under each modification.
- 3.2 There have only been 3 representations classified as 'not duly made' (Appendix 2). Of these, one was because the representation was received outside of the deposit period. The other two cases did not relate to a Proposed Modification. One of these related to a proposed telecom mast and the other did not specify the subject matter at all (i.e. a Proposed Modification). A telephone call was made to the objector to elicit this information but a response was not submitted. Only duly made objections confer a right to be considered at a public inquiry, should one prove to be necessary. Notwithstanding this, all representations, duly made or not, are included in this report.
- 3.3 The representations cover sites throughout the district and a range of policy matters. The modifications which attracted significant numbers of representations, or raised key issues, are as follows:

Sites

- 19/006 - East of Otley Strategic Housing Site
- 16/009 - Micklefield Strategic Housing Site
- 15/015 - East Leeds Extension
- 17/007 - Whitehall Road, Drighlington

Policies

- 5/001 – Policy N34 (Protected Areas of Search)
 - 7/001 – Housing (Introduction)
 - 7/002 – Phased Release of Land for Housing
 - 7/004 – Housing Strategy
 - 7/006 – Affordable Housing targets
 - 7/008 – Student Housing
 - 8/001 – Policy E7 (Protection of Employment Land)
- 3.4 The numbers of representations received disguise the fact that a significant number of objections relate to a handful of key sites, for example East of Otley and Micklefield Strategic Housing Sites which attracted 12 and 28 representations respectively. This is due to the fact that objectors, through their advisors, have put forward their case under several of the Proposed Modifications (e.g. Proposed Modifications 7/001 to 7/006).
- 3.5 A total of 23 representations related to 10 PAS sites where objectors have argued for them to be placed in the Green Belt, as originally proposed in the UDP Review. The Council have accepted the Inspector's recommendation to leave these sites designated as Protected Areas of Search (PAS) under Policy N34. The sites are Canada Rd., Rawdon; West of Pool; Breary Lane, Bramhope; Haw Lane, Yeadon; East of Scholes; Wood Lane, Scholes; Park Lane, Allerton Bywater; Moseley Bottom, Cookridge; Leeds Road, Collingham and Hill Foot Farm, Pudsey. Although these were 'duly made' representations, they did not raise any new issues and the points made were fully debated at the Inquiry and considered by the Inspector in his report. In addition the same matters were properly considered by the Council in consideration of the Inspector's Report and in reporting this at Development Plan Panel and the

Executive Board. Appendix 4 is an extract from the report on PAS which went to these Council committees.

- 3.6 The Government Office for Yorkshire & The Humber wrote to the City Council on 12 April to confirm that no representations had been submitted on the Proposed Modifications on behalf of the Secretary of State. The Government Office had been previously advised by letter (27 February 2006) about the Proposed Modifications and the Council's decision not to accept 7 of the Inspector's recommendations.
- 3.7 In their letter, the Government Office also drew the Council's attention to the European Habitats Directive (92/43/EEC) which applies to 'Special Areas of Conservation.' This requires local Council's to carry out an Appropriate Assessment under article 6(3) and (4) of the Directive in the event of such sites being affected by development proposals. There is only one Special Area of Conservation in Leeds. This is located on Hawksworth Moor in the north-western edge of the District. This area forms a relatively small part of the South Pennine Moors SSSI, which is also a designated Special Area of Conservation. There are no proposals in the UDP Review which affect this site.

4.0 CONSIDERATION OF REPRESENTATIONS

- 4.1 Members will recall that the UDP Review has been prepared under the 'old Development Plan Regulations' (hereafter referred to as the 'old regulations') and not the 'new' regulations which were introduced by the Planning & Compulsory Purchase Act 2004. These 'old regulations' are the Town & Country Planning (Development Plan) (England) Regulations 1999.
- 4.2 In determining the response to the representations, in line with the 'old regulations,' Members should bear in mind the limited scope of the debate envisaged at this stage. In particular, it is worth recalling that the purpose of the deposit of the modifications was to allow public comment on:
- the proposed changes to the plan
 - the Council's decision not to promote a change recommended by the Inspector

Furthermore, the Council's approach has been to secure the early adoption of the Plan.

- 4.2 Consequently, it is not appropriate to go back to first principles. Consideration of the representations therefore needs to focus on the nature and detail of the changes promoted through the modifications. Representations which:
- seek to repeat earlier objections
 - concentrate on the principle of a policy/proposal rather than the detailed changes
 - raise only issues considered at the Inquiry and dealt with in the Inspector's report

are therefore most unlikely to give rise to a need for any further changes.

- 4.3 In reviewing the representations in those cases where the Council has rejected a change recommended by the Inspector, Members will need to consider in particular whether the representations raise new arguments not covered in the Council's

reasons for originally rejecting the Inspector's recommendation. Where new matters are raised Members will need to determine whether these are, on balance, sufficient to warrant the reversal of its original decision or give rise to the need for some other change.

- 4.4 Duly made Objections: The principal task for Members is to determine the Council's response to the "duly made" objections. Detailed consideration of the objections is set out in the attached schedule. This summarises the issues raised and is followed by comments and conclusions. The number of duly-made objections is limited to a few key issues, which are:
- Dissatisfaction with the Council's decision to accept the Inspector's recommendation to retain sites under Policy N34 (Protected Areas of Search) from local residents and Parish Council's, matched by representations in support of the Council's decision from landowners.
 - The precise wording of the revised Policy E7, designed to protect employment land.
 - The rationale for some Greenfield sites to be included in Phase 2 (as recommended by the Inspector) and for others to be left in Phase 3.
 - The interpretation of the Inspector's conclusions and recommendation in relation to the 'trigger point' for the release of housing in Phase 3 of the Plan, particularly in relation to the East Leeds Extension, East of Otley and Micklefield Strategic Housing Sites.
 - The consistency of the UDP Review with PPG3 and the Regional Spatial Strategy, in relation to the sequential release of housing land (greenfield/brownfield).
 - The Council's rejection of the Inspector's recommendation to list alternative locations for student housing.
 - The wording of the Proposed Modification in relation to the East Leeds Extension (ELE), including the Council's rejection of the Inspector's recommendation to reassess ELE prior to adopting the Plan (to include phasing proposals).
- 4.5 All the above key issues are addressed in the attached schedule under the relevant Modification.
- 4.6 In many cases, the objections are simply statements of opposition to the modifications raising similar issues to those made at the earlier stage of plan preparation and which were considered at the Inquiry. These clearly fall outside of the scope of this latest modifications stage.
- 4.7 The 'old regulations' (Reg. 28 (1)) make clear that the Council is only under a duty to prepare a statement of decisions and reasons in relation to objections made in accordance with the Regulations. To do otherwise would also be to disadvantage those who remain dissatisfied with other aspects of the Plan but who understood that there was no opportunity for further representation.
- 4.8 Not duly made objections: While a formal response may not be necessary to the 'not duly made' representations, these have still been considered by officers and an explanation of the reasons why they have been categorised in this way has been given.

5.0 THE NEXT STEPS

5.1 The 'old regulations' determine that the Council must:

- Decide whether a public inquiry is necessary to consider the representations
- Prepare a statement setting out its decisions and reasons on all objections
- Consider the need for further modifications
- Subject to the above, place on deposit the list of modifications and make the statement of decisions and reasons available for inspection.

5.2 The process for dealing with any further modifications is a repeat of that at earlier stages. Any further modifications will need to be placed on deposit for 6 weeks to allow for representations, which will then need to be considered by the Council. The process is a loop which is only broken when the Council decides that no further changes are necessary, at which point it can proceed to adopt the Plan.

5.3 It is recommended to Members that, given the nature of the representations that have been received, that point has been reached and that it is now possible to proceed to adopt the Plan.

5.4 If this recommendation is accepted, it will be necessary to publish a notice of intention to adopt the Plan and at the same time, make available for inspection the statement of decisions and reasons relating to the objections to the Modifications. This notice will state the date at which the Plan will be adopted. This will be 28 days from the date on which the notice is first published.

5.5 Subject to Members agreeing the recommendations in this report, it is anticipated that the notice of intention to adopt could be published immediately following the Executive Board meeting on 14 June 2006, which would enable Full Council to adopt the Plan at its meeting on 19 July 2006.

5.6 Once this stage is reached it is then necessary for the Council to publish a notice of adoption. It is at this point that the public has the opportunity to challenge the validity of the Plan through an application to the High Court. There is a period of 6 weeks from the publication of the notice of adoption for such applications to be made. An applicant to the Court can seek to have the whole Review quashed but it is more likely that this might apply to individual policies or site specific proposals. In these latter circumstances the status of the remainder of the Plan is unaffected.

5.7 Following adoption it will be necessary to integrate all the modifications with the original Deposit Plan to produce a final version of the UDP Review Written Statement and Proposals Map. Work on this is already well advanced in anticipation of the Council's approval.

6.0 THE NEED FOR A PUBLIC INQUIRY

6.1 The decision on whether to hold a public inquiry to consider objections to the modifications rests with the Council. The Council must act reasonably in all the circumstances in coming to a decision and is potentially liable to challenge in the High Court if it fails to do so. Planning Policy Guidance 12 (Annex B, para. 22) suggests that local authorities have to consider whether new issues have been raised and whether these issues would justify the holding of a public inquiry. Also, in the guidance published by the Government "Local Plans & Unitary Development Plans – A Guide to Procedures," it is suggested that authorities should hold an inquiry where objections raise matters which were not an issue at an earlier stage. This may arise

for example, where the Council promotes an entirely new proposal (i.e. not published in the First or Revised Deposits) so that objectors will not previously have had the opportunity to comment. In responding to the Inspector's recommendations, Members will recall that special care has been taken to avoid this situation occurring.

- 6.2 The key issue seems to be not whether the proposal is new but whether the objections give rise to new issues. Similarly, where any new issues concern matters that are more appropriately dealt with by other means, for instance through an Action Area Plan as part of the Local Development Framework or through the planning application process, then an inquiry could be deemed unnecessary. This would also apply where the Council's modification is a matter of fact so that no purpose would be served by an inquiry. It is considered that it would be reasonable to decide against holding an inquiry where the circumstances described above apply.

7.0 LEGAL IMPLICATIONS

- 7.1. Although the Council is under no obligation to hold a further inquiry into objections to modifications proposed by it, it might nevertheless exercise its discretion in doing so. Consideration that would generally be material to that decision would include:-
- 1) whether or not the issue raised had been previously subject to independent scrutiny by an inspector so as to provide independent evaluation of the opposing contentions;
 - 2) the current advice contained in PPG12
 - 3) the practical implications of a second inquiry and, in particular, whether it would be of material benefit to the decision making process;
 - 4) delay and the desirability of securing an up to date adopted plan
 - 5) fairness to an objector and to other parties although this need not go beyond the normal administrative obligation;
 - 6) the new Development Framework provisions.
- 7.2. There are statutory grounds for quashing a plan and these will include:
- 1) the adequacy of the reasons given by the Council for rejecting the an inspector's recommendation
 - 2) whether the Council gave proper consideration to the inspector's report, particularly in the light of the Council's special position as both proposer and decision maker
 - 3) whether the Council should have held a further public inquiry into its proposed modifications.
- 7.3. In reaching their decision members should take into account, and give due weight to, the above consideration.

8.0 CONCLUSION

- 8.1 Given the nature of the representations received, it is considered that no new issues have in fact been raised and that:
- A second inquiry is not needed
 - No further modifications are necessary
- 8.2 In these circumstances it is recommended that the UDP Review process is brought to a conclusion and that the Council now proceeds towards formal adoption of the Plan.

9.0 RECOMMENDATIONS

9.1 For Members to consider the contents of the report (as background information to the representations received to the modifications) and to recommend to the Executive Board that they:

1. Agree the contents of this report;
2. Agree that no further modifications to the Plan are necessary;
3. Conclude, having carefully considered all the representations received, that they do not give rise to a need for a further public inquiry;
4. Agree that the attached schedule (Appendix 3) is published as the Council's statement and reasons in response to the representations received;
5. Agree that the Notice of Intention to Adopt the UDP Review is published and that, following the expiry of the notice period, the Plan is submitted to Full Council with a recommendation that it is formally adopted.

APPENDIX 1

SUMMARY OF DULY MADE REPRESENTATIONS RECEIVED

Modification no.	Policy/Proposal	Representations	
		Objections	Supports
<u>Duly Made</u>			
4/001	Community Involvement	1	
5/001	Green Belt/Protected Areas of Search		5
5/003	Flood Risk	part object.	1
5/004	Sustainable Drainage	part support	1
6/003	Transport Assessments		1
6/004	Travel Plans	part support	1
6/013	Transport (Park & Ride)		1
6/015	Transport (Strategic Highway Network)		1
7/001	Housing (Introduction)	7	
7/002	Phased Release of Housing Land	21	4
7/003	Release of Individual Housing Sites	2	
7/004	Explanation of Housing Strategy	12	
7/005	Housing – Long Term Growth	2	
7/006	Affordable Housing Target (East of Otley and Thorp Arch)	8	2
7/007	Affordable Housing	1	
7/008	Student Housing	4	4
8/001	Loss of Employment Land	2	
14/014	Breary Lane PAS site	1	
14/015	Canada Rd., Rawdon - PAS site	8	
14/016	Haw Lane, Yeadon - PAS site	2	
15/015	East Leeds Extension	5	
16/004	Allerton Bywater Village Regeneration	1	
16/008	Micklefield Village Regeneration Area	5	1
16/009	Micklefield Strategic Housing Site	6	
16/014	East of Scholes - PAS site	2	
16/015	Pit Lane, Micklefield - PAS site	1	
16/018	Wood Lane, Scholes - PAS site	2	
16/019	Park Lane, Allerton Bywater - PAS site	1	
17/039	Tingley Station - PAS site	1	
18/033	Moseley Bottom, Cookridge - PAS site	2	
19/006	East of Otley	4	
19/008	West of Pool PAS site	5	
20/020	Hill Foot Farm, Pudsey - PAS site	1	
21/015	Matty Lane, Robin Hood	1	
24/011	Leeds Road, Collingham – PAS site	1	
	SUB TOTALS	111	20
	TOTAL		131

APPENDIX 2

SUMMARY OF NOT 'DULY MADE' REPRESENTATIONS RECEIVED

<u>Ref. no.</u>	<u>Objector</u>	<u>Issue Raised</u>	<u>Reason for representation not being 'duly made'</u>
24/003	Walton Parish Council	Thorp Arch	support for decision to delete Thorp Arch received after the deadline.
n/a	Mr. David Taylor		Representation does not specify/relate to a Modification
n/a	Dr. GK Wilson		Representation does not relate to a Prop. Modification

APPENDIX 3

LEEDS UDP REVIEW

**STATEMENT OF DECISIONS AND REASONS
ON THE REPRESENTATIONS RECEIVED
TO THE
PROPOSED MODIFICATIONS**

MAY 2006

Modification No. 4/001

Title: Policy GP9 Community Involvement

Representations

One representation, of support, has been received from Mr G. Hall on behalf of the Scholes Community Forum. However, the submission does request that the Statement of Community Involvement (SCI) should make reference to monitoring.

Issues Raised

- a. Scholes Community Forum welcomes the process of encouraging further involvement in the planning process, particularly Policy GP9 and the pre-application stages of the application process.
- b. Monitoring the progress of the SCI is desirable and should be referenced in the UDP.

Comments on issues raised

- a. The Councils welcomes Scholes Community Forum's support to proposed modification 4/001.

The supporting text to Policy GP9 (para. 4.8.1) clearly states that the forms of public consultation and community involvement are constantly being appraised.

The Policy itself relates to promoting greater community involvement by applying the provisions of the Statement of Community Involvement (SCI).

The SCI itself provides clear reference (Section 3 of the submission draft SCI, April-June 2006) on the need for ongoing monitoring to evaluate involvement activities annually. This is further supported by the requirement in the LDF to publish an Annual Monitoring Report (AMR) which will assess the implementation of the LDS and review the effectiveness of policies set out in the LDF, including the SCI. The Council therefore considers it unnecessary to alter proposed modification 4/001.

Recommendation

That no change is made to Modification 4/001

Modification No. 5/001

Title: Policy N34 (Protected Areas of Search)

Representations

Five supporting representations were received to the overall policy on N34; no objections. However, objections were received to individual sites being retained as PAS which are dealt with later in this schedule.

Recommendation

That no change is made to Modification 5/001

Modification No. 5/003

Title: Policy N38B (Development and Flood Risk)

Representations

One representation was received which raises the issues listed below, but also gives overall support for the Policy.

Issues Raised

- a. Off-site flooding risks should be considered as a reason for refusal of planning consent.
- b. There should be more cohesion between the Development Dept, Yorkshire Water and the Environment Agency to ensure that responsibility is accepted.
- c. In the text of 5.5.11 (d), remove 'specialist' and after 'advice' incorporate 'from the Environment Agency or Yorkshire Water.'

