

Report of the Director of City Development

Report to: Development Plan Panel

Date: 6th June 2012

Subject: LDF Core Strategy – Publication Draft, Initial Report of Consultation

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

- Following consideration by the Development Plan Panel and Executive Board, the City Council's Publication draft Core Strategy, has been subject to a 6 week period of public consultation (28th February – 12th April 2012), along with other supporting and background material.
- Work is now underway to consider the responses received and proposed action. The focus of this report, is to provide an initial report of consultation and to outline the next steps in the progression of the Core Strategy to submission.

Recommendations

Development Plan Panel is requested to note and comment on the content of this report and next steps.

1.0 Purpose of this Report

- 1.1 To provide Development Plan Panel members with an update and initial review of responses, in relation to the Core Strategy Publication Draft Consultation (28th February – 12th April 2012) and to advise on next steps.

2.0 Background Information

- 2.1 Members are aware that a series of Development Plan Documents are currently being prepared as part of the Local Development Framework, or the 'local plan' as referred to in the National Planning Policy Framework. These are, the Core Strategy, Natural Resources & Waste, Site Allocations and Aire Valley Leeds Area Action Plan. Once adopted, these will form part of the statutory Development Plan for Leeds, setting out a framework for planning policy and where appropriate, site specific allocations. Within this context, the purpose of the Core Strategy is to provide an overall vision and spatial strategy and a planning framework for the Site Allocations DPD and emerging Neighbourhood Plans.
- 2.2 As statutory plans, they are prepared under a process prescribed by national regulations. The Core Strategy is being prepared under the following programme:
 - Issues & Alternative Options (Early engagement, 2006 – 2007)
 - 'Preferred Approach' (October – December 2009)
 - Publication stage (February – April 2012)
 - Submission stage (late 2012/early 2013)
 - Public Examination, Inspectors Report & Adoption (2013)

3.0 Main Issues

Publication Draft Consultation

- 3.1 Following Consideration by the Development Plan Panel and Executive Board, a 6 week period of public consultation commenced on 28th February to 12th April 2012. Consistent with the LDF regulations, this is a focussed stage of consultation, with emphasis upon requesting responses in relation to the "soundness" of the plan. This contrasted with the previous stages of consultation, concerned with exploring a wide range of issues, options and preferred policy approaches. Within this context, the consultation material comprised of a range of documents, which were subsequently made available on line or as paper copies, including:
 - Core Strategy Publication Draft (Main Document)
 - Sustainability Appraisal (& Non Technical Summary)
 - Habitats Regulations Assessment Screening
 - Equality Impact Assessment Screening
 - Draft Infrastructure Delivery Plan
 - Draft Core Strategy Monitoring Framework
 - Health Topic Paper
 - Report of Consultation on Preferred Approach (October – December 2009)
 - Links were also incorporated to the consultation web pages to the evidence based material, which has been prepared to help inform the emerging document

(including the Employment Land Review, Leeds City Centre, Town and Local Centres Study, Housing Growth in Leeds, Strategic Housing Land Availability Assessment, Strategic Housing Market Assessment and the Leeds open space, sport and recreation assessment.

- 3.2 With this context, consultation material was made available to a wide range of organisations and individuals. These included statutory consultees internal City Council stakeholders (including members), developers and their agents, Parish & Town Council's, the general public, local organisations (such as the Civic Trust and Ramblers Association) and previous Core Strategy consultation respondents. Within this context also and in relation to the 'duty to cooperate', the City Council has also consulted with neighbouring local authorities and bodies such as the Highways Agency and Environment Agency. In total over 1300 individuals/organisations (as outlined above) were notified about the consultation. Information was also placed in the City Council's network of libraries and One Stop Centres across the district and also use made of social media (facebook) to raise awareness of the consultation. Officers also attended (all 10) City Council Area Committees, the 3 Development Plan Panels and other sessions (see Appendix 1) to brief members and other stakeholders, on the Core Strategy consultation material (and to respond to questions).

Consultation Response

- 3.3 In terms of the level of response 1260 representations have been received. This includes supports as well as representations commenting that the plan was unsound or should be subject to amendments. Of these, some 907 representations are concerned with the proposed scale of development in the Morley (Outer South West) area. The remaining 353 representations were received from a range of interests including the public, statutory consultees, agents etc and cover a range of issues from the strategic to the site specific.

