



Leeds  
CITY COUNCIL

# Natural Resources and Waste

Leeds Local Development Framework



Development Plan Document

Sustainability Appraisal - Addendum 2: SA of Post-Submission Changes  
Second DPD Revision

April 2012

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(Bengali):-

যদি আপনি ইংরেজীতে কথা বলতে না পারেন এবং এই দলিলটি বুঝতে পারার জন্য সাহায্যের দরকার হয়, তাহলে দয়া করে 0113 247 8092 এই নম্বরে ফোন করে আপনার ভাষাটির নাম বলুন। আমরা তখন আপনাকে লাইনে থাকতে বলে কোন দোভাষীর (ইন্টারপ্রিটার) সাথে যোগাযোগ করব।

(Chinese):-

凡不懂英語又須協助解釋這份資料者，請致電 0113 247 8092 並說明本身所需語言的名稱。當我們聯絡傳譯員時，請勿掛斷電話。

(Hindi):-

यदि आप इंग्लिश नहीं बोलते हैं और इस दस्तावेज़ को समझने में आपको मदद की ज़रूरत है, तो कृपया 0113 247 8092 पर फ़ोन करें और अपनी भाषा का नाम बताएँ। तब हम आपको होल्ड पर रखेंगे (आपको फ़ोन पर कुछ देर के लिए इंतज़ार करना होगा) और उस दौरान हम किसी इंटरप्रिटर (दुभाषिए) से संपर्क करेंगे।

(Punjabi):-

ਅਗਰ ਤੁਸੀਂ ਅੰਗਰੇਜ਼ੀ ਨਹੀਂ ਬੋਲਦੇ ਅਤੇ ਇਹ ਲੇਖ ਪੱਤਰ ਸਮਝਣ ਲਈ ਤੁਹਾਨੂੰ ਸਹਾਇਤਾ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰ ਕੇ 0113 247 8092 'ਤੇ ਟੈਲੀਫ਼ੋਨ ਕਰੋ ਅਤੇ ਅਪਣੀ ਭਾਸ਼ਾ ਦਾ ਨਾਮ ਦੱਸੋ। ਅਸੀਂ ਤੁਹਾਨੂੰ ਟੈਲੀਫ਼ੋਨ 'ਤੇ ਹੀ ਰਹਿਣ ਲਈ ਕਹਾਂ ਗੇ, ਜਦ ਤਕ ਅਸੀਂ ਦੁਭਾਸ਼ੀਏ (Interpreter) ਨਾਲ ਸੰਪਰਕ ਬਣਾਵਾਂ ਗੇ।

(Urdu):-

اگر آپ انگریزی نہیں بولتے ہیں اور آپ کو یہ دستاویز سمجھنے کیلئے مدد کی ضرورت ہے تو براہ مہربانی اس نمبر 0113 247 8092 پر فون کریں اور ہمیں اپنی زبان کا نام بتائیں۔ اس کے بعد ہم آپ کو لائن پر ہی انتظار کرنے کیلئے کہیں گے اور خود ترجمان (انٹرپریٹر) سے رابطہ کریں گے۔

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## 1. INTRODUCTION

### **BACKGROUND**

In November 2010, Jacobs produced a Sustainability Appraisal (SA) Report, on behalf of Leeds City Council to accompany their Natural Resources and Waste (NRW) Development Plan Document (DPD) – or NRW DPD. The Examination in Public (EIP) for the NRW DPD took place during December 2012.

As a result of the EIP, the Planning Inspector has requested that the Council consider a number of changes to the NRW DPD. As such, Leeds City Council is now proposing changes to some aspects of the NRW DPD document. There have thus far been two rounds of proposed changes, and the following reports now apply to the NRW DPD:

- Sustainability Appraisal Report (of the NRW DPD), Nov 2010 – the original SA of the DPD;
- SA Report Addendum 1, 2<sup>nd</sup> April 2012 – SA of the Schedule of Changes as reported in Appendix A of that Addendum;
- SA Report Addendum 2, 30<sup>th</sup> April 2012 – SA of one additional policy change, as reported below.

The changes must be reviewed under the SA for potential changes to the sustainability assessment results and recommendations published in the original SA Report.