Comments on issues raised

- a. The Policy requires developers to submit Flood Risk Assessments where appropriate and this allows a planning judgement to be made as to whether off-site flooding is a sufficient cause for concern to justify refusal of planning consent. Concerns can often be resolved through planning conditions and where the Environment Agency has raised a concern about flood risk they would be consulted to ensure they are happy with any proposed mitigation. The Policy, together with Policy N38A, allows the Council to refuse consent if the Authority or the EA are not happy with any resulting off-site flood risk.
- b. The Environment Agency is a statutory consultee to the local authority and there is already a shared vision between these agencies in terms of addressing flood risk.
- c. The wording of the Policy has met with the satisfaction of the UDP Review Inspector. The word changes suggested by the objector would not add anything to the Policy and serve no real purpose.

Recommendation

That no change is made to Modification 5/003

Modification No. 5/004

Title: Policy N39A (Sustainable Drainage)

Representations

One representation was received which raises the issues listed below, but also gives overall support for the Policy.

Issues Raised

- a. Off-site flooding risks should be considered as a reason for refusal of planning consent.
- b. There should be more cohesion between the Development Dept, Yorkshire Water and the Environment Agency to ensure that responsibility is accepted.

- c. In the text of 5.5.11 (d), remove 'specialist' and after 'advice' incorporate 'from the Environment Agency or Yorkshire Water.'

Comments on issues raised

- a. The Council can refuse consent for development under Policy N38A if the Authority or the EA are not happy with any resulting off-site flood risk. Policy N39A aims to encourage developers to examine the potential for sustainable urban drainage systems to resolve flood risk.
- b. The Environment Agency is a statutory consultee to the local authority and there is already a shared vision between these agencies in terms of addressing flood risk.
- c. The wording of the Policy has met with the satisfaction of the UDP Review Inspector. The word changes suggested by the objector would not add anything to the Policy and serve no real purpose.

Recommendation

That no change is made to Modification 5/004

Modification No. 6/004

Title: Policy T2C (Travel Plans)

Representations

One objection received.

Issues Raised

- a. Support for transport Policy T2C. The representation also notes that the new requirements for SA/SEA complements the Council's approach.
- b. However, it is considered that some reference is made to the Regional Transport Strategy. Travel Plans must recognise guidance given in the (draft) RSS - Tables 16.8 & 16.9 of Chapter 16 (Regional Transport Strategy).

Comments on issues raised

- a. Support for Policy T2C is noted.
- b. Tables 16.8 & 16.9 form part of Policy T3 - Public Transport of the Draft RSS (December 2005). The intention, in part, behind this policy is for Local Authorities, and other organisations as appropriate, to use the public transport accessibility criteria, as set out in Tables 16.8 and 16.9, to guide the allocation of sites in development plans and the provision of new transport services and infrastructure through Local Transport Plans and other available means (Policy T3-D). However, it is important to note the draft status of the current RSS and that the final wording and content may change.

The use of public transport accessibility in a consistent manner across the Region will help to ensure that public transport offers a fully-acceptable alternative to the private car at all new developments. Criteria are essential if accessibility by public transport is to be specified and the use of phrases such as "good public transport" avoided in development documents (para 16.25).

The accessibility criteria relate to travelling times to essential facilities by public transport, which covers both the immediate accessibility of a bus stop or rail station, but also the

frequency of services available from those points. In the absence of Government guidance, criteria have been developed for the Region and these are presented in Table 16.8 and 16.9. It is envisaged that the criteria will apply to developments above the thresholds identified in Table 16.5 which relate to maximum parking standards (para 16.26). As far as Leeds is concerned this is something that should be encouraged and will be taken on board in the preparation of the Local Development Documents. It is anticipated by that time the RSS will be an adopted document and all Local Authorities will need to be in general conformity with it.

As far as Travel Plans are concerned no direct link is made in draft RSS between this and Tables 16.8 & 16.9. The word "Travel Plans" is mentioned a total of 3 times only in the RTS. The need for Travel Plans is made in the context of dealing with congestion and being addressed through positive measures by employers and the Airports within the region (Policy T1 - Personal Travel Reduction & Modal Shift and Policy T6 - Airports).

It is therefore considered that the changes proposed by the representor are not appropriate and as such no amendments should be made. Furthermore the Policy on Travel Plans as drafted in the Review UDP is considered to be in line with both national and regional planning guidance.

Recommendation

That no change is made to Modification 6/004.

Modification Nos. 7/001,002,004

Title: Housing Introduction, Phased Release of Land for Housing and Justification for Housing Policies

Representations

Objections to these three Modifications are grouped together for convenience and simplicity, as they all relate to aspects of strategic housing land policy. A total of 41 distinct objections have been received on behalf of 12 objectors. These consist of:

1. Objections from Walker Morris on behalf of Barratt Leeds Ltd, Persimmon Homes, Micklefield properties Ltd, Michael Wheatley Construction and Great North Developments Ltd. Insofar as it relates to strategic housing land policy, the same substantive objection is submitted 18 times. (It also appears a further 16 times in relation to other Modifications considered elsewhere).
2. Three separate objections from Spawforth Associates each submitted on behalf of Southroyd Ltd, Taylor Woodrow, Mr A Ramsden and Oulton Estates (Canada) Ltd, giving a total of 12 objections.
3. An objection from Rawdon LLP.
4. 3 objections from Dacre Son & Hartley submitted on behalf of companies associated with the East Leeds Extension proposal, namely Evans of Leeds, Persimmon Homes and Taylor Woodrow Developments (The East Leeds Development Company).
5. 7 objections from Gordons submitted in relation to strategic housing policies, but making only 3 substantive points. The representations have been submitted on behalf of Fairborn Estates Ltd, who have an interest in a specific site allocation (ref: H3-3A.2, - Whitehall Road, Drighlington).

These objections are summarised and commented on below. Some of them also raise site specific issues or relate to other aspects of strategic housing policy (e.g. affordable housing). Such issues are dealt with under the appropriate Modifications.

2 statements of support or partial support for aspects of these Modifications have also been received from Micklefield Parish Council and Dacre Son & Hartley on behalf of the East Leeds Extension companies listed above.

Objection by Walker Morris to Mods 7/001, 7/002, 7/004

Issues Raised

The main points raised by the objectors are these:

1. The Inspector's recommended wording for policy H3 was that phase 3 should come "After phase 2, when and if existing housing land supply is demonstrably short or 2012-16". In the Modified text, this is changed to "After phase 2 (provisionally 2012-16), when and if existing land supply is demonstrably short". This can be interpreted as meaning that phase 3 could be delayed indefinitely until it is decided that there is a shortage of land. This reduces the level of certainty which development plans are supposed to provide and militates against the proper planning of major sites like those in which the objectors have interests. The Inspector regarded 2012-16 as a "longstop" for the release of phase 3 – that is, the phase would be released in this period even if land was not in short supply. To go against this without proper explanation would be highly irregular without a further Public Inquiry.
2. In order to deal with changing needs and emerging national policy, phasing should be flexible to allow for higher rates of building and "the need to avoid planning for windfall to be taken into account". If housing needs justify it, phases should be capable of being brought forward earlier than the indicative dates.
3. Phasing should also take account of qualitative as well as quantitative aspects of supply. "City centre flats meet only a small proportion of qualitative need". A wider choice of house types and location is needed, as recognised in "Government guidance requiring housing market assessments". Sites like those promoted by the objectors help diversify the quality of supply and should be considered favourably.
4. The UDP housing land strategy is to a large extent out of date in the context of emerging national and regional policy. Unlike Inspectors in other Inquiries, the UDP Inspector decided to give no weight to the emerging draft RSS, revised PPG3 (draft PPS3), the Barker Review of Housing Supply or the Government's response to this review. These documents now carry weight in the development plan process. A letter from the Chief Planner at ODPM dated January 11 2006 advises that in preparing core strategies and other development plan documents, local planning authorities should have regard to the Government's clearly stated objectives in the response to the Barker Review and the consultation version of PPS3. Final PPS3 is due to be published this summer and is expected to require a 15 year land supply and a 5 year supply of developable land to be identified. It is also expected that although brownfield land will remain a priority, the sequential approach to site identification will be abandoned.
5. Draft PPS3 says that allowance for brownfield windfalls should be made "only where the particular local circumstances justify it and where sustainability appraisal indicates that allocating sufficient land would have unacceptable impacts". The Leeds UDP assumes substantial windfall, but if this allowance were to be excluded "the importance of bringing forward [objector sites] ... becomes increasingly necessary".
6. The draft RSS Review proposes a gross housing requirement for Leeds of 2700 dwellings p.a., a substantial increase on the existing figure of 1930 dwellings. The Modified UDP is predicated on this latter figure

The objectors conclude by asking that the text of these proposed Modifications be altered to:

- Reinststate the Inspector's wording in relation to phasing,
- Adjust the phasing policy to acknowledge qualitative matters including housing market assessments,
- Acknowledge the need for early review to address emerging RSS and PPS3 policy.

Comments on issues raised

The Council's response to each point raised is given below.

1. Although the Inspector's wording of the phase 3 phasing policy is possibly open to the interpretation placed on it by the objectors, it is clear from his report as a whole that he regarded the timing of each phase as flexible and never intended that phase 3 should be guaranteed to start at some time between 2012 and 2016, regardless of the adequacy of land supply. This much is particularly evident from para 7.53, where he says that "the essence of Plan, Monitor and Manage is that there should be flexibility to advance or delay development according to the results of regular monitoring. Whilst the land supply is certain from allocations in the Plan, the timing and therefore the rate at which it comes forward for development are to be managed, taking into account windfall contributions, to ensure continuity of delivery of housing in accordance with the mechanism adopted. The dates assume less importance in these circumstances. Although they should be included as indicators of anticipated timescale, it should be made clear in the Plan in terms of the phasing mechanism that such dates can only be approximations". In the same vein, para 7.93 says in relation to the timing of phase 3 that "whilst indicative dates for phasing are given, the trigger mechanism will determine the start of each phase and this should be stressed in the explanatory text". The Council's re-wording of the Inspector's phasing text is thus a justifiable clarification which brings it into line with his actual intentions. The objectors' contention that phase 3 should be released during 2012-16 regardless of supply considerations is also wholly inconsistent with the inclusion of indicative trigger mechanisms to determine the release of allocations, which is endorsed by the Inspector. There would be little point in having these mechanisms if the timing of release of phase 3 sites were to be fixed, as proposed by the objectors. These points were raised in the report to Development Plan Panel and Executive Board, which set out the Council's response to the Inspector's Report. An extract of this report is attached to this report as Appendix 5.
2. The release of phases 2 and 3 is already flexible. The phases would be advanced if the indicators of land shortage described in para 7.2.10 of the Modified UDP text were met. The Plan also provides in policy H1 for a higher RSS land requirement, and if this were to emerge, the phasing release indicators would be calculated in relation to this figure.
3. The Inspector did not recommend that release mechanisms should take any account of qualitative supply matters. He did consider at length (paras 7.41 – 7.47 of his Report) whether there might be over reliance on city centre sites and whether this might lead to a form of development that would not meet the full range of housing needs. He concluded that there was not an over reliance on city centre sites (para 7.41) and that city centre development was not significantly reducing the choice and variety of housing provided (para 7.42). There is thus no basis in the Inspector's report for incorporating specific qualitative indicators in the release mechanism.
4. The Inspector was in no position to give weight to the emerging policy documents cited by the objectors because most of them had not been published before the closure of the Public Inquiry in June 2005 or even the release of his Report in November 2005. Although the Barker Review of Housing Supply was published between December 2003 and March 2004, the Government's response to its recommendations was not published until December 2005, the same month in which draft PPS3 was issued. Draft RSS followed in January 2006, also the date of the Chief Planner's letter. These events post date by even longer periods of time the publication of the original UDP Review in June 2003. It is quite clear that the Chief Planner's remarks are directed at the new development plan system rather than at plans still going through the old procedure. The emergence of all the cited policies is thus far too late to play any part in the UDP Review.
5. There is ample evidence of large scale windfall in Leeds (reported in regular Housing Land Monitors). Should this be reduced to a level where security of supply is threatened, the trigger mechanism in the Plan will come into operation to allow the release of allocations in later phases. The reliance on windfall is not therefore a cause for concern.

6. Policy H1 of the Plan sets provision at the level specified in RSS. If this changes, release of land will be expected to adjust to the new level, and the trigger mechanism will be applied if necessary in the context of the new requirement figures. If appropriate, the whole strategy can be reviewed. It is also important to recognise that the draft RSS figures are only proposals at this stage and are subject to objection.

Recommendation

That no change is made in respect of these objections.

Objection by Spawforth Associates to Mod 7/002 (a)

Issues Raised

The objection argues that although the Modifications make separate reference to the Main Urban Area and Smaller Urban areas, the distinction between the two is not properly explained. The attempt in para 7.2.1 of the Modified Plan to define the areas is not successful. The areas are not distinguished on the Proposals Map. The Inspector's recommendations at paragraph 7.115 of his report are therefore effectively rejected. This makes the Modifications out of line with approved RSS.

The objectors request that these shortcomings be redressed by defining the Main and Smaller Urban Areas clearly on the Proposals Map "to allow a correct interpretation of the policies relating to these areas and to remove uncertainty".

Comments on issues raised

Although the Inspector is at pains in his report to differentiate between Main and Smaller Urban Areas, the distinction in fact has no policy significance. The only relevance of the urban areas is to policy H4, but this is applied in exactly the same way in the Main and Smaller Urban Areas, and this is readily apparent from the wording of the policy which the Inspector himself provides. Because the distinction has no practical importance, the Council took the view that there was nothing to be gained by labouring it, although out of deference to the Inspector, his phraseology was retained. Differentiation of the two areas on the Proposals Map is not therefore necessary. The areas concerned are identified in Para. 7.2.1 Of the Proposed Text and will be shown on the Proposals Map under a single notation 'Main and Smaller Urban Areas.'

Recommendation

That no change is made in respect of this objection.

Objection by Spawforth Associates to Mod 7/002 (p)

Issues Raised

One of the criteria for appraising sites under policy H4 is that proposals should be "acceptable in sequential terms". Paragraph 7.2.14 of the Modified text explains that this criterion is expected to mean that only brownfield sites will normally be acceptable in terms of this policy. The objectors consider that this wrongly implies that greenfield windfall sites will never be acceptable. This is inconsistent with policy H2 of RSS, which is part of the Development Plan for Leeds. This states that after urban brownfield sites, other infill within urban areas – by implication greenfield land – should be considered as second priority for allocation (and release under policy H3). The objectors ask that paragraph 7.2.14 be modified to explain the relevance of RSS policy and that the final sentence be deleted.

Comments on issues raised

It is considered that the objector is mistaken, in that the Council's policy does not say that greenfield land will never be developed. Whilst it is true that there is a tension between RSS policy H2, which appears to give greenfield infill precedence over some brownfield sites in sequential terms, and national policy in PPG3, which unequivocally prioritises brownfield

sites, the Inspector makes his position clear on the application of policy H4 at paragraph 7.99 of his report. The Inspector was in no doubt that it should not be seen to encourage greenfield development. Referring to GOYH's objection that no greenfield development should be accepted unless there was insufficient brownfield land, he concluded that "this is national policy as expressed in PPG3 para 36 and I do not consider that the UDP should contain a policy that appears to contradict it or invite applications for greenfield windfall development even on a small scale". In the light of this statement, the explanation of the effect of policy H4 in paragraph 7.2.14 of the Modified text cannot be considered to be at odds with the Inspector's intentions. It is also worth noting that the Regional Assembly did not choose to object to the Council's Modification.

Recommendation

That no change is made in respect of this objection.

Objection by Spawforth Associates to Mod 7/004

Issues Raised

Paragraph 7.3.1 of the Modified text says that "the UDP housing land strategy is in full conformity with the sequential approach advocated in PPG3 and RSS". The objectors dispute this. They claim that the brownfield priority in the UDP is at odds with PPG3, since this does not promote brownfield over greenfield development at all costs but also takes account of location; and with RSS, which ranks urban greenfield within urban areas above brownfield outside them. The Modifications do not in fact bring UDP policy into harmony with national and regional policy. They propose the deletion of the whole of paragraph 7.3.1

Comments on issues raised

Para. 7.3.1 is the opening paragraph of the section justifying the UDP housing land strategy. This whole section is a re-write of section 4 of the Revised Deposit, made necessary by the substantial changes in strategy recommended by the Inspector. The first sentence of para 7.3.1 is a re-wording of point 7.4.1.1 of the Revised Deposit, which read "The justification for the strategic approach adopted in the UDP reflects the following The sequential approach required by PPG3". The Inspector had nothing specific to say about this statement, so it must be assumed that he considered it unexceptionable – but he did specifically recommend that the phrase "and by RSS" be added at the end (para 7.122.6.a of his report), showing that he also thought the strategy consistent with RSS.