Initial Issues Arising

- 3.4 Work is ongoing to assess the representations received and more detailed analysis is required to review comments and to formulate a response. It should be emphasised however, that alongside representations which challenge the soundness of the plan, a significant number of representations received are very supportive of the overall thrust of the strategy. These comments include support for the desire to deliver sustainable development, regeneration priorities and the desire to plan positively for growth, within the context of the overall character and distinctiveness of the District. For example, there is support for promoting the role of the City Centre and Aire Valley Leeds (and the regeneration priorities identified in Policy SP4), as key locations for investment and regeneration. There is support also, for the positive approach being taken to tackling the challenges and opportunities associated with housing growth, safeguarding and enhancing existing town and local centres and the commitments associated with environmental management and enhancement (such as Green Infrastructure). It should be noted also, that a number of the representations which express 'support', also suggest minor changes that do not alter the substance of the plan.

3.5 In terms of the scope of the consultation, respondents were specifically asked to comment on the overall soundness of the document (i.e. is it Justified, Effective and Consistent with National Policy and positively framed) and if not, to provide details of why the plan is considered to be unsound. From an initial review of such comments, the following areas have been identified as initial issues:

- Plan period
The plan period needs to be extended from 2028, to 2030 or 2031, to reflect the Vision for Leeds. This would be increase the plan period from the normal 15 period (as advocated in the NPPF) by a further 2 or 3 years. This would have a number of significant impacts, including the need for a higher housing requirement and allocation of housing land (beyond that currently set out in policies SP6 and SP7).
- Duty to cooperate
The plan needs to give greater emphasis to the role of Leeds within the City Region and the impact of this upon employment growth, housing provision & 'cross boundary' infrastructure issues. It has been commented that there is an imbalance between employment land requirements and housing growth requirements. The Key diagram need to be more specific in identifying, 'cross boundary' infrastructure proposals.
- Use of ONS Population projections
The plan should use the ONS population projections, rather than the population projections derived from the SHMA (May 2011 update), as a basis to determine household numbers and the housing requirement. The impact of using the latest March 2012 projections, would be to increase the 2010 population estimate of 781,000 to 802,500 and the 2028 Core Strategy forecast of 860,618 to 898,000.
- Housing Strategy:
Concerns that the housing strategy places too much emphasis on the role of the settlement hierarchy, in particular the Main Urban Area & Major settlements and use of windfall & previously developed land as a priority. Linked to this, concern that the approach to managed release and phasing is inappropriate and there is a need to be more specific regarding greenfield and Green Belt release or that other location/site options should be considered. Within this context, a number of representors (particularly agents) have submitted individual areas/sites for consideration. This includes, a representation advocating a new settlement, to the north east of the district. Conversely, concerns have been expressed by a large number of respondents (particularly within the Morley area) that the overall scale of housing growth is unnecessary (based upon past population forecasts) and unrealistic, with the consequential adverse impact upon local character and Green Belt.
- Legitimacy of SPDs to set local targets for Affordable Housing & HMOs
Some respondents have raised concern, that targets for Affordable Housing and HMOs should be contained within the Core Strategy and not within supplementary guidance.

- Gypsies & Travellers
Some concerns have been raised, that the Policy H7 (Gypsies & Travellers), does not reflect the conclusions of the West Yorkshire Gypsy and Traveller Accommodation Assessment (GTAA), regarding the overall level of provision including transit sites and for Travelling Show People or new national guidance issued in March 2012. No comments have been received from gypsies and travellers or their representatives.
- Green Belt Review/Strategic sites
Whilst the plan (SP10) sets out the approach to selective Green Belt review, via the Site Allocations DPD, representations have been raised that the plan needs to be more explicit in identifying specific locations, areas and specific sites for the selective review. Representations have been received also, that consideration should be given to the identification of Strategic Sites within the plan.
- Employment Land Projections
There are concerns that the City Council's employment land projections are over optimistic.
- Viability
A number of representations ask that the cumulative impact of policy requirements (including greenspace and affordable housing) upon the overall viability of development proposals be assessed, as is now required by the NPPF. Also, linked to this is a concern, that the City Council's requirements for BREEAM/Code for Sustainable Homes are excessive and beyond government requirements.
- Infrastructure
Some concerns have been expressed regarding the levels of growth advocated in the plan, in relation to existing infrastructure (including the provision of school places) and the need for appropriate levels of infrastructure to support regeneration and growth in the delivery of sustainable communities.