### **PURPOSE OF THIS ADDENDUM**

The Government's Planning Advisory Service has produced guidance on SA, which states that a supplementary report can be produced which documents the appraisal of 'supplementary change' to a DPD (PAS, 2009).

This document forms a 2<sup>nd</sup> addendum to the November 2010 SA Report and identifies whether the outcomes of that report should be varied from those originally reported, or from the changes of the 1<sup>st</sup> addendum, as a result of the NRW DPD policy change reported in Section 2. Where they should be varied, this addendum has been created to specify where and how, including any supplementary recommendations (e.g. mitigation and monitoring).

As such, this addendum is a full SA of the additional policy change, but should be read in conjunction with the original SA Report and Addendum 1.

### **METHODOLOGY**

Guidance on SA states that proposed changes to a DPD that are not significant will not require further appraisal, and those which are significant must be assessed in a manner which is consistent with the scope and level of detail of the original SA (PAS, 2009).

This addendum therefore reviews the proposed policy change for its potential significance to the SA. This has taken the form of an SA 'screening' of the change. In this exercise, the proposed change was first compared against the original NRW DPD policies and supporting information to check whether or not it changes what the original policies and other statements intended (and thus if it could change the SA results), and also whether or not it changes any of the SA's original assumptions. It was then compared against the Schedule of Changes found in Addendum 1 to the SA Report.

The proposed change was also reviewed for potential to alter the Habitats Regulations Assessment (HRA) Screening results.

## 2. THE PROPOSED CHANGE AND ‘SCREENING’

### **PROPOSED POLICY CHANGE ASSESSED**

The following revised text and new policy are being proposed.

It is proposed that before paragraph 2.33 of the NRW DPD, the following new paragraph is inserted (renumbering the remaining three paragraphs of Chapter 2 accordingly):

*2.33 To ensure that the positive sustainability aspects of the National Planning Policy Framework are embodied into this plan, the following policy will be relevant to all development proposals.*

The proposed new policy is:

#### **GENERAL POLICY 1**

*When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of Leeds.*

*Planning applications that accord with the policies in this plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant planning permission unless material considerations indicate otherwise – taking into account whether:*

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- Specified policies in that Framework indicate that development should be restricted.*

### **SA ‘SCREENING’ OF THE PROPOSED CHANGE**

The proposed additional general policy which is pursuant to the new National Planning Policy Framework (NPPF) does not necessarily change what the Council would otherwise seek to achieve in terms of sustainable development and the objectives of the NRW DPD. However, regardless of this policy, the new NPPF does change the assumptions of the SA and the way in which environmental protection and the pursuit of economic opportunity, community cohesion and equality will be carried out. Key to the SA is what defines “material considerations” in aiming to approve applications “without delay”, and also in terms of having applications “assessed against the policies in the [NPPF] taken as a whole”.

The above assurance requires a review of the assumptions which underpin the SA, in terms of the degree to which the SA relied upon previous planning policy – e.g. Planning Policy Statements (PPS) or Planning Policy Guidance (PPG) – in order to achieve environmental protection and the pursuit of economic opportunity, community cohesion and equality. Table



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2.1 below provides this review by SA Topic, showing any conditions which have changed, what policy or other protections are in place, and whether or not there may be any residual effect of this new policy.