The sentence that begins new paragraph 7.3.1 is therefore in line with the Inspector's views. The remainder of the paragraph supports this claim by emphasising that the plan aims to meet most needs from brownfield land sources. However, as stated in relation to 7/002(p) above, Policy H4 does not say that greenfield development will never happen. There is therefore no basis for making the changes requested by the objectors.

Recommendation

That no change is made in respect of this objection.

Objection by Rawdon LLP to Mod 7/002 (p)

Issues Raised

Government guidance gives a general preference to brownfield over greenfield sites, regardless of site location. Applications for development of brownfield sites should therefore be considered preferentially wherever they are. However, Modified policy H4 requires that proposals for development on brownfield land outside the main and smaller urban areas should be on sites that are in a "demonstrably sustainable location". This is an additional onerous requirement not justified in national policy. Although para 7.2.15 attempts to define what is meant by "demonstrably sustainable", the criteria are not sufficiently clear. This is likely to lead to subjective judgement. In the case of former employment sites outside the urban areas, the requirement is also in conflict with para 42(a) of PPG3, which says that

applications on such sites should generally be considered favourably. To overcome these criticisms, the objector proposes that the word “demonstrably” in the above phrase be replaced by the word “sufficiently”.

Comments on issues raised

The wording of policy H4 is exactly as recommended by the Inspector, and the Council sees no reason for departing from it. Para 7.2.15 of the UDP makes it clear that sites outside the urban areas may also be acceptable under H4, making it probable that the outcome desired by the objector will be achieved in practice. Replacing the word “demonstrably” by “sufficiently” would also pose issues of definition to which the objector offers no solution.

However, it must be recognised that simply because a site is ‘brownfield’ does not mean that it is always located in the right place in sustainability terms. The Inspector, for example, made such a judgement in deleting Thorp Arch from the Plan.

The objectors reference to para 42a of PPG3 is selective. Crucially, para 42a also states that the use of employment land for housing or mixed uses is acceptable but only if the land is “no longer needed for such use” and subject to the sites suitability for residential development (para 31 of PPG3), including its location and accessibility, capacity of infrastructure, ability to build communities and physical & environmental constraints.

Recommendation

That no change is made in respect of this objection.

Objection by Dacre Son & Hartley to mod 7/002 (f)

Issues raised

There is objection “to the proposed ‘other additions’ to the text at 7.2.1 and in particular to the reliance on windfall sites – the text is not stated and should be with the reference to windfall reliance deleted altogether”.

Comments on issues raised

It is difficult to grasp what this objection, which has been quoted in full, is getting at. Insofar as it is a criticism of the role played by windfall in the Plan strategy, this is clearly not a view shared by the Inspector. The points made in response to the objections by Walker Morris (point 5 under 7/001, 7/002 & 7/004) are relevant here, i.e. that there is ample evidence of large scale windfall in Leeds (reported in regular Housing Land Monitors). Should this be reduced to a level where security of supply is threatened, the trigger mechanism in the Plan will come into operation to allow the release of allocations in later phases. The reliance on windfall is not therefore a cause for concern.

Recommendation

That no change is made in respect of this objection.

Objection by Dacre Son & Hartley to mod 7/002 (i)

Issues raised

The text explaining the purpose of monitoring (found in paras 7.2.4 and 7.2.5 of the Plan) should reflect the additional monitoring requirements which will result from PPS3 and draft RSS. There should be an unqualified undertaking to discuss monitoring with the development industry. The reference to holding discussions “if appropriate” should be deleted.

Comments on issues raised

The text explaining the purpose of monitoring cannot be reasonably altered as suggested because these emerging requirements post date the UDP Review process and have in any

case yet to be spelt out in formal terms. The Housing Land Monitors will cover “other matters relevant to the housing land supply”, which could well include new monitoring requirements. There is nothing in the present wording to prevent meetings being held with the development industry to discuss the results of monitoring.

Recommendation

That no change is made in respect of this objection.

Objection by Dacre Son & Hartley to mod 7/002 (j)

Issues raised

The bracketed phrases “provisionally 2008-12” and “provisionally 2012-16” in the description of phases 2 and 3 in policy H3 should be removed. The Inspector’s recommended wording gives greater clarity on the timing of release. The Council should look at providing even greater certainty about the start dates for phase 2 and 3.

Comments on issues raised

This is essentially the same issue raised by Walker Morris at point 1 above. The Council’s response is summarised there. In brief, it is clear that the Inspector does not regard the timings of phases 2 and 3 as in any way fixed. The objectors’ desire for greater certainty is therefore in conflict with his intentions.

Recommendation

That no change is made in respect of this objection.

Objection by Gordons to Mods 7/002, 7/003, 7/004, 7/005, (and 7/001RD, 7/002RD, 7/003RD, 7/004RD, 7/005RD)

Issues Raised

Generally the objector considers the Modifications lack rational explanation and are insufficiently flexible in regard to the release of allocations. This is elaborated in three factors:

1. Some greenfield allocations are just as difficult to develop as brownfield sites because of physical constraints and other factors. Such difficulties could delay the planned release of greenfield allocations or even prevent development within the UDP period. More flexibility is needed to ensure that this does not happen (para 10 of objection statement) although the “certainty of development” also needs to be established (para 8).
2. Insufficient allocations have been advanced into phase 2 of the Plan and this could threaten continuity of supply. The Plan does not explain either the quantum of provision in phase 2 or why some sites were advanced from phase 3 but others were not. Additional provision is needed.
3. There should be a broad spatial balance in provision in each phase, but in phase 2 there is a shortage of provision in west Leeds which should be made good by additional allocations

The objector concludes that site H3-3A.2 should be promoted to phase 2. Policy should be modified to allow particular greenfield allocations to be advanced in timescale in the event of constraints being identified which could delay development. More greenfield sites should be released in order to give a better spatial balance of provision.

Comments on issues raised

The Council’s response to each point raised is given below.

1. The strategy of the Plan is to prioritise development on brownfield sites for as long as this can be done while still meeting overall housing requirements. This strategy was fully endorsed by

the Inspector. The Plan includes a trigger mechanism which allows the flexible release of greenfield allocations in phases 2 and 3 if supply falls short.

2. The estimates of output in each phase in policy H3 are benchmark planning assumptions not fixed programmes of development, as explained in para 7.2.6 of the Plan. Even so, the estimated capacity in phase 2 is more than enough to meet the current RSS requirement. If supply fell short, the trigger mechanism would allow the release of phase 3 sites. The allocations in phase 2 are as selected by the Inspector. He discusses his reasons for introducing the phase and its content in paras 7.33 and 7.77 of his report, but does not recommend adding this explanation to the text. The content of the phase is perfectly clear from policy H3 of the Plan.
3. The objector offers no evidence for the assertion that supply is spatially imbalanced. The Inspector considers the geographical distribution of land at various points of his report (notably paras 7.21-7.22 and 7.41-7.47). He specifically rejects the notion that there should be an even spatial spread of land, and does not consider the distribution likely to result from the Plan strategy to be problematic.

The objector requests that site H3-3A.2 be promoted to phase 2, but this selfsame issue was considered in the Public Inquiry into the UDP Review under Alteration 17/007. The Inspector rejected this proposal in paras 17.19 -17.20 of his report. The other changes requested would also be inconsistent with the Plan strategy that has been recommended by the Inspector. In those situations where the Inspector has brought forward phase 3 sites into phase 2, he has given his reasons for this. In this instance he clearly felt that the Whitehall Road site should remain in phase 3 of the Plan.

Recommendation

That no change is made in respect of this objection.

Modification No. 7/006

Title: Paragraph 7.6.19 (Affordable Housing Targets for Strategic Housing Sites)

Representations

Four representations were received, of which 2 were supports. Affordable Housing issues relating to 7/006 were also referred to in representations on 19/006 (East of Otley) and 16/008 & 16/009 (Micklefield Strategic Housing Site). These issues are addressed under those site-specific Modifications.

Issues Raised

- a. That the Council should adopt the Inspector's recommendation to apply a standard target of 25% affordable housing provision across Leeds. The Council's own evidence shows a substantial unmet need for affordable housing, and flat rate 25% target would better help meet that need than a 15-25% target range. Delivery of affordable dwellings in association with private development of brownfield windfall sites would produce a distribution of affordable housing in environmentally sustainable locations. One objector suggests the revision of paragraph 7.6.19 and the addition of a new Policy H12A. The effect of this would be to state that the City Council would permit housing developments exclusively for affordable housing subject to criteria regarding demonstrable housing need, access to facilities, density, amenity & character of the surroundings, car parking and green belt & other landscape designations.

Comments on issues raised

- a. The City Council believes that a single 25% target figure would be inappropriate for Leeds and that it would be better to keep the 15-25% target range of the Adopted UDP. This is because it would not be desirable to seek 25% affordable housing in certain parts of Leeds. This includes the City Centre Zone where disproportionately high construction costs relative to land costs mean that land values are typically unable to cover 25% provision of affordable housing. This was the conclusion of a viability study carried out in 2002 looking in detail at a number of city centre sites. It also includes the Inner Area Zone where the City Council is promoting regeneration. Private sector housing development is welcome investment, and the City Council will need to be cautious to avoid situations where the scale of affordable housing provision deters investment. In such areas, land values are often low, and cannot support the cost of substantial affordable housing provision.

A thorough review of need for affordable housing across Leeds is now required because housing needs have changed dramatically since the last assessment took place and the UDP Review only set out to address the particular needs of the rural north. The Inspector was unsatisfied with such a partial examination of affordable housing requirements. A Housing Market Assessment has just been commissioned for the whole of Leeds which is expected to be complete in November 2006.

Hence, the 15-25% target wording needs to be maintained, in order to deal with the varied nature of housing markets in Leeds, until a comprehensive policy review is carried out.

It is considered inappropriate to introduce a new policy for exclusively affordable housing developments at this late stage of plan preparation. In any case the policy proposed by the objector is very similar in nature to existing UDP Policy H14 "Rural Exceptions", albeit, limited to rural locations.

In addition to the 4 objections to 7/006 referred to above, another 6 objections to 7/006 were made, which form part of general objections to Modifications concerning the East of Otley (19/006) and Micklefield (16/008) Strategic Housing Site proposals. The responses to these are dealt with under those Modification headings.

Recommendation

That no change is made to Modification 07/006

Modification No. 7/007

Title: Paragraph 7.6.20 (Affordable Housing Development Site Thresholds)

Representations

One representation, an objection, was received.

Issues Raised

- a. The objector submits exactly the same grounds of objection for this Modification (7/007) as for his objection to Modification (7/006 – Affordable Housing Targets for Strategic Sites). His submission says nothing specifically about site size thresholds, which is the substance of this Modification.

The objector proposes the same new policy H12A and rewording of para 7.6.19 as proposed in his representation to Modification 7/006. The effect of this would be to state that the City Council would permit housing developments exclusively for affordable housing subject to

criteria regarding demonstrable housing need, access to facilities, density, amenity & character of the surroundings, car parking and green belt & other landscape designations.

Comments on issues raised

- a. The objector offers no arguments regarding site size thresholds. Therefore the City Council sees no reason to depart from its Modification (07/007) which applies the Inspector's recommendation to revert back to the original adopted UDP wording of paragraph 7.6.20.

It is considered inappropriate to introduce a new policy for exclusively affordable housing developments at this late stage of plan preparation. In any case the policy proposed by the objector is very similar in nature to existing UDP Policy H14 "Rural Exceptions", albeit, limited to rural locations.

Recommendation

That no change is made to Modification 07/007

Modification No. 7/008

Title: Policies H15 and H15A (Student Housing)

Representations

Eight representations were received, of which 4 were supports.

Issues Raised

- a. As regards the second sentence of paragraph 7.6.31a, the Inspector's recommended wording that the City Council "...will encourage..." proposals for purpose built student housing in the Area of Housing Mix (AoHM), runs contrary to the original intention for the Area of Student Housing Restraint as proposed in the deposit versions of the UDP Review. The addition of purpose built student accommodation to the AoHM will exacerbate the area's demographic population imbalance. Examples of purpose built schemes illustrate that they generate pressure on conventional housing through the effects of student occupants, on leaving, seeking accommodation in the familiarity of the surrounding neighbourhood and friends of student occupants seeking housing nearby. The presence of purpose built student housing is potentially a deterrent to the rebalancing of the community and would compete with efforts to generate other alternative locations in Leeds for students to live - a stated aim of Policy H15A. The wording "will encourage" should be changed to "will consider".
- b. The City Council should accept the Inspector's recommendation that specific areas of Leeds be identified as suitable for student housing development in Policy H15A. The consequences of not specifying such areas are:
- The city centre will continue to be the main alternative area for student housing development (outside of the designated Area of Housing Mix) with the disadvantage that student housing will be unaffordable, with typical rents of £3,900 - £5,300 per room per annum, compared with £3,200 for out of town purpose accommodation and £2,600 for private houses in Headingley
 - the location of new student housing development will be unplanned, with clusters of provision emerging in a comparatively random manner with a lack of supporting infrastructure & little consideration of planning gain potential for local communities. An example is the emergence of a cluster in the Little Woodhouse/Kirkstall Road

area with no consideration of local infrastructure, footpaths, connectivity, availability of local shops & facilities, public transport or public open spaces. The large buildings involved lack visual coherence & occupy full footprints with no shops and no better lighting.

- c. Paragraph 7.6.28 needs rewording regarding the estimated growth in student population of 5,000 over the UDP Review period, to change the word "will grow" to "could grow"

Paragraph 7.6.28 should be reworded "...and it is estimated that this could grow by another 5,000 over the UDP Review Period"

- d. Paragraph 7.6.28 should describe the established trend of many students staying on in the Headingley area after completing their courses. It is a mistake to think of the whole of Headingley as being tenanted by students.

At the end of paragraph 7.6.28 the following words should be added "There is evidence of an increasing number of young professionals also occupying properties in this area."

- e. Policy H15 paragraph (iv) fails to take account of national policy relating to car parking (PPG13). It also disregards revised car parking policy as set out in Schedule A9A as modified. Both make it clear that guidelines are maxima. Given public transport provision, proximity of most of the AoHM to the Universities and availability of local facilities, parking provision is unnecessary and it would be wrong to require car parking, particularly on-site car parking. There are unlikely to be road traffic management or environmental implications in case by case situations.

Clause (iv) of Policy H15 should be reworded to take account of car parking guidelines (in Schedule A9A of the UDP Review) being maxima

Clause (iv) of Policy H15 should read "Where appropriate satisfactory provision would be made for car parking but, in determining what car parking provision is required regard would be had to (a) the location of the application site (b) the availability of other means of transport and (c) road safety or traffic management issues or environmental implications"

- f. Policy H15 Paragraph (v) an objector suggests that the words "preserve or" should appear in front of the word "improve". The appropriate test should be whether the proposal would "preserve or improve" stock. So long as there is no deterioration, this should be sufficient.

The words "preserve or" should appear in front of "improve" in clause (v) of Policy H15

Comments on issues raised

- a. The Inspector's report (para 7.182) illustrates how the Inspector evaluated the pros and cons of purpose built student accommodation in the Area of Student Housing Restraint, taking account of the arguments that such accommodation would add to the demographic imbalance of the area and that students would be likely to move on from purpose built to shared student housing. His conclusion is that the benefits of purpose built student accommodation in the ASHORE outweigh the disadvantages, and that "...this is an argument for seeking to encourage rather than restrict provision of purpose built accommodation."

As the Inspector is so clear that purpose built accommodation is to be "encouraged", it would be a significant rejection of his intentions to replace the word "encourage" with "consider"

- b. The arguments put forward by the objector carry some weight that defining particular locations within Policy H15A for provision of new student accommodation would help reduce reliance upon expensive unaffordable accommodation provision in the city centre

and would provide coherence and master-planning, in place of random development lacking facilities.

However, the City Council does not think it appropriate to introduce the prospect of defined locations for student housing at this late stage of plan preparation. Given the importance of stakeholder & community input into finding locations for such proposals, the options need to be aired at the beginning of plan preparation. This is why it would be far better to explore such options through the Area Action Plans which are currently in the first stage of preparation, rather than delay the UDP Review.