Next Steps

- 3.6 The above outline has provided an initial review of the nature of the representations received and the issues arising. As emphasised above, further analysis is required to consider the responses in more detail, summarise the key issues and to provide a proposed response. Arising from this process, it will be necessary for members of the Development Plan Panel to consider what action (if any) is appropriate, in response to the representations received.
- 3.7 Within this context, it should be emphasised that the City Council has put forward, what it considers to be a "sound" plan for Publication consultation. As emphasised in paragraphs 3.1 and 3.5 above, this consultation has been focussed upon the "soundness" of the plan. Consequently, representations received will need to be considered in relation to a plan the City Council considers to be sound. If further changes are necessary, this will be in order to ensure that the plan submitted is sound in relation to the City Council's evidence base and the planning strategy

advocated, rather than sound in relation to alternative strategies/approaches being promoted by the representor.

- 3.8 In taking the analysis forward and proposing actions, for representations received, it will be necessary to conclude if this would result in “no change” or a proposed modification i.e. a “Main change” (a change which is necessary to make the plan sound) or a “Minor change” (a change which does not alter the substance of the plan). Depending on the coverage and extent of such changes, it may be necessary to undertake further formal 6 week period of consultation on any “Main changes”, prior to submission. In taking this process forward, it is therefore proposed that material will be presented to the Development Plan Panel in forthcoming meetings, reviewing the representations received, topic by topic – providing a summary, City Council response and proposed Action.

Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)

- 3.9 Concurrent, with the recent consultation on the Core Strategy Publication draft, officers are currently undertaking further work on the Core Strategy Sustainability Appraisal (SA). This includes the completion of an SA of the Preferred Approach, together with a narrative which describes how the spatial options have evolved throughout the process, how reasonable alternatives have been dealt with and for this to be subject to consultation prior to submission. The results of this consultation will be reviewed and the Publication document will be amended if necessary. The need for this further work follows recent national case law on compliance with the Strategic Environmental Assessment (SEA) Directive which has highlighted the importance of the process and in particular the need to address the consideration of reasonable alternatives.. It should be noted also that a further SA Addendum, will be completed if any further changes are required (and subject to consultation) prior to submission.

National Planning Policy Framework

- 3.10 The Core Strategy Publication draft consultation period has coincided with the launch (in March) of the National Planning Policy Framework. In order to assess the coverage of the Core Strategy in relation to the NPPF, officers are taking advice from the Planning Advisory Service and the Planning Inspectorate regarding compliance. Within this context, an initial ‘PAS Checklist’ has been completed and further consideration will need to be given to the NPPF, in reviewing Core Strategy responses. In reflecting this change and Ministerial requirements, the Planning Inspectorate (PINS) have been advising local authorities, to include a policy promoting the sustainability aspects of the recently published NPPF within their DPDs, prior to adoption. In reflecting this requirement, following consideration by Executive Board in May, such a policy has been incorporated into the Natural Resources and Waste DPD post submission changes for consultation and given the Ministerial requirement, the approach will also need to be incorporated within the Core Strategy. It is proposed therefore that the following policy is incorporated as part of any further consultation material prior to submission.

“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.

GENERAL POLICY

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**

4.0 Corporate Considerations

As noted above, the Core Strategy, forms part of the Local Development Framework and once adopted will form part of the Development Plan for Leeds.

4.1 Consultation and Engagement

- 4.1.1 As outlined in this report, the Core Strategy Publication draft has been subject to a further 6 week period of consultation. This has been undertaken in accordance with the LDF Regulations and the City Council’s adopted Statement of Community Involvement (SCI).

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality Impact Assessment Screening was undertaken on the Core Strategy Publication draft, prior to consultation (see Core Strategy Executive Board Report, 10th February 2012). This concluded that equality, diversity, cohesion and integration issues had been embedded as part of the plan’s preparation. For information and comment, the Screening assessment has also been made available as part of the supporting material for the Publication draft consultation. Within this overall context, it will be necessary to continue to have regard to equality and diversity issues, as part of the ongoing process of preparing the Core Strategy, including considering representations and next steps.