**Table 2.1: SEA ‘Screening’ of the Proposed Policy Change**

| <b>SA Topic</b>                  | <b>Previous Planning Policy Relied Upon</b>   | <b>Current Policy or Legislative Protections</b>   | <b>Are SA outcomes changed?</b> |
|----------------------------------|---|--|---------------------------------|
| Economy and Employment           | None of note (links to Core Strategy, and thus to PPS4, PPS12)  | NPPF likewise supports vitality of city/town/local centres, and otherwise legislative protections as previous.   | No                              |
| Human Health                     | None of note, though reliant upon other topics  | Legislative protections as previous.   | No                              |
| Leisure, Recreation and Tourism  | None of note (links to Core Strategy, and thus to PPS12, PPG13, PPG17, PPG21)   | NPPF likewise supports protection of these land uses, and otherwise legislative protections as previous.   | No                              |
| Housing                          | None of note, given indirect relationship   | N/A – has links with local housing policy, which apply the NPPF.   | No                              |
| Social Inclusion and Cohesion    | None of note (links to Core Strategy and thus to PPS12, mainly to do with green corridors)  | NPPF likewise support ‘wildlife corridors’, and otherwise legislative protections as previous.   | No                              |
| Meeting Local Needs Locally      | None of note (links to Core Strategy and thus to PPS12 as regards local services / facilities)  | NPPF likewise supports protecting services which meet local needs.   | No                              |
| Air, Water and Contaminated Land | None of note (SA relied on legislation)   | Legislative protections as previous.   | No                              |
| Biodiversity, Flora & Fauna      | None of note (links to Core Strategy and thus to PPS9: Biodiversity & Geological Conservation)  | NPPF likewise supports net gains to biodiversity, and otherwise legislative protections as previous.   | No                              |
| Climatic Factors                 | PPS25: Development and Flood Risk – assumed to limit construction in flood plains and require compensatory flood storage  | NPPF and NPPF Technical Guidance – adopt equivalent protections.   | No                              |
| Historic Environment             | PPG16: Archaeology and planning – assumed archaeological evaluation in support of planning applications would accord with this document<br>[NOTE: Was already out-of-date, and should have referred to PPS5: Planning and the Historic Environment] | NPPF and NPPF Technical Guidance – archaeological evaluations still required in accordance with similar provisions. PPS5 is still supported as a practice guide. | No                              |

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| <b>SA Topic</b>             | <b>Previous Planning Policy Relied Upon</b>  | <b>Current Policy or Legislative Protections</b>  | <b>Are SA outcomes changed?</b> |
|-----------------------------|--|---|---------------------------------|
| Landscape                   | None of note (links to Core Strategy and thus to PPS6, PPS7, PPS12)                            | NPPF likewise offers protection to local landscapes, and otherwise legislative protections as previous.                 | No                              |
| Transport (Material Assets) | None of note (Council operational issues considered)   | N/A – enforced through traffic officers and a range of requirements and guidance.                                       | No                              |
| Soils and Geology           | None of note (links to Core Strategy and thus to PPS9: Biodiversity & Geological Conservation) | NPPF likewise supports protection of soils and geological diversity, and otherwise legislative protections as previous. | No                              |

Given the above analysis, it is considered that material considerations can, and will, include the same factors which would have otherwise informed planning application determinations. Therefore, there is no material change to the SA or identified 'likely significant effects' of the NRW DPD.

The major change is considered likely to be that for proposals which accord with the NRW DPD, 'trade-offs' (i.e. accepting certain negative effects as a necessary sacrifice to achieve net benefits in other areas) are agreed faster and more efficiently. This could lead to more direct discussion and agreement of mitigation rather than prolonged discussions about the determination itself. However, this is only an observation, and it is not the purpose of this SA to analyse and determine such procedural benefits or disbenefits.

**REVIEW OF PROPOSED CHANGES FOR HRA**

The HRA Screening identified Policies ENERGY 1 and WASTE 6 as requiring consideration under HRA. On review of the above Schedule of Changes, there are no further policies which present risks to the nature conservation objectives of Natura 2000 sites. Likewise, other than referencing (i.e. the policy number), there are no material changes to ENERGY 1 or WASTE 6 proposed.

HRA Screening also identified Policies ENERGY 1 and WASTE 9 as providing the key mitigation for the issues identified. There are no material changes to these policies in terms of the mitigation they provide.

Therefore, the existing HRA Screening decision would be expected to apply, and no further HRA / Appropriate Assessment is required.

**CONCLUSION**

Given the above considerations, the policy does not materially change the potential sustainability implications predicted by the SA. It is recognised that the additional policy may assist in ensuring that the NRW DPD is achieved on the ground. However, up until now, the SA has only been able to assume that achievement is inevitable. None of the key assumptions and none of identified effects have therefore been altered.

## REFERENCES

PAS – Planning Advisory Services (2009). *Publication and submission of a development plan document: sustainability appraisal*. Retrieved on 27<sup>th</sup> November 2012 from: <http://www.pas.gov.uk/pas/core/page.do?pagelId=152696#contents-3>



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