- c. The current wording describing the student population, "...and it is estimated that this will grow by another 5,000 over the UDP Review Period" is appropriate. As the 5,000 is clearly described as an estimate, it is unimportant whether the words "could grow" or "will grow" are used. Hence, the original wording should be retained.
- d. Paragraph 7.6.28 is specifically about student housing, so it is not appropriate to add descriptions about the trends in other forms of housing.
- e. The objector recommends lengthening criterion iv of Policy H15 to explain that satisfactory car parking provision would be determined with regard to (a) location of the site, (b) availability of other means of transport and (c) road safety, traffic management or environmental implications. The City Council considers that these matters would naturally be considered in planning application cases. Further matters might also be relevant also, for example, income, age and household type. Criterion iv would need to be read in conjunction with the car parking guidelines in Appendix 9A, particularly the modified paragraph 6 which asks for the car parking guidelines to be applied with sensitivity to local circumstances. Hence, the City Council believes that the Inspector's clause iv of Policy H15 as advanced in the Modifications should not be changed because the meaning of "satisfactory provision" allows for interpretation on a case by case basis, taking account of the car parking guidelines in Appendix 9A of the UDP.
- f. It is unclear from what source the objector has sourced the "appropriate test" that the judgement of acceptability of student accommodation development should refer to "preserve or improve", not just "improve". There are similarities in guidance to "preserve or enhance" conservation areas (PPG15), but more recent government guidance states that "design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted," (PPS1, para 34). The City Council thinks that the wording recommended by the Inspector & carried forward into the Modifications that "...the proposal would improve the quality or variety...." is appropriate because it is positive about expectations for development in line with PPS1.

Recommendation

That no change is made to Modification 07/008

Modification No. 8/001

Title: Policy E7 – PROPOSALS FOR NON-EMPLOYMENT USES

Representations

Two objections received.

Ref 40124: David Wilson Homes

Ref 40125: Cllr John Illingworth (Kirkstall)

Issues Raised

- a. Cllr Illingworth objects to the proposed wording because it is ambiguous, introduces redundancy into the policy and lacks clarity.
- b. Cllr Illingworth indicates that the wording shows insufficient regard for cumulative effects and would have the practical effect of permitting widespread conversion of employment land to residential uses.
- c. Criterion (iii) provides for an employment land requirement to be met in the locality, but locality is not defined in the policy.
- d. The new final paragraph is not compatible with PPG3 para 42a because there is no up-to-date employment land review.
- e. The final paragraph does not make clear the onus on the Council to demonstrate that a proposal fails the tests set out in PPG3 para 42a.

Comments on issues raised

- a. Ambiguous/ introduces redundancy/ lacks clarity

Policy E7 of the Adopted UDP states that proposals for non-employment uses on land identified in the plan for employment purposes, or on land currently in employment use, will not be permitted unless four criteria can be met. This approach is in clear conflict with the guidance expressed in PPG3 para 42a introduced in Jan 2005. Under this guidance, proposals for housing on employment land or premises that are no longer needed should be given favourable consideration unless the need for the land or premises to remain available for employment can be demonstrated clearly by the local planning authority. It is this conflict that the new wording seeks to resolve.

Setting aside the issue of ancillary uses, the proposed new wording creates two distinct classes of non-employment proposal that must be dealt with by Policy E7: those that do not include housing and those that do.

For non-employment proposals that do not include housing, Policy E7 does not conflict with national planning guidance. For this reason, the Council intends that Policy E7 in its adopted form should continue to be applied in these cases.

Where proposals do contain housing, the approach in the existing Policy E7 is in conflict with national guidance. Consequently, the Council proposes the exception clause and its associated paragraph in the policy wording in order to achieve consistency with PPG3 para 42a. The proposed use of criteria (i) to (iv) to establish the planning need for the site to remain available for employment use is supported by the UDP Review Inspector in para 8.9 (2nd sentence) and is the Council's response to his recommendation in para 8.26 that:

"The Policy or supporting text should explain how it will be established whether the land or buildings are no longer needed for industrial or commercial use."

In conclusion, although the proposed new wording of Policy E7 involves the use of the same criteria in the two classes of proposal identified by the policy, the criteria are used in distinct ways, reflecting the two different and distinct approaches that are necessary to achieve consistency with national planning guidance while retaining the safeguards embodied in the existing policy.

There is, therefore, no ambiguity or redundancy in the wording proposed.

- b. would allow widespread conversion of employment land to housing/ Insufficient regard for cumulative effects

It is national planning policy to lower the barriers to the delivery of new housing. The Inspector affirmed this in his report at para 8.23 in responding to the Council's

evidence of increasing losses of employment land to housing. He stated that

"... this is to be expected given the deliberate emphasis of national policy on the development of brownfield land and the fact that many old-established employment sites/buildings within these areas may, for a variety of reasons, no longer be suitable for their original purpose."

Concerning the Leeds position, the Inspector stated that "I am ... not convinced that the amount of leakage involved is yet a matter for concern and I do not consider that it justifies the changes proposed to Policy E7" (Para 8.23).

Elsewhere in para 8.23 he pointed to the safeguards that are available in national guidance:

"... if it is or becomes a demonstrable concern then the Council can exert control in the terms of clause 3 of PPG3 para 42a."

The Council's response to these observations and conclusions has been to endorse the need to secure a flow of windfall housing sites and to build into the policy wording the safeguards provided under PPG3 para 42a, without seeking to impose restrictions that go beyond the scope of national policy – an approach which the Inspector stated could not be justified in Leeds.

In assessing the potential harm arising from the cumulative effects of the conversion of employment land to housing, the Council can invoke the safeguards that exist in the proposed policy. As with any proposal, however, the harm to the Council's interests posed by a particular application must be demonstrable and attributable to that application.

The additional paragraph that Cllr Illingworth suggests should be inserted into the supporting text does not address the specific issues raised by the Inspector and described above.

c. locality not defined in relation to criterion (iii)

Although the Inspector concluded in para 8.13 of his report that the Council's proposed use of a 1.5 mile radius to define locality need not and should not be introduced, he made no other **specific** recommendation about the definition of locality.

Having rejected the Council's proposal because it "would result in localities that would be unrealistically small and unsuitable to inform the necessary judgement in terms of PPG3 guidance", he concluded that proposals need to be assessed "on a District-wide or areal basis with a meaningful definition in the context of 'local strategy'".

It is clear from the Inspector's conclusion that assessments need to be made at spatial levels below that of the entire District. Further, in para 8.9 he affirms the relevance of criterion (iii) for assessing the effect of a proposal upon local strategies for economic development and regeneration.

The Council interprets the remarks made by the Inspector in para 8.13 about the use of sectors or wards to define meaningful areas in the context of local strategy as being suggestions rather than a prescription of how such areas should be defined.

From the above, the Council concludes that localities are a relevant element in Policy E7 and that they need to be defined case by case using areas that have relevance in terms of local strategies for economic development and regeneration. The new wording of the policy encompasses this in its affirmation that policy will be applied having regard to PPG3 para 42a.

- d. The final paragraph is not compatible with PPG3 para 42a because there is no up-to-date employment land review.

The third clause set out in PPG3 para 42a indicates that reference to an up-to-date employment land review is to be preferred when carrying out the tests of a realistic prospect of take-up and whether there would be harm to regional and local strategies for economic development and regeneration. While it is preferable to have an up-to-date review, however, it is not mandatory. The length of time that has elapsed since the last review may affect the weight that can be reasonably given to its findings in a specific case, but the test is not rendered invalid in this respect. It can still be carried out in accordance with PPG3 para 42a and is therefore not incompatible with this guidance.

Between the closing of the Inquiry in May 2005 and the receipt of the Inspector's Report in November 2005, the Council has embarked on an employment land review as part of its LDF work programme. This is confirmed in the Yorkshire & Humber Assembly's Annual Monitoring Report for 2005. The consultants' report has been received by the Council and will inform its work in developing the LDF as well as setting the context preferred for the tests stipulated in PPG3 para 42a.

- e. The final paragraph does not make clear the onus on the Council to demonstrate that a proposal fails the tests set out in PPG3 para 42a.

The third clause of PPG3 para 42a implies that it is for the Council to demonstrate the outcome of the tests set in the clause. The first line of the proposed last paragraph clearly states that the policy will be applied having regard to the advice in PPG3/42a and, consequently, the onus implied in the guidance is carried forward into the revised policy E7.

The Inspector makes no explicit recommendation that the revised wording of the policy should refer to the new onus on the Council. But, he does stipulate that the policy should explain how it will be established whether land or buildings are no longer needed for employment use. This the Council has done in referring to the use that will be made of the four criteria listed in the original version of the policy. Further, the incorporation of the phrase "to establish the planning need for the site to be retained for employment use" into the revised wording is a direct reflection of the Inspector's view that the assessment of need should extend beyond that of the site owner or applicant (para 8.26 Inspector's Report) and that it is for the Council to establish the need for the site, taking into account the evidence that an applicant might present.

The new wording, therefore, takes into account the Inspector's views on how "need" should be established and consequently indicates the role of the Council in assessing individual cases.

The first change proposed by David Wilson Homes – that criterion (iii) be omitted because locality cannot be defined below District level – is not supported by the Inspector's view that the need to assess proposals below District level is a relevant element, which is consistent with the new national guidance.

The second proposed change is a statement of the need to apply the policy in accordance with PPG3/42a. This is acknowledged in the first line of the new paragraph. The proposed change does not meet the Inspector's stipulation that the revised wording should explain how the need for a site will be established.

Recommendation

That no change is made to Modification 8/001

Modification No. 14/014 – Breary Lane East, Bramhope

Title: Policy N34 (N34.1 Protected Areas of Search)

Representations

2 representation were received

Issues Raised

- a. The site should be designated as Green Belt
- b. The site has nature conservation value
- c. Traffic issues would arise from development of the site

Comments on issues raised

- a. The Inspector did not support the Council's proposal to remove the PAS designation of the site, having regard to current planning policies. The Council has accepted this recommendation. All the relevant issues concerning the Council's original proposals to return this site to the Green Belt were considered by the Inspector at the Public Inquiry and his conclusions and recommendations are based on his full consideration of these issues. The matter also received full consideration at meetings of the Development Plan Panel and Executive Board, where the Council's response to the Inspector's Report was agreed. An extract of this report is attached as Appendix 4. This objection has not raised any new issues.
- b. Any nature conservation issues would have to be satisfactorily addressed if the site was developed in the future
- c. Transport requirements including traffic access and generation would have to be satisfactorily addressed if the site was developed in the future

Recommendation

That no change is made to Modification 14/014

Modification No. 14/015 – Canada Road, Rawdon

Title: Policy N34 (N34.2 Protected Area of Search)

Representations

8 representations were received

Issues Raised

- a. The site should be designated as Green Belt
- b. The site is an Area of Outstanding Natural beauty (AONB) and has nature conservation value

Comments on issues raised

- a. The Inspector did not support the Council's proposal to remove the PAS designation of the site, having regard to current planning policies. The Council has accepted this recommendation. All the relevant issues concerning the Council's original proposals to return this site to the Green Belt were considered by the Inspector at the Public Inquiry and his

conclusions and recommendations are based on his full consideration of these issues. The matter also received full consideration at meetings of the Development Plan Panel and Executive Board, where the Council's response to the Inspector's Report was agreed. An extract of this report is attached as Appendix 4. This objection has not raised any new issues.

- b. The site is not an AONB, although the adjacent Larkfield Dam is a Leeds Nature Area. Any nature conservation issues would have to be satisfactorily addressed if the site was developed in the future

Recommendation

That no change is made to Modification 14/015

Modification No. 14/016 – Haw Lane, Yeadon

Title: Policy N34 (N34.3 Protected Area of Search)

Representations

2 representations were received

Issues Raised

- a. The site should be designated as Green Belt
- b. The site has nature conservation value
- c. The site has recreational value
- d. Development of the site would put pressure on already stretch local services, infrastructure and increase pollution

Comments on issues raised

- a. The Inspector did not support the Council's proposal to remove the PAS designation of the site, having regard to current planning policies. The Council has accepted this recommendation. All the relevant issues concerning the Council's original proposals to return this site to the Green Belt were considered by the Inspector at the Public Inquiry and his conclusions and recommendations are based on his full consideration of these issues. The matter also received full consideration at meetings of the Development Plan Panel and Executive Board, where the Council's response to the Inspector's Report was agreed. An extract of this report is attached as Appendix 4. This objection has not raised any new issues.
- b-c The Inspector was aware of the nature conservation and recreational value of the site and acknowledged its role in providing opportunities for informal recreation and access to the open countryside. However he considered that this was not a reason in itself to include the site in the Green Belt.
- d. The Inspector considered the issue of pressure on local services and infrastructure, however he responded that the site was in a sustainable location close to Yeadon Town Centre and local facilities and was well served by public transport.

Recommendation

That no change is made to Modification 14/016

Modification No. 15/015/PM

Title: Policy H3-3A.33 East Leeds Extension

Representations

4 objections to Proposed Modification 15/015, have been received from Barwick in Elmet & Scholes Parish Council; Thorner Parish Council; Mr George Hall and East Leeds Development Companies. In addition Thorner Parish Council made a site specific objection in regard to ELE under proposed modification 7/002. This has been dealt with as part of the Council's response to proposed modification 15/015.

Issues Raised 15/015/PM

The main points raised by the objectors have been grouped together (where appropriate) for convenience under the following issues:

a. **Re-assessment of development area and phasing proposals**

Thorner Parish Council agree with the Inspectors recommendation that the allocation of the ELE for development should be justified and phased before the adoption of the UDP and consider that assessment should include a needs assessment, a landscape assessment, a Strategic Environmental Assessment and consideration of phasing and viability in sustainable transport terms.

Barwick in Elmet & Scholes Parish Council; Thorner Parish Council and Mr Hall object to the Council's decision not to accept the Inspectors first recommendation that prior to adoption of the RUDP the proposed allocation be reassessed with a view of confining the bulk of the built development to the north of the A64, and south of the Leeds-Barwick Road. Barwick in Elmet & Scholes Parish Council assumes that the LDF will consider the Inspectors recommendation be confined to these two areas.

Mr Hall states that the Inspectors recommendation for 15/015 should be accepted in full to maintain a significant separation between communities. The Council's caveat "with the exception of recommendation 1" from the proposed modification should be removed. The Inspector's Report makes clear that the ELE lacks a proper assessment and justification and that his recommendations are based on LCC remedying this.

Thorner Parish Council considers that LCC's failure to carry out the Inspector's recommendation to reassess the site is an admission that the allocation has not been fully justified and assessed. Inclusion of ELE without such justification is improper and inappropriate and prejudices the legitimate interests of local people, the sustainable development of the site and city as a whole, and provides uncertainty. Time constraints are not a valid planning reason for rejecting an Inspectors recommendation and therefore unlawful. They further state that if LCC conclude that a full assessment of what remains of the ELE (with a view of including phasing proposals in the plan) is not possible then (with the exception of Grimes Dyke, Red Hall and the area of Cross Gates, south of the Leeds-Barwick Road) the ELE should be omitted from the UDP, leaving it for consideration in the next development plan period, if it passes all the assessment tests set by the Inspector.

b. **Development Framework**

East Leeds Development Companies support the proposed modification relating to future development between the A64 and the Leeds-Barwick Road. It is considered that this area is capable of accommodating development, but the amount and disposition need to be part of a more detailed assessment / Development Framework. Early progress should be made on the production of the studies required in the production of the Development Framework.

Thorner Parish Council object to the suggestion that a development framework/brief could adequately address the issues relating to reassessment and phasing of the site, stating that it is flawed given the scale of ELE and resultant impacts on the locality and the city as a whole. A framework should be produced in addition to the reassessment and phasing of the ELE, envisaged by the Inspector.

c. **Policy H3 Housing Allocation/ reliance on brownfield windfalls**

East Leeds Development Companies object to the first sentence of proposed modification 15/015. It should be reworded to acknowledge that the ELE proposal is an allocation, not “a long term reserve of land”. They suggest rewording the text to read “Land around the Eastern edge of Leeds is allocated in Phase 3 of the housing land releases”.

Thorner Parish Council believe that the reservoir of sites within Phase 2 is sufficient not to require Phase 3. If Phase 3 is necessary to come forward in the plan period then only Barwick Road should be included. They suggest that the remaining ELE sites should retain their current status as PAS pending a thorough review of the development plan under the LDF process and a comprehensive assessment of both need for greenfield allocations and the relative merits and sustainability of all possible options for meeting any needs identified in a properly planned manner. Consequential changes to the text should be made where required. In relation to this they highlight that no objections to the development of the PAS sites at either end of the ELE (Red Hall and Manston Lane) were made.