4.3 Council Policies and City Priorities

- 4.3.1 The Core Strategy, plays a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to the 'the best city in the UK'. Related to this overarching approach and in meeting a host of social, environmental and economic objectives, where relevant the Core Strategy also seeks to support and advance the implementation of a range of other key City Council and wider partnership documents. These include the Leeds Growth Strategy, the City Priority Plan, the Council Business Plan and the desire to be a 'child friendly city'.

4.4 Resources and value for money

- 4.4.1 The DPD is being prepared within the context of the LDF Regulations, statutory requirements and within existing resources.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The DPD is being prepared within the context of the LDF Regulations and statutory requirements. The DPD is a Budgetary and Policy Framework document and as such this report is exempt from call-in by Scrutiny.

4.6 Risk Management

- 4.6.1 The Core Strategy is being prepared within the context of the LDF Regulations and national planning guidance. The preparation of the plan within the context of ongoing national reform to the planning system and in responding to local issues and priorities, is a challenging process. Consequently, at the appropriate time advice is sought from a number of sources, including legal advice and advice from the Planning Advisory Service and the Planning Inspectorate, as a basis to help manage risk and to keep the process moving forward.

5. Conclusions

- 5.1 Following consultation on the Core Strategy Publication draft, this report has provided an initial report of consultation and an overview of the consultation responses received. In taking this work forward and as a basis to make recommendations to the Development Plan Panel, further work is needed to analyse responses and for this to be presented to subsequent meetings. Concurrent with this, as outlined above, further work is also underway regarding the Sustainability Appraisal (SA) and also the need to take into account Ministerial requirements arising following the launch of the NPPF.

6. Recommendations

- 6.1 Development Plan Panel is requested to note and comment on the content of this report and next steps.

7. Background documents¹

- 7.1 A substantial number of documents are available representing various stages in preparation of the DPD and the background evidence base and Equalities Impact Assessment Screening. These are all available on the City Council's web site (LDF Core Strategy Pages) web pages or by contacting David Feeney on 247 4539.

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Appendix 1 :**Core Strategy Publication draft consultation, list of meetings attended.**

| Meeting | Date & Time | Venue |
|---------------------------------------|----------------------------------|---|
| Guiseley & Rawdon Forum | 29 th February, 19:00 | Guiseley Methodist Church |
| West Plans Panel | 1 st March, 13:30 | Civic Hall |
| Central Plans Panel | 8 th March, 12.30 | Civic Hall |
| North West Inner Area Committee | 8 th March, 19:00 | Civic Hall |
| Area Chairs Forum | 12 th March, 13:00 | Civic Hall |
| North East Inner Area Committee | 12 th March, 16:00 | Civic Hall |
| Chamber of Commerce | 13 th March, | Leeds City Centre |
| Meeting with Infrastructure Providers | 14 th March, 11:00 | Leonardo Buildings, City Development |
| North East Outer Area Committee | 19 th March, 18:00 | Treetops Community Centre, Moortown |
| East Outer Area Committee | 20 th March, 15:00 | Civic Hall |
| West Inner Area Committee | 21 st March, 17:00 | Stanningley Rugby Club, The Arthur Mill Stadium, Coal Hill Lane, LS13 1PA |
| South Inner Area Committee | 21 st March, 18:30 | St Matthews Community Centre, Holbeck Moor Road. |
| East Plans Panel | 22 nd March, 13:30 | Civic Hall |
| East Inner Area Committee | 22 nd March, 17:00 | Shine Business Centre, Harehills |
| West Outer Area Committee | 23 rd March, 13:00 | Swinnow Community Centre, Swinnow Lane, LS13 4RF |
| North West Outer Area Committee | 26 th March, 14:00 | Adel Stables Adel St John the Baptist Church, Back Church Lane, LS16 8DW |
| South Outer Area Committee | 26 th March, 16:00 | Rothwell, One Stop Centre |
| East Outer Area Committee | 30 th March, 15:00 | Civic Hall |
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