East Leeds Development Companies seek acknowledgement that the level of reliance on brownfield windfall in recent years will no longer be acceptable given the guidance in draft PPS3. It will therefore be necessary to review brownfield supply on the basis of site suitability, availability, viability and sustainability.

d. **Second criterion – orbital road**

East Leeds Development Companies object to the second criterion of proposed modification 15/015 relating to the need for an orbital road. They suggest that this should be reworded to reflect that the infrastructure necessary for the development to go ahead is likely to be privately funded. The wording should revert to that used in the Revised Deposit UDP criterion ii) “if required”.

e. **Third criterion – sustainability appraisal**

East Leeds Development Companies object to the third criterion of proposed modification 15/015 requiring a sustainability appraisal to demonstrate that there are no preferable, more sustainable sites. This should be removed. They argue that there has been a long process of selection which has demonstrated the strategic preference and general sustainability of this option in clear preference to other potential strategic urban extensions to the north, west and south of the city. If the clear preference for ELE is not reviewed now in the UDP Review, then this will need to be done quickly in the LDF Core Strategy.

Comments on issues raised

Many of the issues raised to the proposed modifications, have already been discussed previously at Development Plans Panel on 7th February 2006, in relation to the Inspector’s Report. An extract of this report is attached as Appendix 6.

a. **Re-assessment of development area and phasing proposals**

In respect of the detailed development of the ELE, the Council agree that maintaining separation between communities and minimising impact on the Green Belt are key planning principles; however, the detailed planning of the area should properly be undertaken as part of an overall development framework for the site. The Council considers that it is premature to consider phasing within the overall site allocation.

The Council has therefore accepted the conclusions of the Inspector relating to the deletion of ELE from Phase 2 of the Plan and its incorporation in Phase 3 as site H3-3A.33, but proposes to reject the Inspector’s recommendations relating to the identification of development areas and phasing of development. The Secretary of State has been informed of the Council’s

approach to depart from the Inspector's recommendation and no objections have been raised. The Council's response to assessing the site is set out in (b) below.

The potential for developing land on the eastern fringe of Leeds has been established through the UDP process, with the UDP Inspector acknowledging the potential of East Leeds for significant growth after an exhaustive analysis of potential housing location and sites. Its inclusion is not considered "improper or inappropriate". Indeed the Inspector accepts the principle of ELE as a "reservoir" of housing land supply and considers that the proposed manage release guidelines provide robust defence against premature release.

In response to Thorner Parish Council's comments regarding time constraints not being an appropriate planning justification for refusing the Inspector's recommendation, guidance is contained within PPG12 (paras 1.2 and 1.3) stating that the Government regards delay in implementing the plan-led system as unacceptable and expects local authorities to fulfil their statutory responsibility without delay and progress their plan to adoption as quickly as possible. To accept the Inspector's first recommendation would cause considerable, undue delay to the whole UDP Review, which the Council considers unacceptable.

b. Development Framework

East Leeds Development Companies consider that early progress should be made on the studies required for the production of the Development Framework. The Council recognise that the scale of the ELE is such that the detailed planning and design will take some time and will need to commence at an early date in order to allow for release of the site within Phase 3. Developers can of course undertake work at any time they think fit, but at their own risk.

Thorner Parish Council contends that a Development Framework for ELE will be inadequate in providing the detailed planning considerations for the overall site. This is not the case, a Development Framework will build upon and provide much more detailed guidance than the policies contained in the UDP Review and would include the guidance on phasing, landscaping, sustainable transport and strategic environmental assessment to which the objector refers.

c. Policy H3 Housing Allocation/ reliance on brownfield windfalls

The Council has already set out its response to issues raised in regard to the Housing Strategy earlier in this report relating to Chapter 7.

The site's allocation as a Strategic Housing Site in Phase 3 of Policy H3 is clearly set out.

East Leeds Development Companies object to the reference to ELE as "a long term reserve of land". The ELE was proposed by the Council to provide for a "reservoir" of additional land to be drawn on in the event of under supply of brownfield land and to provide a range of housing across the district. The Inspector concluded that ELE should be moved from Phase 2 to Phase 3 to reflect the housing land supply situation and the need for considerable planning and design work to be done. The Inspector concluded that ELE is justified in principle as a long-term reservoir of land against the possibility that brownfield windfall sites do not come forward as anticipated, however its release is subject to a series of tests that would need to be satisfied relating to monitoring, the benefits of an orbital road and sustainability. The Council therefore considers it appropriate to retain the Inspectors recommended text "long-term reserve of land" in the Policy.

Thorner Parish Council seek to retain only the Barwick Road site in Phase 3 and only if necessary to supplement the reservoir of sites in Phase 3. They further suggest that the remainder of ELE is retained as PAS. The Inspector has recommended that Grimes Dyke (H3-2A.2) and Red Hall Lane (H3-2A.3) are proposed as housing allocations in Phase 2. The Inspector concluded that the rest of the ELE allocation should fall within Phase 3 as a long-term reservoir of land to meet the housing land supply should brownfield windfall sites not come forward as anticipated.

East Leeds Development Companies seek acknowledgement that the reliance on brownfield windfalls is no longer acceptable given the guidance in PPS3. The Inspector was in no

position to give weight to the emerging draft PPS3 as it had not been published before the closure of the Public Inquiry in June 2005 or even the release of his Report in November 2005. The publication of draft PPS3 (December 2005) post dates, by an even longer period of time, the publication of the original UDP Review in June 2003. It is quite clear that PPS3 is directed at the new development plan system rather than at plans still going through the old procedure. The emergence of PPS3 is thus too late to play any part in the UDP Review. Further, the council in its response to issues relating to Chapter 7 has stated that there is ample evidence of large scale windfall in Leeds (reported in regular Housing Land Monitors). Should this be reduced to a level where security of supply is threatened, the trigger mechanism in the Plan will come into operation to allow the release of allocations in later phases. The reliance on windfall is not therefore a cause for concern.

d. **Second criterion - orbital road**

The Inspector concluded that despite the time that has passed since the AUDP Inspector endorsed the principle of a relief road, much work remains to be done before it can be regarded as in any sense a commitment. He further states that proposed modification 15/015 makes clear that ELE is conditional on, among other things, an assessment of need for the road and although the 2003 Pell Frischmann report concludes that the road would give value for money, it does not take account of the effects of traffic generated by associated development. The Inspector therefore recommended that the Policy on ELE should make clear that there would be clear public benefits from an orbital road. The supporting text (first paragraph) to the ELE policy states quite clearly that "the costs involved with a new orbital relief road will be borne by the developer". The Council therefore considered it appropriate to retain the Inspector recommended text as set out in Proposed Modification 15/015.

e. **Third criterion – sustainability appraisal**

The Inspector accepts that the UDP Inspector had acknowledged the potential of East Leeds for significant growth after an exhaustive analysis of potential housing locations and sites, but points out that the Council has not undertaken a comparison between the ELE and sites proposed in Phase 3 of the Plan. The Inspector indicates that if it becomes apparent that the supply of brownfield land is reducing to an unacceptable level and additional land is required over and above the smaller greenfield allocations, ELE could be brought forward within Phase 3. The Inspector concludes this issue by recommending adding to the Policy for ELE a series of tests that would have to be satisfied for the allocation to be released, relating to monitoring, the benefits of an orbital road and sustainability. The Council therefore considers it inappropriate to delete criterion three, relating the production of a sustainability appraisal.

Recommendation

That no change is made to Modification 15/015.

Modification No. 16/008 and 16/009

Title: H3-3A.31 and 32 South of Old Micklefield and Manor Farm, Micklefield
(Phase 3 Housing Sites)

Representations

Five objections and one support were made to Modification 16/008 and six objections to 16/009. These were received from Micklefield Parish Council, Walker Morris (on behalf of Barratt Leeds Ltd, Micklefield Properties Ltd, Michael Wheatley (Construction) Ltd and Great North Developments Ltd) and Mr Wheatley. The latter is a site specific objection in relation to Manor Farm. Mr Wheatley's site specific objection also relates to Proposed Modification 16/008, and as such both Proposed Modification 16/008 and 16/009 have been dealt with together.

Issues Raised

- a. Micklefield Parish Council broadly support proposed modification 16/009 but object to a discrepancy in the areas of land described in the text, whereby 5.2ha of Land South of Old Micklefield becomes 5.9Ha and elsewhere in the text, 12.0ha at Manor Farm identified in Table H3a of PM 7/002j becomes 15.5ha in PM 16/009. They rightly state that this discrepancy needs to be rectified for avoidance of any doubt and to provide consistency throughout the UDP review plan.
- b. The four developers are disappointed by the Inspector's recommendations and remain of the view that the site is suitable for early development. They argue that the site is suitable, viable and sustainable. They reiterate the asset of the railway station and refer to the impetus and financial input into the village that would result from development and provide much needed social and community regenerative benefits. They seek acknowledgement in the UDP that the early release of Micklefield Strategic Site has advantages, including regenerative benefits and the ability to provide housing choice, which reflects demand. Whilst the objectors consider that this site is suitable for early development, they note the Council's inclusion of the site in Phase 3, however, they suggest that the Inspector's wording "*After Phase 2, when and if existing housing land supply is demonstrably short or 2012-2016*" should be used in the UDP.
- f. Mr Wheatley has made a separate objection to the status of Manor Farm. He suggests that the boundary of the Village Regeneration Area (PM16/008) and thus the built up area should be amended to include all the former farm buildings at Manor Farm to allow development in the short term. He does not suggest amendment to the housing site (H3.3A.32) boundaries, but suggests the description in PM16/009 should make clear that the site of Manor Farm itself could be development under Policy H4.

Comments on issues raised

- a. The discrepancy in the area of land described in the Proposed Modifications document is a factual error and will be rectified to refer to the site area of 5.2ha for South of Old Micklefield. The Council also notes the discrepancy between PM 16/009 and Table H3A in Chapter 7 (PM 7/002j), which should read 15.5 ha. and not 12.0 ha. The Council propose to amend these discrepancies for any avoidance of doubt.
- b. Walker Morris, acting on behalf of the four developers seek acknowledgement in the UDP that the early release of Micklefield Strategic Site has advantages, including regenerative benefits and the ability to provide housing choice, which reflects demand. The supporting text to Policy H3-3A.31 and H3-3A.32 recognises that development of these sites will provide housing to meet local and district requirements, utilising the village's strategic location close to existing and proposed transport links (e.g. the station on the Leeds-Hull railway line, the A1, the M1 motorway and the A63) and that the development is likely to support further local facilities. The Council has accepted the Inspector's phasing proposals. The release of this site will be determined through regular monitoring and the use of trigger mechanisms to ensure that the supply of housing land is maintained.

In regard to Walker Morris's representation relating to the wording of Phase 3, this has been dealt with in the Council's response to PM 7/002.

- c. Mr Wheatley seeks to include the farm buildings of Manor Farm in the Village Regeneration Area boundary and thus the built up area to allow development in the short term. He is not suggesting amendment to the housing site (H3.3A.32) boundaries. The Village Regeneration Area (Policy R2) has been identified as an area based initiative where local community regeneration issues need to be addressed. Particularly the issues of providing employment opportunities, training and life long learning, service provision, local facilities, environment and greenspace, community safety and community empowerment. The argument put forward by Mr Wheatley, that by including the farm buildings into the Regeneration Area would allow for immediate development, does not relate to bringing about any benefits from the development of these individual buildings. The Council considers that by allowing these buildings to come

forward early would be prejudicial to the comprehensive development of H3-3A.32 and would not provide significant regeneration benefits under the issues highlighted above. As such the Council considers that the Regeneration Boundary as recommended in Proposed Modification 16/008 should be retained without amendment.

Mr Wheatley also seeks that the description in PM16/009 should make it clear that the site of Manor Farm itself could be developed under Policy H4. The aim of the policy allocation covering land east of Micklefield, including the farm buildings, is to bring about comprehensive development to help meet the housing need and support further facilities in the village. As stated above, the Council considers that early development of the farm buildings would be prejudicial to providing comprehensive development of the site. Also, it is important to note that Policy H4 relates to windfall, which by definition is not identified on the on the Development Plan. If H4 is applicable, then a planning application can be made in the normal way.

The Council therefore considers it inappropriate to provide any direct reference to Policy H4 in the text of Policy H3-3A.32.

Recommendation

That no change is made to Modification 16/008 or 16/009 but that references to the site area will be corrected in the final text, which should read:

OTHER CHANGES

MICKLEFIELD

South of Old Micklefield **5.2Ha**

UDP proposals H4 (13) and school playing field to the east.

Related Modifications

7/002j

Modification No. 16/014/PM

Title: Policy N34.8 Land East of Scholes (Protected Area of Search)

Representations

Two representations have been received from Barwick in Elmet & Scholes Parish Council; and Mr G. Hall. Both parties object to the inclusion of Land East of Scholes as PAS land and seek its return to Green Belt.

Issues Raised

- a. Both Barwick in Elmet & Scholes Parish Council and Mr Hall oppose the modification to retain Land East of Scholes as PAS land and seek that the site be returned to Green Belt. Whilst the Parish Council draws some comfort from the fact that the designation allows for possible long-term development needs beyond the plan period, they want officers to look at ways of putting PAS back into the Green Belt. Mr Hall seeks an early review of the Green Belt to remove uncertainty and refers to Policy YH9(c) of draft RSS, which states "Localised reviews should also consider whether exceptional circumstances exist to include additional land in the Green Belt".

Mr Hall states that the Inspectors remarks (in regard to Land East of Scholes) are inconsistent with draft RSS (Policy YH8, para.4.58), which states that "There is a need to have stronger control over the level of development coming forward often in small and relatively remote towns and villages". Para 5.24, RSS states that "the plan seeks to prevent the dispersal of development to smaller settlements."

- b. It has been highlighted that Land East of Scholes has been omitted from the list of PAS sites under Policy N34 in Chapter 5 of the Modifications document.

Comments on issues raised

- a. The Inspector made clear recommendations to retain all PAS sites in the plan (with the exception of those sites comprising the East Leeds Extension). He essentially argued that no exceptional circumstances have been demonstrated that would justify amending the Green Belt boundaries so soon after adoption (2001). Whilst the Inspector’s commentary about the Green Belt merits of individual sites is not in accord with the Council’s judgement, his recommendations at both a strategic and site-specific level has been accepted. The matter also received full consideration at meetings of the Development Plan Panel and Executive Board, where the Council’s response to the Inspector’s Report was agreed. An extract of this report is attached as Appendix 4.

The RSS does not envisage any change to the general extent of the Green Belt for the foreseeable future and stresses that any proposals to replace existing boundaries should be related to longer-term timescales than other aspects of the development plan. The designation of PAS provides land for longer-term development needs and given the emphasis in the UDP on providing for new development within urban areas it is not currently envisaged that there will be a need to use PAS land during the Review period.

- b. The omission of ‘Land East of Scholes’ from Policy N34, Chapter 5 (Proposed Modification 5/001) is an error and has been rectified.

Recommendation

That no change is made to Modification 16/014.

Related Modification

5/001

Modification No. 16/015

Title: Policy N34.10 Pit Lane, New Micklefield (Protected Area of Search)

Representations

One representation has been received from Micklefield Parish Council.

Issues Raised

- a. The Parish Council support the modification to retain Pit Lane as PAS land but object to the discrepancy in the area of land described in the Modifications document, whereby 4.8Ha inexplicably becomes 5.1Ha in the text. This needs to be rectified for avoidance of doubt.

Comments on issues raised

- a. The discrepancy in the area of land described in the proposed Modifications document is an error and will be rectified to refer to the site area of 4.8Ha.

Recommendation

That no change be made to Modification 16/015 but reference to the site area will be corrected in the final text, which should read:

PROPOSED GREEN BELT CHANGES
CHANGES ARISING UNDER POLICY N34
Pit Lane Micklefield **4.8Ha**

to allow for possible long-term development needs
beyond the plan period

Modification No. 16/018/PM

Title: Policy N34.39 Wood Lane, Scholes (Protected Area of Search)

Representations

Two representations, of objection, have been received from Barwick in Elmet & Scholes Parish Council and Mr G. Hall.

Issues Raised

- a. Both Barwick in Elmet & Scholes Parish Council and Mr Hall object to retaining Wood Lane, Scholes as PAS land and seek its return to Green Belt. Mr Hall states that the Inspectors decision not to return the PAS site to Green Belt is flawed and contrary to the UDP Review. Further, Mr Hall states it is inconsistent with Leeds City Council aspirational policy and that uncertainty has been created. Mr Hall refers to the “new” draft RSS and the need to control development in small towns and villages. Returning the site to Green Belt would be consistent with Regional Guidance
- b. The Parish Council urges the City Council not to be influenced by the Inspectors Report which suggests that the site could be brought forward earlier for development as a suitable rounding off of the village. Mr Hall further objects on this issue, stating that Wood Lane can not be classed as an urban extension. Mr Hall further states that the Urban Capacity study shows that there are adequate brownfield sites that can meet housing demand beyond the plan period (even if the excessive targets of the new RSS are applied).

Comments on issues raised

- a. The Inspector made clear recommendations to retain all PAS sites in the plan (with the exception of those sites comprising the East Leeds Extension). He essentially argued that no exceptional circumstances have been demonstrated that would justify amending the Green Belt boundaries so soon after adoption (2001). Whilst the Inspector’s commentary about the Green Belt merits of individual sites is not in accord with the Council’s judgement, his recommendations at both a strategic and site-specific level has been accepted. The matter also received full consideration at meetings of the Development Plan Panel and Executive Board, where the Council’s response to the Inspector’s Report was agreed. An extract of this report is attached as Appendix 4.

The RSS does not envisage any change to the general extent of the Green Belt for the foreseeable future and stresses that any proposals to replace existing boundaries should be related to a longer-term timescale than other aspects of the development plan. The designation of PAS provides land for longer-term development needs and given the emphasis in the UDP on providing for new development within urban areas it is not currently envisaged that there will be a need to use PAS land during the Review period. The PAS sites have been retained to maintain the permanence of the Green Belt boundaries and provide some flexibility for the City’s long-term development.

- b. The Inspector concluded in his report that the potential to “allocate the PAS site for development is a matter for the future, however, if a case for further housing in Scholes was

made (Wood Lane) could provide a reasonable and modest rounding-off of the village to the west in a way that would not prejudice its separate identity". It is not envisaged that there will be a need to use PAS land during the Review period.

There is ample evidence of large scale windfall in Leeds (reported in regular Housing Land Monitors). Should this be reduced to a level where security of supply is threatened, the trigger mechanism in the plan will come into operation to allow the release of allocations in later phases.

Recommendation

That no change is made to Modification 16/018/PM

Modification No. 16/004 & 16/019/PM

Title: N34.40 Park Lane, Allerton Bywater (Protected Area of Search) and Policy R2 Allerton Bywater Village Regeneration

Representations

One representation has been received from Allerton Bywater Parish Council. The points raised by the Parish Council in relation to Park Lane PAS have been duplicated in reference to Allerton Bywater Village Regeneration Area (16/004/PM). As such, the issues raised under 16/004/PM and 16/019/PM have been dealt with together.

Issues Raised

- a. The Parish Council requests the reinstatement of Park Lane PAS site into the Green Belt, and that the railway embankment forms the Green Belt boundary.
- b. There is no justification for further large scale development in this area.
- c. The UDP Inspectors Report and Modifications do not mention the existence of Owl Wood within the proposed PAS area. This wood is part of the 'Forest of Leeds' and is an invaluable resource. Its inclusion would lead to the destruction of irreplaceable wildlife and plant habitats as well as removing valuable recreation and learning. This is unacceptable.
- d. All the villages services are situated along an already busy main road, further development will lead to potential for increased accidents. This development along with proposed St Aidans Country Park will greatly increase traffic in the area, which will add to the strain placed on the roads by the Millennium Village
- e. The local schools require additional classrooms to provide for children from the Millennium Village. The inclusion of Park Lane PAS site would require even larger extensions and may lead to the loss of other facilities
- f. Extensions to the sewage treatment works would be required as the existing facility does not have sufficient capacity. This would lead to more road tankers and place more strain on the transport system and larger vehicles using village roads puts residents at further risk.
- g. Access to the PAS site is narrow, unsuitable and impractical.

Comments on issues raised

- a. The Inspector made clear recommendations to retain all PAS sites in the plan (with the exception of those sites comprising the East Leeds Extension). He essentially argued that no exceptional circumstances have been demonstrated that would justify amending the Green Belt boundaries so soon after adoption (2001). Whilst the Inspector's commentary about the Green Belt merits of individual sites is not in accord with the Council's judgement, his recommendations at both a strategic and site-specific level has been accepted. The matter also received full consideration at meetings of the Development Plan Panel and Executive

Board, where the Council's response to the Inspector's Report was agreed. An extract of this report is attached as Appendix 4. This objection has not raised any new issues.

- b-g The points raised are site specific considerations relating to the potential development of the PAS site in the future. Under Policy N34, PAS sites have been identified for the possibility of longer term development, providing flexibility for growth and development if necessary, whilst ensuring the necessary long-term endurance of the Green Belt. It is not currently envisaged that there will be a need to use PAS land during the Review period.

In regard to the same, site specific objections made in relation to the Regeneration Area (Policy R2), the PAS site was not included in the Village Regeneration Area (VRA). The Inspector concluded that to include the PAS site within the VRA would appear to promote the PAS site's status from PAS to some form of regenerative function. The retention of the PAS site means that options for the future have been kept open and extension of the VRA may not necessarily be ruled out if circumstances change. However, it is not appropriate at this stage to reopen the debate on the suitability or sustainability of the PAS site in regard to its potential for future development or its impact on the regeneration of the village.

Recommendation

That no change is made to either Modification 16/019 or 16/004

Modification No. - 17/039 - Land at Tingley Station, Morley

Title: Policy N34 (N34.14 Protected Area of Search)

Representations

One representation, received on behalf of the Robert Ogden Partnership

Issues Raised

The objectors state that the policy wording for the site should not include reference to its future consideration being dependant on the delivery of Supertram in this area. They maintain that this wording is redundant as the Supertram scheme has been dropped and because there is ample evidence of the alternative means of providing public transport access to the site.

The objector argues that the reference to Supertram be deleted in favour of making reference to the site being assessed for development with regard to the ability to achieve an acceptable level of non-car accessibility from existing or enhanced public transport infrastructure. Failing that, the objection argues that the LDF should address the outdated reference to Supertram.

Comments on issues raised

The UDP Review Modifications Report includes a statement regarding the withdrawal of funding for Leeds Supertram. In this statement it is recognised that a number of specific policies and proposals in the Adopted UDP (2001) and UDP Review make reference to Supertram. The statement also acknowledges that the City Council and WYPTE are developing public transport proposals as alternatives to the Supertram scheme. Given that this work is ongoing and given the desire for early Adoption of the Review, no specific Modifications are proposed to delete the references to Supertram. Once the alternative schemes have been developed, they will be fully incorporated in the LDF process where appropriate.

The objector also refers to evidence of alternative means of providing public transport access to the site; however, as stated above the alternatives to Supertram are still being explored. Furthermore, the Inspector concluded in his para 17.85 that other potential public transport measures referred to by the Objector in their Inquiry evidence (e.g. a bus based priority scheme on Dewsbury Road and service extensions from Middleton) were not sufficient to support making the site an employment allocation.

Recommendation

That no change is made to Modification 17/039

Modification No. 18/033 – Moseley Bottom, Cookridge

Title: Policy N34 (N34.21 Protected Area of Search)

Representations

2 representations were received

Issues Raised

- a. The site should be designated as Green Belt
- b. The site has nature conservation value
- c. Traffic issues would arise from development of the site

Comments on issues raised

- a. The Inspector did not support the Council's proposal to remove the PAS designation of the site, having regard to current planning policies. The Council has accepted this recommendation. All the relevant issues concerning the Council's original proposals to return this site to the Green Belt were considered by the Inspector at the Public Inquiry and his conclusions and recommendations are based on his full consideration of these issues. The matter also received full consideration at meetings of the Development Plan Panel and Executive Board, where the Council's response to the Inspector's Report was agreed. An extract of this report is attached as Appendix 4. This objection has not raised any new issues.
- b. Any nature conservation issues would have to be satisfactorily addressed if the site was developed in the future.
- c. Transport requirements including traffic access and generation would have to be satisfactorily addressed if the site was developed in the future

Recommendation

That no change is made to Modification 18/033

Modification No. 19/006

Title: East of Otley housing allocation

Representations

Four representations were received, all of them objections, but two of which also included elements of support.

The two housing developers (Persimmon and Barratt) involved in the site objected, via their agent Walker Morris, to various housing strategy issues relating to the phasing of the site in the Proposed Modification. These matters are covered in the Report under Proposed Modifications 7/001, 7/002 and 7/004 under points 1 to 6 but are more site specifically related. They are therefore also summarised below following the same point order 1 to 6. In addition, site specific objections from all four representors, together with support for aspects of affordable housing are also set out below under separate headings.

Issues Raised

a. Strategic Housing Issues related to East of Otley (EOO)

1. The Council's proposed wording does not accurately reflect the Inspector's recommendation regarding timing of Phase 3 under PM 7/002 (j), which gives two options: land supply or date. The PM 19/006 only gives a date, but is conditional upon land supply being demonstrably short. The Council should have given an explanation for the difference in wording from that of the Inspector.
2. The level of certainty is reduced in the Council's version for bringing forward the EOO housing site. The Inspector's words allow for monitoring and responsiveness to circumstances, but also sets a date as a longstop.
3. A qualitative mechanism is needed for housing supply as well as a quantitative one. EOO is well tested (e.g. through Public Inquiries) and favourably placed to meet the qualitative issue.
4. Housing needs for the RUDP are largely out of date in terms of the emerging RSS, draft PPS3 and the Barker Review of 2004, but the Inspector gave no weight to these documents. A letter from ODPM (dated 11.1.'06) indicates that Local Planning Authorities need to have regard now to 'direction of travel' and for affordability issues in draft PPS 3. This requires a 15 year housing land supply; a 5 year developable land supply (being suitable, viable and available); and a change from the sequential test approach after brownfield sites are brought forward. Allocations and phasing should be immediately reviewed in light of above recent documents prior to RUDP adoption, or the Plan will be out of date.
5. In terms of para 14, draft PPS 3, Leeds is heavily dependent on windfall sites in housing land supply. If the brownfield supply is discounted, then sites like EOO will need to be brought forward.
6. In the draft RSS there are higher figures for annual house building numbers at 2700 dwellings per annum than the figure of 1930 dpa which the RUDP is predicated upon.
7. Walker Morris request that the Council uses the Inspector's wording re: housing phasing; that phasing policy should reflect the need for qualitative information (such as housing market assessments); that the UDP acknowledges the need for early review to address emerging RSS & PPS3; and that the UDP should acknowledge the advantages of early release of EOO, including the Relief Road and the ability of delivering housing choice, reflecting demand.

b. Site Specific Issues

1. Persimmon and Barratts consider that the Inspector's wording for PM 19/006 allows for proper planning (monitoring and responsiveness to relevant circumstances) needed for the 'lead in' time for development of sites such as EOO.
2. Persimmon and Barratts consider that sites such as EOO (which are suitable, viable and sustainable) will become 'highly relevant' at early stages of plan period.

3. Cllr Campbell considers that the EOO allocation should be deleted from the Plan, in view of the Inspector's comments about availability of housing land in Otley and the Leeds District, together with the effect of the development on Otley and the transport corridor (A660).
4. Mrs Radford considers that there should be no development at EOO, as the scale of it is too large and Otley will become a satellite of Leeds, with adverse impact on Otley as a market town and, hence on, tourism. Inadequate roads and social provision, traffic congestion and impact on the environment are also cited in this context.

c. Affordable Housing Issues

1. Persimmon and Barratt, via Walker Morris, support a comprehensive assessment of housing need and comprehensive review of the affordable housing policy before setting precise level within the range of 15-25% (PM 7/006) applied to EOO.

Comments on issues raised

a. Strategic Housing Issues related to East of Otley (EOO)

Comments on all of the above points 1 to 7 above are covered earlier in this report in Chapter 7: Housing, under the heading "Objection by Walker Morris to Mods 7/001, 7002 and 7/004". In point 3 of this, it is explained that the Inspector did not recommend that the release mechanisms should take any account of qualitative supply matters. It is therefore not appropriate to acknowledge the advantages for the early release of EOO, given the Inspector's very clear recommendation to place the site in phase 3 of the UDP Review.

b. Site Specific Issues

1. The Council appreciates the need for a "lead in" time for large and technically complex sites such as EOO. However, the Council considers that it has fairly and responsibly interpreted all of the Inspector's comments in its wording of the PM 19/006, as explained in the response to point 1 in the main Housing Chapter above.
2. The Council will consider the need to bring forward sites in Phases 2 and 3 very carefully, including EOO, in the light of changing local, regional and national circumstances and planning guidance and the context of the emerging LDF and monitoring.
3. The EOO site is an allocation in the Adopted UDP and, hence, it remains an allocation in the UDP Review. It is the timing of when the housing site is brought forward for development that is at issue in the UDP Review. The Inspector recommended that the phasing be changed, not the site deleted.
4. The detailed issues in this point were raised at both the original UDP Public Inquiry and the recent one and both Inspectors commented on them in their reports, concluding that these matters were not of sufficient weight to prevent the site from coming forward in due course. The issue of deletion of the EOO allocation is the same as the preceding point 3 above.

c. Affordable Housing Issues

1. This support relates to issues which have been addressed in Chapter 7 on Housing earlier in this report under PM 7/006.

Recommendation

That no change is made to Modification 19/006.

Modification No. 19/008

Title: Policy N34: Protected Areas of Search and associated Bypass at West of Pool in Wharfedale.

Representations

Four representations were received, all of which were objections.

Issues Raised

- a. All objectors consider the site should be returned to the Green Belt and not designated as PAS.
- b. Various detailed points, namely:- much recent development in Pool; visually apparent site; loss of village attractiveness; a Green Belt 'buffer' is needed; increased traffic; loss of wildlife habitats; inadequacy of local facilities (e.g. shops, public transport, school places).
- c. The site is unsuitable for development due to presence of a high pressure gas main and the site is prone to flooding.

Comments on issues raised

- a. The Inspector did not support the City Council's proposal to remove the PAS designation of the site, having regard to current planning policies. The Council has accepted this recommendation. All the relevant issues concerning the Council's original proposals to return the site to the Green Belt were considered by the Inspector at the Public inquiry and his conclusions and recommendations are based on his full consideration of these issues. The matter also received full consideration at meetings of the Development Plan Panel and Executive Board, where the Council's response to the Inspector's Report was agreed. An extract of this report is attached as Appendix 4. These objections have not raised any new issues.
- b. These detailed issues were also dealt with at the original UDP Public Inquiry and included in that Inspector's Report under Topic 1015. Many of them were raised again by the 8 representors in support of the UDP Review Proposed Alteration. The Inspector concluded that these matters were not of sufficient weight to prevent the site from being included as a PAS site.
- c. The gas pipeline was considered by the previous Inspector (Topic 1015). The PAS site does not lie within a flood zone, nor is it defined under AUDP Policy N38 as washland. Therefore any drainage issues should be dealt with as site specific technical issues if the site were ever to be considered for development in the future.

Recommendation

That no change is made to Modification 19/008

Modification No. 20/020 – Hill Foot Farm, Pudsey

Title: Policy N34 (N34.24 Protected Area of Search)

Representations

1 representation was received

Issues Raised

- a. The site should be designated as Green Belt
- b. The site has nature conservation value and is a haven for wildlife and bats

Comments on issues raised

- a. This site has never been located in the Green Belt and as the site is wholly surrounded by built development, the objector is asking for something that is wholly inappropriate. The proposal in the UDP Review was to include the site in the Protected Open Land designation under Policy N11. The Inspector did not support the Council's proposal to remove the PAS designation of the site, having regard to current planning policies. The Council has accepted this recommendation. All the relevant issues concerning the Council's original proposals to return PAS sites to the Green Belt or Protected Open Land were considered by the Inspector at the Public Inquiry and his conclusions and recommendations are based on his full consideration of these issues. The matter also received full consideration at meetings of the Development Plan Panel and Executive Board, where the Council's response to the Inspector's Report was agreed. An extract of this report is attached as Appendix 4. This objection has not raised any new issues.
- b. Any nature conservation issues would have to be satisfactorily addressed if the site was developed in the future.

Recommendation

That no change is made to Modification 20/020

<p><u>Modification No.</u> 21/015</p>
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<p><u>Title:</u> Policy H3B(72) – Matty Lane, Robin Hood</p>

Representations

One representation received to the Proposed Modification from Mr Hennigan.

Issues Raised

- a. The site has not been identified as greenfield at any time during the previous UDP or within the Leeds UDP Review (First Deposit June - August 2003 or the Revised Deposit February - March 2004).
- b. Through the UDP Review formal public consultation process the objector has been denied the opportunity to object to the Council's proposed alteration to re-phase the Matty Lane housing allocation as the proposed alteration was only introduced by the Council at the time of the Inquiry.

Comments on issues raised

- a & b The Council mistakenly included the remainder of the Matty Lane, Robin Hood housing site as a brownfield allocation within Phase 1 of the UDP Review when in fact it should have been allocated as a Phase 3 site given its greenfield credentials. This mistake was not identified until after the formal public consultation exercise of the First and Revised Deposit stages of the UDP Review. The Inspector was subsequently notified of the mistake via the Council's submission of an Inquiry Change. The Inspector's Report considered that as this was not a matter before him at the Inquiry it should be left to the Council to decide on how it should deal with the issue. The Council consider that this site should be included as a greenfield housing allocation within Phase 3 of the UDP Review on the basis that it is clearly greenfield and reflects the sequential approach to housing

land release advocated in PPG3. As such, the site's greenfield credentials are a matter of fact and placing the site in phase 3 corrects an error. The objector does not actually challenge the Council's judgement that this site should be defined as greenfield, in terms of the PPG3 definition.

Although the error of placing this site in the wrong phase was not discovered until after the First and Revised Deposit stages of the UDP Review, the objector has not been denied the opportunity to make a representation. Such an opportunity to object to the Council's treatment of this site has been made through this Modification and the objector has taken that opportunity.

Recommendation

That no change be made to Modification 21/0015

Modification No. 24/011 – Leeds Road, Collingham

Title: Policy N34 (N34.1 Protected Areas of Search)

Representations

1 representation was received.

Issues Raised

- a. There are exceptional circumstances to justify altering the green belt and designating this site as Green Belt.
- b. The inspector did not consider recent flood risk data, although he did say it was necessary to consider any change in terms of green belt purposes. The Environment Agency has declared Collingham Beck as a major river and revised flood risk data is currently being considered.
- c. Sustainable drainage systems need flood meadows, such as this site and development of this site could not incorporate SUDS.

Comments on issues raised

- a. The Inspector did not support the Council's proposal to remove the PAS designation of the site, having regard to current planning policies. The Council has accepted this recommendation. All the relevant issues concerning the Council's original proposals to return this site to the Green Belt were considered by the Inspector at the Public Inquiry and his conclusions and recommendations are based on his full consideration of these issues. The matter also received full consideration at meetings of the Development Plan Panel and Executive Board, where the Council's response to the Inspector's Report was agreed. An extract of this report is attached as Appendix 4. This objection has not raised any new issues or exceptional circumstance.
- b. Any flood risk issues would have to be satisfactorily addressed if the site was developed in the future and flood risk does not form any part of green belt purposes.
- c. A suitable methodology of drainage incorporating the principles of SUDS would be part of any future planning application for development.

Recommendation

That no change is made to Modification 24/011

APPENDIX 4

Extract of report on PAS Policy (N34) presented to Development Plan Panel (3 Jan. 2006) and the Executive Board (17 February 2006)

The Council's response to the Inspector's Recommendations

1. As with many of the Inspectors recommendations, his conclusions on Policy N34 are a direct reflection of national planning policy guidance, rather than an interpretation of national guidance in the light of local circumstances and strategic objectives. Consequently, the overall package of policies at the heart of the UDP Review (including housing and PAS) have either been rejected or readjusted by the Inspector, in favour of an approach, which is a close expression of national policy. Within this context, the Inspector has made an emphatic decision in respect of PAS Policy which is not in accordance with the City Council's own judgement in terms of both overall strategy and conclusions regarding the Green Belt merits of individual sites. However, it is accepted that the Inspector has conducted a thorough appraisal of PAS policy and whilst his conclusions do differ from the Council's own analysis, his recommendations are accepted.
2. Whilst the Inspectors recommendations on PAS are a very disappointing outcome for the City Council, the decision does at least perhaps give the Council some longer term flexibility in the event of changing and unforeseen circumstances. Within the context of the UDP Review, the Inspector has largely supported a housing phasing strategy, with the emphasis upon the development of brownfield land in advance of the release of greenfield sites. Greenfield release will therefore be subject to the implementation and monitoring of the UDP Review policies. Consequently, the longer term role and necessity for PAS will need to be assessed in the light of the performance and the delivery of the housing requirements against this framework.
3. New housing strategy proposals and any comprehensive review of PAS (and the implications for development plan allocations), will need to be addressed through the Local Development Framework. This process will enable the role and need for individual PAS sites to be considered in the future. In considering the merits of these sites and in the preparation of LDF documents to address these issues, it will be necessary to undertake sustainability appraisals, develop a detailed evidence base and complete extensive public and stakeholder consultation. Guided by Development Plan Panel, this would be done in advance of developing any further policies and proposals, prior to consideration by an independent Inspector and final adoption.
4. With regard to the PAS sites listed in para. 3.3 above, such is the logic of the Inspector's approach and the emphatic nature of his recommendations, it would be illogical and difficult to take an alternative view to the Inspectors overarching recommendations. However, for further clarity, officers have sought further legal advice on this matter as a basis to consider the most appropriate way to proceed. Within this context, counsel's opinion is that there are two basic options open to the City Council.
 - (i) The first would be for the City Council to reject the Inspectors recommendation. Given the Inspector's reasoning, it is felt that this approach may require a further Public Inquiry to be held although there are arguable grounds to maintain such a position. In considering this option Members will need to be aware of the public policy requirement that Plans are adopted as soon as practically possible to ensure reasonable certainty under the provisions of Section 54A of the Town and Country Planning Act 1990.
 - (ii) The second option would be for the City Council to support the Inspector's suggested approach and apply the PAS policy conclusions to the six sites which were not before him at the Inquiry. This is clearly his intention following a strategic assessment of PAS policy. Given the Inspectors emphatic recommendations on PAS however, this would be a more sustainable position to take and to facilitate early adoption of the Plan as recommended in Government Guidance.

5. On balance, counsel's opinion was to favour the latter option (option ii) as a more robust planning stance given the unilateral and comprehensive nature of the Inspectors recommendation. Should Members wish to revisit the issues in due course it would be preferable to do so under the Local Development Framework when objectors to, and supporters of, any proposals which the Council may subsequently wish to put forward may be considered by an Inspector under the new regime.

CONCLUSIONS

6. This report has outlined the strategic context to the development of Policy N34, set out the Inspectors Reasons and Recommendations and his reasons, together with the Council's proposed response. As emphasised above, the Inspector has made an emphatic decision in respect of PAS policy which is not in accordance with the City Council's own judgement. However, it is accepted that the Inspector has conducted a thorough appraisal of the Policy and whilst his conclusions differ from the Council's own analysis, his recommendations are accepted.
7. Within this context, it is recommended that, in the Inspectors overarching recommendation on PAS and specifically his comments in para. 5.2 of his report, that the 6 sites that did not attract objections are also returned to PAS. These sites are listed in Para. 3.3 of this report.
8. Development Plan Panel members will recall that consideration of this report has been deferred from the 3 January meeting. At that meeting, a series of Area Chapter reports (Chapter 14: Aireborough, Horsforth & Bramhope, Chapter 16: Garforth, Chapter 17: Morley, Chapter 18: North Leeds, Chapter 20: Pudsey and Chapter 21: Rothwell) were tabled and that the area recommendations were agreed, with the exception of the recommendations for the site specific PAS allocations – which are subject to members consideration of the strategic recommendations on PAS covered in this report.
9. In the light of the conclusions made in this report, it is therefore recommended that the following sites (previously presented to members at the 3 January Development Plan Panel) should be retained as PAS and that Modifications are made to the UDP Review to reflect the Council's acceptance of the Inspector's strategic recommendations on PAS.

APPENDIX 5

Extract of report on Housing Policy presented to Development Plan Panel (3 Jan. 2006) and the Executive Board (17 February 2006)

The Council's response to the Inspector's Recommendations

1. In general, the City Council accepts the Inspector's analysis and recommendations and proposes to modify the plan accordingly. For the most part, recommendations are incorporated directly, but in a few cases, because of lack of clarity, duplication or internal inconsistencies, it has been necessary to apply recommendations with a degree of interpretation, rather than by rote. Substantial re-writing of the chapter has in any case been necessary, particularly in the sections dealing with the housing land strategy, and this often involves the drafting of text consistent with the Inspector's advice, rather than the insertion of text written by him.
2. The main aspects of the report that present difficulties of interpretation are the Inspector's recommendations relating to the definition of the main urban area and the implications for H4, the format of policy H3, and the mechanisms to manage land release. In these cases, it has been necessary to interpret the recommendations in ways that are both practical and appear to reflect the Inspector's intentions.
3. In the RDUDP the **main urban area** was defined as the urban core of Leeds together with service centres defined under policy S2. The Inspector recommends distinguishing between the Main Urban Area (the urban core of Leeds) and other centres, to be referred to as Smaller Urban Areas (SUAs). At the same time, he rejects the S2 rationale for defining SUAs, but without offering an alternative basis. However, he says that Otley and Wetherby - the two towns exemplified in RSS as market or coalfield towns - are SUAs, but that the S2 centres Garforth, Kippax and Boston Spa, are not. He invites the Council to provide a new explanation of the difference between the MUA and SUAs.
4. The practical importance of the MUA/SUA definition comes in policy H4, which governs development on unallocated sites. In this policy, there is no difference in the treatment of proposals in the MUA and the SUAs, which rather undermines the point of distinguishing between them. Some variation in the treatment of sites outside the MUA/SUAs appears to be contemplated by H4, but even here development would be acceptable, inter alia, on sites that are "otherwise in a demonstrably sustainable location". The Inspector's report does not offer any explicit guidance on how such locations might be defined.
5. The suggested response to these recommendations is to accept the distinction between the MUA and SUAs, and the recommended coverage of the latter, but in view of its policy insignificance, not to dwell at any length on the reasons for defining SUAs. Explanatory text is added to H4 to suggest where other "demonstrably sustainable locations" might be found. This draws on the Inspector's consideration of Alteration 18/006, which gives an idea of what constitutes a sustainable location.
6. Turning to **policy H3**, the main purpose of this is to define the phases and to show the sources of land and estimated capacity in each phase. In essence, each phase consists of site specific allocations, together with windfall capacity on sites brought forward under policy H4, split into sites in the MUA/SUAs and outside them.
7. Problems with the recommended wording are:
 - i) allocations are split between sub-categories A and C in phases 1 and 2, which seems unnecessarily complicated, given that they are part of the same generic source of land,
 - ii) H4 windfall outside the MUA/SUAs is not given a sub category letter, although it is clearly a separate element of supply,
 - iii) the wording of the policy is repeated in each phase,
 - iv) capacity ranges are given for phase 2 allocations, but not for those in phase 1 or 3. The use of ranges for allocations complicates presentation and monitoring, and is unnecessary given that all capacities are merely indicative, as the Inspector emphasises elsewhere,

- v) the wording of the clause relating to windfall outside the MUA/SUAs is inconsistent with the rest of the policy, as it is in the form of policy advice rather than a simple reference to an element of supply, like the rest of the policy,
 - vi) the final clause also refers to greenfield windfall, whereas it is quite clear from the discussion at 7.99 - 7.100 that the Inspector does not envisage any greenfield windfall coming forward.
8. The suggested response to these issues is to:
- i) standardise and streamline the specification of phase content so that it relates to three elements of supply – allocations, H4 land in the MUA/SUAs and H4 land elsewhere – in the same order in each phase. Where necessary, allocations are subdivided into sites carried over from earlier phases, strategic sites etc. Standardisation of presentation means that the policy wording does not have to be repeated for each phase,
 - ii) re-wording of the policy to relate directly to the three sources of supply and to make it clear that H4 covers unallocated land both inside and outside the MUA/SUAs,
 - iii) abandon the capacity ranges for phase 2 allocations to maintain consistency with the treatment of allocations elsewhere and reduce complexity. The lower end of the Inspector's range is taken as the indicative capacity of each phase 2 site. These capacities are slightly higher than those used in the RDUDP,
 - iv) delete the reference to greenfield land to bring the policy in line with the Inspector's intentions in paragraphs 7.99-7.100 of his report.
9. The most complex issue is that of the **mechanisms to manage land release**. Following PPG3, the RDUDP included general undertakings to regulate the rate of housebuilding in defined circumstances. More detailed proposals to advance or defer the release of allocations and to deal with excessive over or under provision were put to the RDUDP Public Inquiry. Four states of supply and linked actions were defined, and the Inspector has endorsed these proposals with modifications, and recommended the addition of a fifth mechanism of his own.
10. Each mechanism consists of two elements: definitions of the circumstances which give rise to a related action; and the nature of that action itself. The essential problem with the Inspector's recommendations is that his additional mechanism either duplicates, supersedes or conflicts with aspects of the Council's original proposals. There is consequently no sense in retaining all five mechanisms, in fact to do so would be a cause of confusion.
11. The purpose of the Inspector's new mechanism is to determine the timing of release of the allocations in phases 2 and 3. When the conditions specified in the mechanism are satisfied, the allocations are released en bloc; until then, they remain in permanent suspense. The function of this mechanism is virtually the same as that of the Council's mechanisms for dealing with "normal" or moderate over or under supply, which proposed moving allocations back or forward as a response to supply conditions. With the Inspector's mechanism in place, these two original mechanisms are functionally redundant.
12. Moreover, the action originally proposed would no longer be possible in the light of the Inspector's phasing changes. The main action originally envisaged was to advance or defer the release of the old phase 2 allocation, the East Leeds Extension. This is no longer possible because the Inspector has demoted the ELE to phase 3. The package of sites available for release in phase 2 is now entirely different. Therefore the action attached to the Council's original proposals has been superseded, although this does not appear to have been noted by the Inspector.
13. There are also differences in the definition of the circumstances which identify the need for action. In the Council's proposals, the key identifiers of normal under supply were if completions in the last 3 years averaged 20% or more below the H1 rate, and outstanding planning permissions constituted less than a three year supply at this rate. Normal over supply occurred if the 3 year completion rate was 20% or more above the H1 rate and planning permissions exceeded a 3 year supply at the same rate. The Inspector endorses these definitions, except to change the completions element of the criteria for under supply to a rate 10% (instead of 20%) below the H1 requirement in the last 2 years (instead of 3).

14. The Inspector initially suggests that his additional mechanism could be “broadly along the same lines” (para 7.89) as the above proposals, but then seems to opt for a measure based on current land supply only. Phase 2 allocations would be released if the supply of land, consisting of carried forward allocations, permissions and anticipated windfall, was inadequate to meet housing needs for the next 2 years, later equated with a supply of less than 2 years at the RSS rate (paras 7.90, 7.91). Secondary indicators are also tentatively suggested (para 7.91), but are neither insisted upon, nor easily understood.
15. Difficulties with these recommendations are:
 - Alternative mechanisms are endorsed that are functionally virtually the same, but rely on different definitions of the conditions indicative of the need for action, and in the case of the Council’s proposals, are linked to actions that are no longer capable of implementation,
 - By making no reference to past completions, it would be theoretically possible to build no houses at all under the Inspector’s recommended mechanism but still comply with requirements, if there was a current 2 year supply of land,
 - The Inspector’s definition of land supply is broader than the Council’s, including more speculative elements – outstanding allocations that might be indefinitely constrained, future windfall which is inherently uncertain. Planning permissions are readily verifiable facts, which confer a right to develop.
 - The conditions specified by the Inspector are likely to be harder to meet than those proposed by the Council, since the amount of land required to avoid the release of greenfield allocations is smaller (a 2 year supply instead of 3) and the definition of qualifying land is wider. The Inspector was presumably aware of this when making his recommendation and evidently considered it appropriate to tighten the criteria for the release of allocations.
16. Turning briefly to other mechanisms, the Council also proposed definitions of **severe** over and under supply, which the Inspector accepts almost without comment. The severe over supply mechanism is not affected by the Inspector’s new mechanism, but the severe under supply mechanism is effectively superseded. For this, the Council proposed the removal of all restraints on the release of allocations, but under the Inspector’s recommendations, allocations would already have been progressively released under his own mechanism, leaving no effective action left. The new mechanism therefore leaves no real role for severe under supply measures.
17. In the light of the above considerations, it is suggested that only two mechanisms are needed, one to help decide when phase 2 and 3 allocations should be released, and one to deal with severe over supply. The latter mechanism can be as originally proposed by the Council and endorsed by the Inspector. The form of the mechanism to control the release of allocations is harder to determine because of the conflicting nature of the Inspector’s recommendations.
18. The suggested conclusion is that the mechanism needs to combine references both to past output and current supply – a point accepted by the Inspector in his endorsement of the Council’s original proposals, but unaccountably omitted when he came to propose his additional mechanism. For this purpose, it is judged best to bring together the completions element of the original under supply mechanism as modified by the Inspector, with the basic elements of his own supply criteria. Thus the proposal is that the release of Greenfield allocations in phases 2 and 3 should be considered when completions in the last two years fall 10% or more below the H1 rate, and current supply is equivalent to less than 2 years’ worth of dwellings at the H1 rate.
19. It is proposed that the current supply be defined as surviving allocations from past and current phases together with outstanding planning permissions on sites for 5 or more dwellings. In view of the reduction in the size of supply required, speculative elements such as possible future windfall or undetermined planning applications would be excluded from the supply definition. Allocations have to be included because otherwise, when phase 2 allocations were released, these would have no impact on the performance of the release mechanism.

Affordable Housing – Targets for Strategic Sites

20. It is considered that a single 25% target figure would be inappropriate for Leeds and that it would be better to keep the 15-25% target range of the Adopted UDP. This is because it would not be desirable to seek 25% affordable housing in certain parts of Leeds. This includes the City Centre Zone where disproportionately high construction costs relative to land costs mean that land values are typically unable to cover 25% provision of affordable housing. This was the conclusion of a viability study carried out in 2002 looking in detail at a number of city centre sites. It also includes the Inner Area Zone where the City Council is promoting regeneration. Private sector housing development is welcome investment, and the City Council will need to be cautious to avoid situations where the scale of affordable housing provision deters investment. In such areas, land values are often low, and cannot support the cost of substantial affordable housing provision.
21. The idea to change the target banding to a single 25% target across Leeds was not part of the UDP Review Proposals, and as such, has only been discussed within the confines of the UDP Review Inquiry Round Table Session. The matter was only considered on the basis of objector proposals, and was not therefore a central element of the Round Table discussions. As such, if a modification was advanced, as recommended by the Inspector, further objections and calls for a second public inquiry could be expected from landowners and developers who may be affected.
22. The criticism is noted that the UDP Review proposals lacked city-wide coherence because they focussed on the Rural North zone & the proposed Strategic Housing Sites at Thorp Arch & Otley, rather than the whole Leeds district. But this underlines the need for a thorough review for the whole of Leeds. Officers are planning to carry out a comprehensive review of affordable housing policy during 2006 with an assessment of need for affordable housing across the district based on recent good practice guidance from the Government. This review will be able to take account of new national policy guidance for affordable housing set out in Planning Policy Statement 3 currently out for consultation.
23. Hence, it is recommended that the 15-25% target wording be maintained, in order to deal with the varied nature of housing markets in Leeds, until a comprehensive policy review is carried out and its conclusions incorporated into the LDF.

Affordable Housing – Site Size Thresholds

24. It is disappointing that the Inspector gave little apparent weight to the trend based assessment of site availability for housing supply that the City Council relied upon for its evidence, regarding an assessment of brownfield site availability as more compelling. Nevertheless, he has clearly concluded that there is an insufficient case either in the Plan itself or presented as evidence to justify a lower threshold, and therefore, it is recommended to accept his recommendation.

Student Housing

Principle of Restraint

25. The issue was fully considered at the Public Inquiry and the Inspector was wholly unconvinced of the justification for the blanket policy of restraint (ASHORE). Hence, the City Council would be well advised to accept the Inspector's conclusions. If the City Council rejected his recommendations and persisted with the blanket policy of restraint, appeals into refused planning applications would inevitably be upheld, as appellants would rely upon this inspector's conclusions.
26. However, within the new policy context of "housing mix" that the Inspector recommends, there will be scope to decide planning applications on a case by case basis having regard to five criteria. Four of these criteria are essentially "protective" of the existing community and environment, and one concerns enhancement of the quality/variety of student accommodation. All five criteria have to be satisfied.

27. The first two criteria relate to the purpose that the City Council advanced the ASHORE policy in the first place, namely the balance of student/family housing and protection of residential amenity. So, whilst the Inspector remained unconvinced of the case for a blanket restriction, he accepts that proposals for new & extended student accommodation need to be judged against considerations of housing mix and residential amenity.

28. Hence, within the recommended policy context, it will be for the City Council to determine its approach to deciding individual planning applications for student housing proposals. The HMO Lobby has already written, accepting the Inspector's overall recommendation and suggesting some ideas for how planning applications are decided on a case by case basis, which will have to be explored. The City Council will need to consider how best to inform such decisions with up to date information on local mixes of family/student/other occupiers.

Purpose built student accommodation in the "Area of Housing Mix"

29. In his conclusions, the Inspector clearly sees the provision of purpose built accommodation as development that could improve the housing situation in Headingley. Nevertheless, he does not recommend any specific development control policy for purpose built accommodation; such proposals will have to be judged against the five criteria along with all other types of student housing proposals. He recommends the preparation of a "Student Housing Strategy" with stakeholders. As the City Council has employed such a strategy and action plan (known as the Student Housing Action Plan) since the early 1990s and intends to continue doing so, officers believe that the commitment would be better represented as supporting text rather than upper case policy. The strategy needs a multi-disciplinary and multi agency input to achieve the objectives, including those that go beyond the scope of planning control.

30. One of the Inspector's stated objectives is to identify opportunities for provision of purpose built student accommodation. The HMO Lobby has stated it disagrees with this objective as it is a) an unacceptable argument & b) would undermine Policy H15A. It should be noted that this objective only applies to the recommended preparation of a "Student Housing Strategy" & would not directly affect the deciding of planning applications. Also, the recommended wording states that the 3 objectives should be pursued "so far as is possible in planning terms". The Student Housing Strategy could explore potential locations for purpose built student accommodation with the stakeholders (universities, providers & communities). Whilst it may be that consensus could be reached to identify certain opportunities, for example sites close to or within the existing campuses, it may be that no such opportunities can be agreed upon. Ultimately, it will be for the City Council to decide whether any locations are identified in a Student Housing Strategy, taking account of the facts and the views of all stakeholders.

31. Hence, outright rejection of this aspect of the Inspectors recommendations is considered unnecessary and premature. It would inevitably lead to objections from providers of purpose built accommodation, which could lead to calls for another public inquiry to debate the principle.

Policy H15A – Development of Student Housing in Other Areas

32. The Inspector's recommendations leave the development control criteria essentially unchanged in purpose, so this gives no cause for concern.

33. The recommendation to couch the policy as promotional, in the sense that the City Council will have to work with the universities & accommodation providers to identify & bring forward sites for development, is also acceptable. This City Council has already been working closely with the universities to identify appropriate locations.

34. However, the recommendation that locations should be named in the text of the Policy is of concern. Such a recommendation demands time to discuss options with the universities, accommodation providers and the local communities. Spending such time now does not make sense because it will delay adoption of the UDP Review. In any case, possibilities for student housing provision in other areas of Leeds are already being explored as part of preparation of the Local Development Framework. The City Centre Area Action Plan will shortly consider student housing on the fringe of the city centre as an option for consultation.

Other Area Action Plans are likely to follow suit, where credible options for student housing provision exist.

35. The HMO Lobby recommend a revised form of wording to list locations which states “a) locations around the city centre, as designated in the City Centre Area Action Plan; b) locations elsewhere, as designated in the Area Action Plans for Aire Valley, East & SE Leeds, and West Leeds”. Whilst this specific wording could not be recommended because the UDP Review cannot commit other statutory plans to particular outcomes, the overall intention is supported.

APPENDIX 6

Extract of report on East Leeds Extension presented to Development Plan Panel (7 Feb. 2006) and the Executive Board (17 February 2006)

1. The Inspector considers the issues to be as follows:
 - Is there a need for development on the scale proposed in order to meet the RPG housing requirement during the Plan period?
 - If there is such a need, is the ELE demonstrably the best location for development, and the most sustainable form?
 - Is the timing of the proposal appropriate?
 - Should land at Grimes Dyke, Whinmoor be separately allocated for development, or regarded as the first phase of ELE?
 - Would the impact of development on the Green Belt and the landscape be acceptable?
 - Could access be provided in an effective, safe and sustainable way, and without detriment to the existing highway system and the adjoining urban area?

Need

2. The Council proposed ELE to ensure that a “reservoir” of additional land would be available to draw on in the event of under-supply and to provide a range of housing across the district. The Inspector accepts that it is important to have land in reserve to cope with unforeseen circumstances. He considers, however, that the Council has not given detailed consideration to the size of the reserve of land required or how it should be provided, and has identified ELE on the basis that it would be an urban extension without comparing it in any detail with other options.
3. The Inspector accepts in principle that the proposed managed release guidelines provide a robust defence against premature release of ELE, or release in response to only a marginal housing shortfall, but is concerned about the inflexibility of a very substantial quantum of development in one location.
4. On this first issue the Inspector concludes that ELE requires more detailed and rigorous justification in the plan and this should include a reassessment of the overall capacity and annual yield of the site based upon additional information submitted to the Inquiry which suggested that the site may be capable of accommodating a further 800 – 1,400 dwellings.

Location and Sustainability

5. The Inspector accepts that an earlier Inspector (to the original UDP) had acknowledged the potential of East Leeds for significant growth after an exhaustive analysis of potential housing locations and sites, but considers that the justification for the ELE within Phase 2 of the Review is lacking. The Inspector points out that the Council has not undertaken a comparison between the ELE and sites proposed in Phase 3 of the Plan.
6. Whilst the ELE would produce a substantial amount of housing accessible to existing employment by non-car modes, given its relationship to the existing urban area the Inspector is not convinced of the ELE’s ability to function as a community with a coherent identity and character of its own or its ability to utilise existing physical and social infrastructure. The Inspector therefore recommends an alternative strategy based on smaller, urban edge sites in sustainable locations to be brought forward if and when necessary within a revised Phase 2.
7. The Inspector indicates that if it becomes apparent that the supply of brownfield land is reducing to an unacceptable level and additional land is required over and above the smaller

greenfield allocations, ELE could be brought forward within Phase 3. The Inspector concludes this issue by recommending adding to the Policy a series of tests that would have to be satisfied for the allocation to be released, relating to monitoring, the benefits of an orbital road and sustainability.

Timing

8. Developers promoted earlier phasing of ELE to enable occupation of dwellings before 2011 and commencement from April 2009, related to criteria on housing land supply and housing choice, regeneration, employment growth and infrastructure provision. The Inspector indicates that he has seen no convincing evidence that it would be needed as early in the Plan period as this and suggests that to start planning for ELE in little more than a year's time would present a major distraction from the necessary emphasis on brownfield land and could seriously undermine the central housing strategy.
9. Other objectors either wished to return to the First Deposit wording of Alteration 15/015 which omitted reference to release of the site being connected to housing supply monitoring or wanted no date to be included for release of the site. The Inspector disagrees with these objections and considers that relating implementation to the monitoring process introduces reasonable flexibility while retaining a sense of direction which would be lost if the process was completely open ended.

Grimes Dyke, Whinmoor

10. Persimmon Homes promoted release of land at Grimes Dyke, Whinmoor [allocated as housing site H4.8 in the AUDP but proposed in the Review for inclusion in ELE] in Phase 1 of the housing strategy. Alternatively, they asked that it be regarded as the first phase of ELE in Phase 2. The Inspector considers that sufficient land can be found for Phase 1 and there is therefore no justification for releasing greenfield sites such as this in Phase 1, which would risk undermining the housing strategy.
11. The Inspector points out that the UDP Inspector considered Grimes Dyke suitable for development and capable of being developed independently of the then Seacroft/Cross Gates Bypass. The Council were prepared to grant planning permission in 1999/2000 on the basis of proposals that would have dovetailed access with adjoining ELE land, but subsequently changed their stance in response to publication of PPG3. The Inspector also notes that in the early stages of the Review the Council proposed the site as the first phase of ELE (UDP Review Scope and Content, December 2002)
12. The Inspector considers the site generally sustainable, and significantly more sustainable than the bulk of ELE. He notes that it is the only substantive part of ELE that lies within 15 minutes walking distance of an existing town centre [Seacroft], there are primary schools and some local services and employment close at hand. Bus services would also be within easy walking distance of the whole site. He acknowledges that, at the time of writing, the prospects for Supertram were not clear but indicates that is not a good reason to discount the site or assume that in its absence alternative public transport enhancements would not be forthcoming. In addition, in strategic terms development would constitute an urban extension bounded on two sides by the existing urban area with only a limited effect on the landscape to the east.
13. The Inspector sees no compelling reasons why development of the site must await a decision to proceed with the whole of ELE, as the site is capable of independent access. He notes that the Council are concerned that the developer of this site should contribute towards a comprehensive access strategy for ELE but sees no good reason why an appropriate developer contribution should not be sought towards possible long-term access improvements given that the likely timing of development would allow ample time for the details of both housing and the orbital road to be resolved so as to avoid any conflict between the two. The Inspector recommends that if required in Phase 2, the site could be developed without the major infrastructure implications associated with ELE as a whole, and could form part of a more phased and flexible approach to land release in general and to ELE in particular.

Impact on the Green Belt and Landscape

14. Thorne Parish Council, Barwick and Scholes Parish Council and other objectors wanted the ELE to be returned to the Green Belt. Since much of the land north of the A64 and south of the Leeds-Barwick Road, has never been approved GB, and only had “interim” status in the Development Plan Review 1972, the Inspector agrees with the Council that the question of a “return” to the Green Belt does not arise and no exceptional circumstances have been put forward to support changing Green Belt boundaries to include it.
15. The Inspector considers that the area between York Road and Leeds-Barwick Road should be kept undeveloped, or at least developed last, given the relative narrowness of the gap separating Scholes from the edge of the City. This would minimise the possible impact on the Green Belt, and maintain a significant separation between communities. The Inspector recommends that prior to adopting the Plan the Council examine the possibility of confining development principally to areas north of the A64, and south of the Leeds-Barwick Road. The latter would also have the merits of being close to the Thorpe Park Business Park and capable of being accessed by an extension of Manston Lane Link Road. The form of access beyond this, whether by East Leeds Orbital Route (ELOR), or an alternative development road, would be a matter for further examination. The inspector goes on to suggest that development within the central section of ELE need not be precluded completely but might well be an area where greenspace provision could be concentrated. The Inspector estimates that in broad terms development on this reduced scale could yield between 2,900 and 3,900 dwellings, depending on density.
16. In addition the Inspector recommends that further consideration be given now to how the overall development might be phased with a view to incorporating proposals into the Plan. Whilst he understands that phasing is closely associated with provision of infrastructure, he suggests that even a broad indication of phasing would be a helpful guide and provide valuable flexibility for bringing land forward under the plan monitor and manage approach, should this be necessary in response to any falling off in the supply of brownfield land.

Access

17. The Council estimated that an initial 700 or so dwellings could be developed within ELE before it would be necessary to construct ELOR. The Inspector considers this to be a reasonable prediction subject to two caveats: firstly, that more investigation is carried out on the impact of development within ELE on the Outer Ring Road (ORR) and the extent to which it could be mitigated and secondly, that consideration is taken of any anticipated change in traffic volumes at the possible start date for ELE to inform a phased approach to development.
18. In respect of the remainder of ELE the Inspector is of the view that all the evidence suggests that some alternative highway capacity will be needed if existing traffic levels on the ORR are to be reduced, and problems of pollution, noise, accident risk and severance ameliorated. He notes that these problems are particularly severe at Seacroft and Cross Gates where the scope for improvements to the road, is most constrained. He considers that ELOR has the potential to provide some such relief, and that it is unlikely that improving the ORR alone, as some objectors advocate, would provide a feasible alternative. He considers that transport-related measures in ELE, and associated with it, have the potential to bring real benefits. He notes, however, that most of the benefits are speculative at the present time and there is an insufficient basis on which to judge whether the transport aspects are sound. In view of the central importance of ELOR the Inspector recommends inclusion of a test of demonstrable public benefit from the road.
19. The Inspector concludes that ELE should be moved from Phase 2 to Phase 3 of the plan to reflect the housing land supply situation and the need for considerable planning and design work to be done. Grimes Dyke, Whinmoor (UDP Policy H4.8] and Red Hall [H4.6] are recommended for inclusion in Phase 2.

COUNCIL'S RESPONSE

20. The main response to the Inspector's recommendations on the housing strategy have already been considered in the report to Panel on 3 January 2006 under Chapter 7: Housing where it was accepted that East Leeds Extension should be deleted from Phase 2 and moved to Phase 3 (2012 – 2016) as site H3-3A.33, and Grimes Dyke and Red Hall Lane should be incorporated in Phase 2 under policies H3-2A.2 and H3-2A.3 respectively.
21. In respect of the detailed development of the ELE, however, the Council is not in total accord with the Inspector's first recommendation that **prior to adoption** of the UDP review, the proposed allocation be re-assessed with a view to confining the bulk of built development to the north of the A64, and south of the Leeds- Barwick Road and (ii) including outline phasing proposals in the Plan.
22. Whilst the Council agree that maintaining separation between communities and minimising impact on the Green Belt are key planning principles, the detailed planning of the area should properly be undertaken as part of an overall development framework for the site. In addition it is premature to consider phasing of the site when there is no certainty that the site will be developed since following the Inspector's recommendation additional wording is proposed to be included indicating that the site will only be released..... "if any orbital road produces clear public transport benefits, and if developed there is demonstrably the most sustainable option".
23. The Council therefore accepts the conclusions of the Inspector relating to deletion of ELE from Phase 2 of the Plan and its incorporation in Phase 3 as site H3-3A.33, but proposes to reject the Inspector's recommendations relating to the identification of development areas and phasing of development.

